

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.

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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

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**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.



DAVE YOST
OHIO ATTORNEY GENERAL



**SOUTH CAROLINA
ATTORNEY GENERAL'S OFFICE**

Administration
Office 614-466-8980
Fax 614-466-5087

October 14, 2024

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

Re: Request for verification of voter registration information.

Dear Secretary Mayorkas:

The 16 undersigned state attorneys general write to raise grave concerns that by failing to work with States to verify voter registration information, your office has failed to discharge its duty ahead of a national election. Americans may differ about the best result in the upcoming election, but we trust that all Americans of goodwill should agree that the right to vote in American elections belongs to American citizens alone. Federal law endows citizens with the exclusive right to say who governs them.¹ And it likewise obligates your office to coordinate with the States to protect the franchise by verifying the immigration status of any registered voter upon request.

The States “indisputably ha[ve] a compelling interest in preserving the integrity of [their] election process[es].”² Not only do the States have a sovereign duty to protect the franchise: they are statutorily obligated to

¹ Federal law prohibits noncitizens from registering to vote or voting in federal elections and imposes criminal sanctions for violators. 18 U.S.C. §611(a)–(c).

² *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 685 (2021).

do so. Federal law prohibits States from processing noncitizen ballots or from accepting any voter registration application for federal elections without proof of government identification.³ States also must maintain a voter registration database and ensure that only citizens with valid government identification serve as electors.⁴

The States, in turn, need access to federal databases to ensure accuracy and comprehensiveness in their voter registration databases and to fully comply with their federal obligations. Congress anticipated this need and provided the tools with which States may satisfy federal election safeguards. To that end, the Department of Homeland Security is required to coordinate with States to verify voter registration information upon request. This federal-state cooperation is mandatory—not optional. 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.⁵

Congress has made clear that States are authorized to receive DHS information regarding the status of noncitizens and that no contrary rule may restrict that guaranteed access.⁶

Despite your federal obligation, your office has provided delayed and inadequate responses to requests by several of the undersigned States for assistance in verifying voter registration information.⁷ We are deeply troubled by DHS’s refusal to grant access to its Person Centric Query Service (PCQS) database based on its unsubstantiated claim that the information is not “appropriate” to verify voter registrants.⁸ DHS’s

³ 52 U.S.C. §21083(a)(5)(A).

⁴ *Id.* §21083(a)(1)–(4).

⁵ 8 U.S.C. §1373(c) (emphasis added).

⁶ *Id.* §1644.

⁷ See Letter from Ohio Sec’y of State to Sec’y Mayorkas (July 19, 2024); Letter from South Carolina Election Comm’n Exec. Dir. to Dir. Meckley (Aug. 1, 2024).

⁸ See Letter from Dir. Jaddou to S.C. Election Comm’n Executive Dir. (Oct. 10, 2024).

statutory mandate to provide information to the States does not depend on DHS's view on how useful that information may be.

Contrary to DHS's assertion, State access to the Systematic Alien Verification for Entitlements (SAVE) Program alone is insufficient. SAVE requires use of a DHS identifier to perform a search—information not readily available to our offices—and does not process social security or driver's license numbers, the identification numbers provided to States for voter registration purposes. Further, the fees associated with use of SAVE pose a barrier to accessing citizenship information that is in the federal government's control. Your department can verify an individual's citizenship without a numeric identifier. The PCQS database that DHS maintains provides a way to quickly identify citizenship status using only a name and date of birth. That means you not only have the legal obligation to provide citizenship verification upon request; you also have the means to do so.

DHS's cooperation in responding to the States' requests and providing the citizenship information is essential to State efforts to ensure a fair election this November. It is also information that the States are entitled by statute to receive.

We urge you to faithfully execute your duty to verify voter registration information to the States immediately, given the imminence of the upcoming election. At a minimum, we ask that you provide us with your plan to provide an adequate response to the States' outstanding requests for verification of flagged, individual voter registrants and any future, similar requests within **three (3) business days of receipt of this letter**.

The privilege of participating in U.S. elections belongs to U.S. citizens alone, and the election looms closer by the day while early voting has already begun in Ohio and many other states. Your office is required to aid in protecting that right, not obstruct State efforts to comply with federal law and ensure election integrity.

Yours,



Dave Yost
Ohio Attorney General



Alan Wilson
South Carolina Attorney General



Tim Griffin
Arkansas Attorney General



Ashley Moody
Florida Attorney General



Chris Carr
Georgia Attorney General



Todd Rokita
Indiana Attorney General



Brenna Bird
Iowa Attorney General



Kris Kobach
Kansas Attorney General



Austin Knudsen
Montana Attorney General



Mike Hilgers
Nebraska Attorney General



Gentner Drummond
Oklahoma Attorney General



Marty Jackley
South Dakota Attorney General



Ken Paxton
Texas Attorney General



Sean D. Reyes
Utah Attorney General



Patrick Morrissey
West Virginia Attorney General



Bridget Hill
Wyoming Attorney General