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Attorney General Marshall Co-Leads Brief to U.S. Supreme Court Urging Court to Return Voter Qualification Authority to States

(Montgomery, Ala.) – Alabama Attorney General Steve Marshall has filed a 26-State brief in the U.S. Supreme Court to defend election integrity and restore the States’ constitutional authority to set and enforce voter qualifications. Arizona has tried for years to enforce the basic requirement that only citizens get to vote. In *Republican National Committee (RNC) v. Mi Familia Vota*, the Ninth Circuit gutted Arizona’s commonsense law requiring proof of citizenship to register to vote. Going further, the Court allowed a previously-entered consent decree to limit the sovereign authority of the Arizona State Legislature to change the law and it held that States were limited in when they could remove noncitizens on their voter rolls. These are grievous errors, which the States are urging the Supreme Court to correct.

“The United States Constitution is clear that the States set and enforce voter qualifications for all elections, including federal elections. Repeatedly courts have misinterpreted the National Voter Registration Act of 1993, better known as Motor Voter, to stand as a barrier to States exercising this constitutional authority. Just two years ago, Alabama’s own Secretary of State was sued under a misinterpretation of the law at issue. Thus, it is frustrating, but not surprising, to see that this summer a Canadian national and a Mexican national pled guilty in federal court in Alabama to voting in the 2024 General Election. When noncitizens vote, they dilute the voices of qualified citizens and undermine our democracy. And, because most States use one voter roll for federal and State elections, any federal barrier to keeping noncitizens off the roll impacts State and local elections too. The Supreme Court has an opportunity to restore the States’ ability to set and enforce voter qualifications, as an inherent function of their own sovereignty and as a means thoroughly considered by our founders to best ensure that federally elected officials are truly representative of the people.” stated Attorney General Marshall.

The amicus brief argues that the National Voter Registration Act permits States to use their own voter-registration forms to require proof of citizenship to register, that a consent decree cannot prevent the Legislature from legislating, and that the NVRA allows States to remove noncitizens from their voter rolls whenever they find them there.

Attorney General Marshall co-led the amicus brief with Kansas. Also joining were attorneys general from Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana,



Mississippi, Missouri, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming.

Click here to [read the full brief](#).