

SAVE Act

The SAVE Act would require every American to provide documentary proof of citizenship (“DPOC”) to register to vote in federal elections or change or update their voter registration. These requirements are wholly unnecessary:

- In the United States, strict laws and safeguards exist to ensure only U.S. citizens participate in federal elections.
- Every eligible voter is already required to verify their citizenship status when registering to vote. Both natural-born citizens and those who have immigrated and gone through the naturalization process are required to attest that they are citizens, under penalty of perjury.
- Under federal law, only U.S. citizens are eligible to vote in federal elections. Many states likewise limit eligibility to vote in state and local elections to U.S. citizens only.¹ A non-U.S. citizen who submits a voter registration form or tries to cast a ballot in a state or federal election for which they are ineligible faces [prison time or deportation](#), sacrificing the significant amount of time, money, and resources they’ve spent to immigrate to and remain in the U.S. for the purpose of casting one ballot.
- For these reasons, non-citizen voting in state and federal elections is [practically nonexistent](#).

The SAVE Act creates problems and solves none. In reality, this bill imposes significant new burdens on voters, election officials, government agencies, and civic engagement organizations, making it harder for all eligible voters to register and cast their ballots.

WHAT THE SAVE ACT DOES

Requires voter registration applicants to present DPOC in person with their application

The SAVE Act prohibits states from accepting voter registration applications for federal elections submitted by any method unless the applicant provides DPOC “with the application.”

- Because an applicant must provide DPOC “with the application” to register to vote, an applicant must submit DPOC *before* the voter registration deadline.
 - An applicant would *not* be able to cure an otherwise complete application by providing DPOC after the voter registration deadline, but before Election Day.
- The requirement to present DPOC to register to vote applies to all voter registration applicants, including those who opt in to voter registration at the DMV via the “motor voter” process created by the National Voter Registration Act (NVRA).

¹ Some cities, counties, and other small jurisdictions allow non-U.S. citizen residents to vote in local elections, such as for mayor, city council, or school board.

The SAVE Act requires anyone who applies to register to vote by mail to present DPOC in person at the office of the appropriate election official by the voter registration deadline (or at the polling place or early voting site, in states that allow same-day voter registration).

- This requirement functionally eliminates voter registration by mail.
- The SAVE Act requires election officials who receive an otherwise complete mail voter registration application to notify the applicant of the DPOC requirement and provide instructions on how they can satisfy it — but there is no statutory deadline by which election officials must provide this notice.

There is some ambiguity as to how the SAVE Act affects online voter registration systems. Unlike mail applications — which may only be accepted if DPOC is submitted in person — neither SAVE nor the NVRA directly address online voter registration. This leaves open the question of whether states can accept DPOC virtually when an applicant registers to vote online.

- If the SAVE Act is interpreted to require presentation of an original copy of DPOC (as opposed to a scanned image), then the SAVE Act would likewise functionally eliminate online voter registration for federal elections because applicants would be required to present DPOC in person before the voter registration deadline.

Acceptable forms of DPOC under the SAVE Act

The following forms of ID are defined by the SAVE Act as valid forms of DPOC:

1. A driver's license or other state-issued identification that meets the requirements of the REAL ID Act and that indicates on its face that the holder is a U.S. citizen.
2. A valid U.S. passport.
3. An official U.S. military ID card, together with the applicant's U.S. military service record showing that the applicant's place of birth is within the U.S.
4. A valid photo ID card issued by a Federal, State,² or Tribal government, showing the applicant's place of birth was in the U.S.
5. A valid photo ID card issued by a Federal, State, or Tribal government, that does not show the applicant's place of birth was in the U.S., accompanied by one or more of the following additional documents:
 - a. A certified birth certificate issued by a State,³ a unit of local government within a State, or Tribal government that meets all the following requirements:
 - i. Issued by the State, local government, or Tribal government where the applicant was born;
 - ii. Filed with the office responsible for keeping vital records in the State;
 - iii. Includes the applicant's "full name," place of birth, and date of birth;
 - iv. Lists the full names of one or both of the applicant's parents;

² The National Voter Registration Act (NVRA) defines "State" to include Washington, D.C., so individuals born in Washington, D.C. could satisfy this requirement, provided they have the relevant documentation. 52 U.S.C. § 20502(4).

