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KANSAS WINS EAC LAWSUIT – No Dual Election Required

TOPEKA (March 19, 2014) – U.S. District Judge Eric Melgren today ordered the United States Election Assistance Commission (EAC) “to add the language requested by Arizona and Kansas to the state-specific instructions on the federal mail voter registration form effective immediately.”

Concerning the states’ proof-of-citizenship requirement, today’s decision says, “Because the Constitution gives the states exclusive authority to set voter qualifications under the Qualifications Clause, and because no clear congressional enactment attempts to preempt this authority, the Court finds that the states’ determination that a mere oath is not sufficient is all the states are required to establish.”

“This is a huge victory for the states of Kansas and Arizona. They have successfully protected our sovereign right to set and enforce the qualifications for registering to vote,” said Secretary of State Kris Kobach. “We have now paved the way for all 50 states to protect their voter rolls and ensure that only U.S. citizens can vote.”

The lawsuit against the EAC was brought seven months ago by the states of Kansas and Arizona and their secretaries of state. It asked the federal court to force the EAC modify the Kansas-specific and Arizona-specific instructions on the federal voter registration form to make it clear that applications will not be complete without submitting concrete evidence of citizenship.

“Because of this victory there will be no need for a dual election system,” Kobach declared. “Otherwise we would have been stuck with a federal-elections-only ballot for those very few who used the federal form to register and failed to provide a citizenship document.”