

**SCOTT SCHWAB**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4564  
sos.kansas.gov

## STATE OF KANSAS

September 16, 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,

As Kansas Secretary of State, I am requesting the assistance of the United States Citizenship and Immigration Services (USCIS) to ensure that individuals who have registered to vote in Kansas are citizens of the United States entitled to vote in our state elections.

To enable Kansas election officers to use all tools available to ensure that only U.S. citizens are permitted to vote in Kansas, the agency is requesting access to the Systematic Alien Verification for Entitlements (SAVE) Program. Access to the program will enable Kansas election officers to verify the citizenship status of newly registered voters as needed.

However, the SAVE Program is only useful when the office has a reason to question a citizenship status and when an identifier such as an Alien Registration Number exists. Other programs enable verification of a person's immigration or citizenship status including 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 can run searches based on queries that provide name, date of birth, address, and other information provided as part of a person's voter registration information.

As authorized by Kansas law (K.S.A 25-2309), I am requesting that USCIS accept lists provided by my office of those who have registered to vote for the first time so that these can be checked against the information systems and databases maintained and accessible by USCIS for the purpose of verifying registrant's citizenship status. This will help ensure that only eligible voters are present on Kansas' voter rolls.

The Kansas Constitution mandates U.S. Citizenship as a qualification to be a Kansas elector and to register to vote. The Kansas Secretary of State's Office is required by state statute, K.S.A. 25-2304,

to establish and maintain a centralized voter registration database and counties are required to continuously maintain the voter roll to ensure that only qualified Kansans are registered to vote. State law requires counties to conduct voter roll maintenance and sets criteria for removal of names from the voter registration list. <sup>1</sup> K.S.A. 25-2316c, KSA 25-2354(a).

This request is made pursuant to 8 U.S.C. § 1373, which, 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.”

Additionally, Section 1373 provides that “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.” 8 U.S.C. § 1373(a).<sup>2</sup>

Please provide the agency with guidance on the best format in which to provide USCIS with the lists of new registrants we would like verified. I appreciate your assistance in carrying out our duty to maintain a current and accurate voter registration database.

Sincerely,



Scott Schwab  
Kansas Secretary of State

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  
Ashley Tabaddor, Chief Counsel, Office of Chief Counsel

---

<sup>1</sup> 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.

<sup>2</sup> 8 U.S.C. 1644 similarly 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.”



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

October 10, 2024

Scott Schwab  
Secretary of State  
Memorial Hall, 1st Floor  
120 SW 10th Avenue  
Topeka, KS 666120-1594

Dear Secretary Schwab:

Thank you for your September 16, 2024, letter to U.S. Citizenship and Immigration Services (USCIS) requesting access to the Systematic Alien Verification for Entitlements (SAVE) program for voter registration verification purposes.

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.<sup>1</sup> 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 Kansas currently participate in the SAVE program to verify immigration status in 13 different agreements.<sup>2</sup>

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.<sup>3</sup> The process has been the same since the program's inception. By inputting an individual's name, unique DHS-issued immigration identifier,<sup>4</sup> 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

---

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

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

<sup>3</sup> Arizona, Colorado, Florida, Georgia, Idaho, Mississippi, Ohio, South Carolina, Tennessee, and Virginia

<sup>4</sup> *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.

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

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.<sup>5</sup>

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.<sup>6</sup>

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. 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

---

<sup>5</sup> 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).

<sup>6</sup> 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.