³ Unlike Washington, DC, the United States' territories are not included in the NVRA's definition of "State." See 52 U.S.C. § 20502(4). This means that individuals born in one of the U.S. territories, who later move to one of the states and become eligible to vote in federal elections within the state, would not be able to satisfy the DPOC requirement by providing their state-issued ID along with their birth certificate.

- v. Is signed by the person authorized to sign birth certificates on behalf of the State, local government, or Tribal government where the applicant was born;
 - vi. Includes the date the birth certificate was filed with the office of vital records in the State; and
 - vii. Has the seal of the State, unit of local government, or Tribal government that issued the birth certificate.
- b. An extract from a U.S. hospital Record of Birth that was created at the time of the applicant's birth and shows the applicant was born in the U.S.
 - c. A final adoption decree showing the applicant's name and that their place of birth was in the U.S.
 - d. A Consular Report of Birth Abroad of a U.S. Citizen⁴ or a certificate of the applicant's Report of Birth of a U.S. Citizen issued by the U.S. State Department.
 - e. A Naturalization Certificate or Certificate of Citizenship issued by the U.S. Department of Homeland Security or any other documentation of citizenship issued by the federal government pursuant to the Immigration and Nationality Act.
 - f. An American Indian Card issued by DHS with the classification "KIC."⁵

The SAVE Act also requires each state to develop a process for applicants who cannot provide DPOC.

- This process must include an attestation under penalty of perjury that the applicant is a U.S. citizen and the submission of "other evidence" to the election official demonstrating the applicant's citizenship.
- It is up to election officials to determine whether the applicant has sufficiently established U.S. citizenship.
- The SAVE Act directs the Election Assistance Commission to provide non-binding guidance to states on what this process can look like.

Mandates new voter roll purge programs based on citizenship data

The SAVE Act permits states to remove registered voters from the rolls "based on documentary proof or verified information" that the registrant is not a U.S. citizen.

- There is no requirement that election officials notify a registered voter of their removal under this provision.

The SAVE Act also requires states to "take affirmative steps on an ongoing basis to ensure that only U.S. citizens are registered to vote" in federal elections.

- States may meet this requirement by establishing a program through which officials identify alleged non-U.S. citizens using one or more of the following sources:
 - o The USCIS Systematic Alien Verification for Entitlements (SAVE) Database

⁴ A [replacement of this document](#) costs \$50 and can take 4-8 weeks for processing for individuals born on or after November 1, 1990. For individuals born before November 1, 1990, processing can take 14-16 weeks.

⁵ [Between 1983 and 1989](#), citizens of the Kickapoo Tribe of Oklahoma and the Kickapoo Traditional Tribe of Texas—whose traditional homelands span both the U.S. and Mexico—born in Mexico were granted US citizenship through a special naturalization process under the INA and were permitted to travel freely between the US and Mexico. The former Immigration and Naturalization Service (INS) issued individuals who became US citizens through this process a Form I-872 card with a "KIC" classification and statement denoting that the bearer is a U.S. citizen.

- o The SSA Social Security Number Verification Service
- o State agencies that supply ID cards where the agency confirms U.S. citizenship of applicants
- o “Other sources, including databases, which provide confirmation of United States citizenship status.”

The SAVE Act requires states to remove an individual who is not a citizen of the United States from the voter rolls “at any time upon receipt of documentation or verified information that a registrant is not a U.S. citizen,” including based on information submitted by members of the public.

