



CHRISTI JACOBSEN
MONTANA SECRETARY OF STATE

August 8, 2024

The Honorable Alejandro Mayorkas, Secretary
U.S. Department of Homeland Security
MS 0525 Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, D.C. 20528-0525

RE: Request for Citizenship Status of Presently Registered Voters in Montana

Dear Secretary Mayorkas:

As Montana Secretary of State, I am the Chief Election Officer of the State of Montana. It is my duty to ensure that ineligible foreign nationals are not on our state voter rolls in Montana. I write to you to obtain the citizenship status of presently registered voters in the State of Montana.

Only United States citizens can legally vote in federal elections. It is illegal for any foreign national to vote, or to register to vote, in our elections. Federal law requires the removal of ineligible voters from our voter rolls. No foreign national should be on our Montana voter rolls.

Both State and Federal law impose on states, including Montana, obligations to maintain accurate voter registration records. It is our duty to ensure that ineligible voters are removed from voter rolls. Montana has an obligation to conduct voter list maintenance of our voter rolls. As part of such efforts, any ineligible voters from the voter rolls must be removed.

As you are likely aware, the Immigration and Nationality Act requires that the Department of Homeland Security “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, by providing the requested verification or status information.” Further, the Immigration and Nationality Act states that “[n]otwithstanding 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 ... [DHS] information regarding the immigration status, lawful or unlawful, of an alien in the United States.”

Pursuant to the above and in accordance with the authority and obligations imposed by Federal and State law, my office seeks to obtain the citizenship status, and any other applicable citizenship information, of presently registered voters in the State of Montana. As such, we seek the

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Department of Homeland Security's assistance in obtaining this citizenship information of presently registered Montana voters.

In order for my office and County Election Administrators throughout the State of Montana to comply with our obligations under State and Federal law, please provide a response to this letter and the following citizenship status information within 14 days of the date of this letter.

Thank you for your prompt attention to this important matter. I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Christi Jacobsen". The signature is written in a cursive, flowing style.

CHRISTI JACOBSEN
Montana Secretary of State



U.S. Citizenship
and Immigration
Services

October 10, 2024

Christi Jacobsen
Montana Secretary of State
Montana Capitol Building, Room 260
Helena, MT 59620-2801

Dear Secretary Jacobsen:

Thank you for your August 8, 2024, letter to Secretary Mayorkas requesting a process to check Montana’s voter registration against USCIS’s data and systems. I am responding on his behalf. The Systematic Alien Verification for Entitlements (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.

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.

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. Several agencies in the State of Montana currently participate in the SAVE program to verify immigration status for seven different benefits.²

Since 2009, SAVE has been used by elections authorities in states for voter registration and/or voter list maintenance. Currently, ten states 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 their U.S. citizenship.

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 Arizona, Colorado, Florida, Georgia, Idaho, Mississippi, Ohio, South Carolina, Tennessee, and Virginia

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.

To ensure compliance with federal law and privacy protections, USCIS uses a SAVE Memorandum of Agreement (MOA) to maintain protocols and procedures with the registered agencies that access the more than 100 million records SAVE uses to verify a person's status. For voter registration purposes, this MOA includes a requirement that states provide written notice to any applicants and registered voters that their citizenship may be verified against federal immigration records. The state elections authority must provide any individual who is not verified as a U.S. citizen through SAVE the opportunity to show documentation of their U.S. citizenship.⁵

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.

Thank you again for your letter and interest in this issue. If you are interested in a SAVE MOA or 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).