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By ESEC at 9:15 am, Jul 22, 2024

July 19, 2024

The Honorable Alejandro Mayorkas
Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

Re: Request for citizenship verification of registered voters.

Dear Secretary Mayorkas:

As Ohio Secretary of State, I am charged with enforcing Ohio's election laws, which include ensuring every citizen has the right and opportunity to vote. This charge entails maintaining accurate legal voter rolls, which requires access to information that is currently only at the disposal of the Department of Homeland Security (DHS). Congress provided a means to accomplish these safeguards by compelling DHS to comply with state requests to verify voter registration information. I am now exercising that right. Accordingly, I formally request that DHS verify the citizenship status of Ohio registered voters. This information is paramount to ensuring the integrity of this November's election.

The privilege of participating in U.S. elections is reserved for U.S. citizens. Federal law prohibits noncitizens from registering to vote or voting in federal elections and imposes criminal sanctions for violators.¹ Ohio, accordingly, affords the right to register to vote and vote to qualified U.S. citizens through state legislation and, as of 2022, a constitutional amendment ratified by popular vote.²

Ohio "indisputably has a compelling interest in preserving the integrity of its election process."³ That sovereign duty is reinforced by statutory obligation. Both federal and state law provide election mechanisms to enforce the citizenship requirement. Federal law prohibits states from processing noncitizen ballots or from accepting any voter registration application for federal elections without proof of government identification.⁴ States also must maintain a voter database to enable State officials to verify the accuracy of voter registrations and ensure only eligible electors are permitted to cast ballots.⁵

Ohio, in turn, has created the requisite election infrastructure to protect the integrity of elections in the State and fulfill its statutory obligations. As a result, our state is widely recognized for its

¹ 18 U.S.C. §611(a)–(c).

² Ohio Const. art. V, §1; Ohio Rev. Code §3503.07.

³ *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 685 (2021)

⁴ 52 U.S.C. §21083(a)(5)(A).

⁵ *Id.* §21083(a)(1)–(4).

leadership on secure and transparent elections. Ohioans seeking to participate in elections must show government identification to both register and cast their ballot.⁶ Ohio also maintains a statewide voter registration database, reviewed annually to identify any noncitizens on the list.⁷ However, my office needs access to federal data to ensure the accuracy of its voter registration database and to fully comply with our federal obligations.

Congress anticipated this need and provided the tools to satisfy federal election safeguards. Your department is required to coordinate with my office to verify voter registration information. This federal-state cooperation is mandatory—not optional. Federal law obligates DHS to provide States with data for voter verification upon request.

DHS is charged with carrying out functions formerly vested in the Immigration and Naturalization Service⁸ and ordered to respond to State inquiries regarding citizenship status. Specifically, DHS—

*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, by providing the requested verification or status information.*⁹

Federal law makes clear that States are authorized to receive DHS information regarding the status of noncitizens, and that no contrary rule may restrict that guaranteed access.

*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.*¹⁰

While DHS has provided access to the Systematic Alien Verification for Entitlements (SAVE) Program, there are several technical obstacles that stand in the way of effective use of that information. The program requires the use of a DHS identifier to perform a search – like an Alien Registration Number or other immigration associated number. This information is not readily available to our office. Furthermore, SAVE does not process social security or driver’s license numbers, which are the ID numbers provided for voter registration purposes. Furthermore, the fees associated with the use of SAVE provide a barrier to citizenship information in the federal government’s control. Accordingly, SAVE does not provide access to all the information required to verify the citizenship of registered voters.

⁶ Ohio Rev. Code §§3503.14(A), 3503.19(C), 3509.06(D)(3a)(v), 3505.181(A)(7).

⁷ *Id.* §§3503.151, 3503.152.

⁸ 6 U.S.C. §202(3).

⁹ 8 U.S.C. §1373(c) (emphasis added).

¹⁰ *Id.* §1644.

Your department already can verify an individual's citizenship without a numeric identifier. The Person Centric Query System (PCQS) database maintained by DHS provides a way to quickly identify citizenship status using only a name and date of birth. That means not only do you have the legal obligation to provide this information, but you also have the means to do so.

Pursuant to this authorization, I request that you provide verification of Ohio registered voters in advance of the November 2024 election. I trust you appreciate the significance of our need for timely access to this information so that we can carry out our unequivocal legal obligations. I ask that you promptly indicate your intention to comply with this request or any objection to it by July 26, 2024, given the imminence of the integrity of the upcoming election. Thank you for your prompt attention to this matter. My office stands by to discuss this request in more detail, as needed.

Yours in service,



Frank LaRose
Ohio Secretary of State



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

October 10, 2024

Frank La Rose
Ohio Secretary of State
180 Civic Center Dr.
Columbus, OH 43215

Dear Secretary LaRose:

Thank you for your July 19, 2024, letter to Secretary Mayorkas requesting a process to check Ohio's voter registration against USCIS's data and systems. I am responding on his behalf. My staff has discussed with your team that 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.

In June 2024, your office expressed interest in entering into an agreement to use the SAVE program. That agreement was finalized on July 2, 2024, and your office has been using the SAVE program for voter registration purposes since then.

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 Ohio currently participate in the SAVE program to verify immigration status for 12 different benefits.²

Since 2009, SAVE has been used by elections authorities in states for voter registration and/or voter list maintenance. Ohio is one of ten states that have registered to use SAVE for these purposes.³ The process has been the same since the program's inception. By inputting an

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

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. 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 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.⁵

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.

Your letter also mentioned the fees associated with the use of SAVE as a barrier to obtaining information. Unlike most other federal agencies, USCIS is almost entirely fee funded; only about 4% of its overall funding is from congressional appropriations. The transaction cost is necessary to support program costs as required by law and Federal agency guidance.

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

Sincerely,



Ur M. Jaddou
Director

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.

⁵ 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.