The SAVE Act exempts removals from the voter rolls based on alleged non-U.S. citizenship from the NVRA’s “quiet period,” which prohibits other generalized removal programs during the 90 days prior to a federal election.

The SAVE Act requires all federal agencies to provide any information relevant to determining a voter’s eligibility to vote to state election officials upon request within 24 hours.

Creates penalties for election workers

The SAVE Act makes it a federal crime punishable by up to five years in prison for an election official to register an applicant to vote in federal elections without DPOC. It also creates a private right of action for individuals to sue any election official who registers someone to vote without obtaining DPOC.

- These penalties apply even if the person registered by the election official is in fact a U.S. citizen.

HOW THE SAVE ACT IMPACTS VOTERS

Many Americans will find it extremely burdensome or even impossible to obtain the necessary documents to meet the requirements of the SAVE Act.

- According to a [recent study](#), over 9% of voting age citizens (21.3 million people) cannot readily access documentary proof of citizenship.
- [Only about half of all U.S. citizens have a passport](#). A passport costs \$165 to obtain (and \$130 to renew), and an application can take weeks to process, making the process of obtaining one to satisfy the SAVE Act both costly and time-consuming.
- Aside from passports, most government-issued photo IDs *do not* indicate citizenship.
 - o Under the SAVE Act, almost no Americans would be able to register to vote using a driver’s license alone, because even licenses that meet Real ID requirements don’t indicate citizenship.
 - Only Enhanced Drivers Licenses indicate citizenship, and [those are only available in five states](#).
 - o Most Tribal citizens would also be unable to register to vote using their Tribal ID alone. The SAVE Act would require a Tribal ID to show the holder’s place of birth as the United States. [Most Tribal IDs](#) simply do not list the holder’s place of birth.

Even if the ID listed this, any Tribal member born outside of the U.S. — for instance on a military base — could not use their Tribal ID to register.

- Members of the U.S. military could not use their military ID to register to vote unless it is accompanied by their military service record — which is very burdensome to obtain — and only if that record shows they were born in the U.S. Members of the U.S. military born overseas, including while their parents were serving abroad, would not be able to use this type of ID.
- A valid government-issued photo ID that *does not* indicate that the applicant was born in the U.S. can only be used to register if it's accompanied by another document, such as a certified birth certificate, hospital record, adoption decree indicating the applicant was born in the U.S., a naturalization certificate issued by the federal government, or a “Consular Report of Birth Abroad” of a U.S. citizen.
 - All of these documents are, for most Americans, difficult to access and expensive to replace should they be lost or destroyed.
 - The SAVE Act specifies that a certified birth certificate must be issued by a Tribal, state, or local government.
 - This excludes birth certificates from American territories — including those territories, like Puerto Rico, where residents receive U.S. citizenship at birth.
 - The SAVE ACT also specifies that a birth certificate must have the “full name” of the applicant. It is unclear whether a person who has changed their name since their birth — for instance, because of marriage or adoption — would be able to meet this requirement.
 - The certificate must also have the seal of the government body that issued the birth certificate — but many states use a colorless impressed seal for certified birth certificates, which are difficult and sometimes impossible to see on a photocopy.

Eligible voters will be denied access to the ballot.

- Documentary proof of citizenship laws in Arizona and Kansas have disenfranchised broad swaths of eligible voters. If the SAVE Act becomes law, these failed policies and harms could be mirrored nationwide.
- In Arizona, [about 35,000](#) voters have attested under penalty of perjury to U.S. citizenship but are barred from voting in state elections because of that state’s documentary proof of citizenship requirement. Those voters are [more likely](#) to live on Tribal lands or college campuses. Arizona’s system is also riddled with errors. About [100,000 voters](#) almost lost their right to vote in the state’s 2024 elections because of a documentary proof of citizenship database error. State officials later discovered that [over 200,000 voters](#) were affected.
- In Kansas, a similar law that was in effect between 2013 and 2016 ended up blocking the voter registrations of more than [31,000 U.S. citizens](#) who were otherwise eligible to vote. This is the [equivalent of 12% of those seeking to register in Kansas](#) for the first time during that period. The impact was felt most keenly by young and independent voters.

