

August 1, 2024

Tammy Meckley
Associate Director
Immigration Records and Identity Services Directorate
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

Dear Associate Director Meckley:

The South Carolina State Election Commission (SEC) writes United States Citizenship and Immigration Services (USCIS) to request assistance in ensuring that individuals who have registered to vote in South Carolina are citizens of the United States entitled to vote in elections.

We write this request pursuant to 8 U.S.C. § 1373 and 8 U.S.C. § 1644. These federal statutes provide state agencies a mechanism for obtaining information about individuals' citizenship or immigration status. Section 1373 states in part:

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information *regarding the citizenship or immigration status, lawful or unlawful, of any individual.*¹

8 U.S.C. § 1373(a)

Further, at Subsection 1373(c), this statute states “[t]he Immigration and Naturalization Service shall respond to an inquiry by a federal, state, or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency *for any purpose authorized by law.*”

The Executive Director of the SEC is required to establish and maintain a statewide voter registration database and maintain a complete file of all qualified electors by county and by precincts. He is required to delete the name of any registered person who is not qualified to vote. To ensure that only qualified electors are registered, he is authorized by law to obtain information from any source that may assist him to do so.² See S.C. Code § 7-3-20(D).

¹ Similarly, 8 U.S.C. 1644 states “Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service *information regarding the immigration status, lawful or unlawful, of an alien in the United States.*”

² Federal law also requires states to conduct programs to remove ineligible voters from the rolls. See 52 U.S.C. 20507(c); see generally 52 U.S.C. § 20501 et seq.

COMMISSIONERS

HON. DENNIS W. SHEDD
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

HOWARD M. KNAPP
Executive Director

1122 Lady Street
Suite 500
Columbia, SC 29201

P.O. Box 5987
Columbia, SC 29250

803.734.9060
Fax: 803.734.9366
www.sevotes.gov

The SEC is a member of the Systematic Alien Verification for Entitlements (SAVE) Program. However, this Program is only useful when the agency already has a reason to question a particular person's citizenship status and when an identifier such as an Alien Registration Number exists. We understand that there are other avenues for determining a person's immigration or citizenship status such as the Person Centric Query Service that allows searches on individuals to be run that can access multiple information systems and databases maintained by or accessible to USCIS. These searches appear to allow for a more expansive set of search terms than are available using SAVE. Thus it appears that USCIS is capable of running searches based on queries that provide name, date of birth, address, and other information the SEC will possess as a matter of course as part of a person's voter registration information.

We would like to be able to verify the citizenship or immigration status of newly registered voters in South Carolina. We are prepared to provide lists of those who have registered to vote here for the first time. As authorized by South Carolina law and United States Code of Law Sections 8 U.S.C. § 1373 and 8 U.S.C. § 1644 we are requesting that you allow us to provide you with these lists so that you can check them against the information systems and databases maintained and accessible by USCIS for the purpose of verifying registrant's citizenship status so that only eligible voters are present on South Carolina's voter rolls.

Please provide us with guidance on the best format in which to provide you with the lists of new registrants we would like verified. Please respond by August 30, 2024. We will appreciate your assistance in carrying out our duty to maintain a current and accurate voter registration database.

Sincerely,



Howard M. Knapp
Executive Director, South Carolina State Election Commission

cc:

Ur M. Jaddou, Director, U.S. Citizenship and Immigration Services
Jennifer B. Higgins, Deputy Director, U.S. Citizenship and Immigration Services
Felicia Escobar Carrillo, Chief of Staff, Office of the Director
A. Ashley Tabaddor, Chief Counsel, Office of Chief Counsel

COMMISSIONERS

HON. DENNIS W. SHEDD
Chairman

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

HOWARD M. KNAPP
Executive Director

1122 Lady Street
Suite 500
Columbia, SC 29201

803.734.9060
Fax: 803.734.9366
www.sevotes.gov



**U.S. Citizenship
and Immigration
Services**

October 10, 2024

Howard M. Knapp
Executive Director
South Carolina State Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201

Dear Director Knapp:

Thank you for your August 1, 2024, letter to U.S. Citizenship and Immigration Services (USCIS) requesting verification of registered South Carolina voters outside of the Systematic Alien Verification for Entitlements (SAVE) program.

Federal law prohibits non-U.S. citizens from registering and voting in federal elections; violators are removable and face up to five years in prison.¹ The evidence is clear that these laws are working as intended—it is extremely uncommon for noncitizens to vote in Federal elections.

The SAVE program is the most secure and efficient way to reliably verify an individual's citizenship or immigration status, including for verification regarding voter registration and/or voter list maintenance. As you know, SAVE is a Congressionally-mandated online service implemented broadly in 1986 to help state and local agencies determine certain point-in-time immigration and citizenship information on individuals seeking benefits and licenses. Numerous agencies in the State of South Carolina currently participate in the SAVE program to verify immigration status for 35 different benefits.²

Since 2009, SAVE has been used by elections authorities in states for voter registration and/or voter list maintenance. South Carolina is one of ten states that are registered to use SAVE for these purposes.³ The process has been the same since the program's inception. By inputting an individual's name, unique DHS-issued immigration identifier,⁴ and birthdate, registered agencies can determine whether that person obtained U.S. citizenship through the naturalization process or, for certain other individuals born abroad, whether USCIS has information confirming

¹ 18 U.S.C. §§ 611, 1015; 8 U.S.C. §§ 1182(a)(6)(C)(ii), 1227(a)(3)(D), 1227(a)(6).

² This information is available to the public at <https://www.uscis.gov/save/agency-search-tool>

³ In addition to South Carolina, Arizona, Colorado, Florida, Georgia, Idaho, Mississippi, Ohio, Tennessee, and Virginia use SAVE for voter registration and/or voter list maintenance purposes.

⁴ *I.e.*, USCIS/Alien Registration Number; Form I-94 Arrival/Departure Record Number; Student and Exchange Visitor Information System (SEVIS) ID Number; Naturalization/Citizenship Certificate Number; or Card Number/I-797 Receipt Number.

their U.S. citizenship.⁵ Each registered agency determines the best process to obtain the required identifiers.

Given the very serious consequences of the results produced by SAVE and its import in ensuring the right to vote for U.S. citizens, USCIS takes this process very seriously and has confidence in the SAVE program.

We currently cannot offer an alternative process to any state. The alternative process you referenced—using the Person Centric Query Service (PCQS) to perform voter verification—does not return a definitive answer on immigration status and thus is not an appropriate use for voter registration and/or list maintenance purposes.⁶

We appreciate your feedback and will review whether there are possible changes to our process and technology that might improve the convenience of using our systems. Likewise, we will continue to engage with and develop resources that educate elections authorities in states with an interest in using SAVE for voter registration and/or voter list maintenance.

Thank you again for your letter and interest in this issue. In the meantime, should you or your staff have any other questions, please feel free to contact my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

⁵ In addition, the National Voter Registration Act (NVRA), requires covered states to complete systematic programs intended to remove the names of ineligible voters from registration lists by no later than 90 days before federal elections. 52 U.S.C. § 20507(c)(2).

⁶ PCQS returns aggregated results across many different immigration systems and can only perform one query at a time. Using PCQS would require manual review of the results in each case to determine immigration status, as the systems may return disparate or conflicting results. As such, PCQS is not an option for state and local agencies to use for voter verification purposes.