Voters will not be able to register by mail, and may not be able to register online.

- The SAVE Act would effectively eliminate mail voter registration by requiring all mail applicants to present documentary proof of citizenship in person by the voter registration deadline. This would impact many citizens who choose to use this more accessible form of registration — like young people, those with disabilities, working parents, or the elderly. [The most recent data](#) from the U.S. Election Assistance Commission shows that more than 7 million voters who registered to vote during the 2022 election cycle did so by mail.
- While the SAVE Act requires election officials who receive an otherwise complete mail voter registration application to notify the applicant of the DPOC requirement and provide instructions on how they can satisfy the requirement, there is no explicit deadline by which election officials must send this notification, and the Act contains no guidance for election officials on the content or method of the notification.
- The SAVE Act is ambiguous as to whether voter registration applicants must present an original copy of their proof of citizenship documents, or if a scanned copy is acceptable. If only an original copy satisfies the Act's requirements, the bill would eliminate online voter registration, just as it eliminates mail registration.
- At a minimum, the SAVE Act would require states to rebuild their online voter registration systems to meet the bill's onerous requirements and allow for the submission, retention, and validation of proof of citizenship documents. This would not only significantly disrupt a method used by 14% of registrants (almost 11 million voters) during the 2022 election cycle but would also be extremely costly and time-consuming for election offices, especially those in rural and under-resourced jurisdictions.

Voters will be subject to harmful purges.

- The SAVE Act does more than require registrants to prove citizenship. It would also demand that states actively conduct ongoing voter purges, including purges based on databases that are known to contain faulty or outdated records — like the Department of Homeland Security (DHS)'s Systematic Alien Verification for Entitlements (SAVE) Database, the Social Security Administration (SSA)'s Social Security Number Verification Service, and other state government databases.
 - These databases are prone to having stale, outdated data. This is because the SSA, state departments of motor vehicles, and other similar governmental databases are not designed to track anyone's *current* citizenship status. There is no process by which they are automatically updated when someone naturalizes. For instance, if an individual applies for a social security number or a driver's license as a non-U.S. citizen but then later becomes a citizen, the SSA and the state DMV will misidentify that person as a non-U.S. citizen, unless the individual updates their citizenship status with that agency during a subsequent transaction.
 - The SAVE database, which keeps citizenship information on individuals who have temporarily or permanently immigrated to the United States, requires an Alien Registration Number (A-Number) to reliably identify individuals, but voter

registration applications generally do not request this information. As a result, efforts to match voter registration applicants with SAVE database records are riddled with errors. The SAVE database also does not contain any information on natural-born US citizens, so it cannot be used to verify their citizenship status.

- o Federal courts [have acknowledged](#) that state DMV databases and the SAVE database can have “a high rate of inaccuracy.” An audit of these databases by the North Carolina State Board of Elections found that 97.6% of individuals identified by the DMV as noncitizens actually were U.S. citizens, and 75% of voter registrants who were naturalized citizens and had provided proof of citizenship continued to be identified as noncitizens in the SAVE database. And in a recent voter purge in Alabama that relied on data from the state's Department of Labor, at least [93.8% of the voters removed](#) were U.S. citizens.
- There is no requirement in the SAVE Act that officials notify a registered voter of their removal under this provision, meaning that an individual could be removed from the rolls — possibly based on incorrect information — and be entirely unaware until they attempt to vote in an election following their removal. This also means that there is likely no possibility to cure an improper removal, unless the voter realizes on their own that they have been removed prior to the voter registration deadline in their state.
- Removals under the SAVE Act can take place during the 90-day period before an election — a time when other systematic removals are otherwise prohibited by law, precisely to avoid the wrongful removals described above.

According to the [Institute for Responsive Government](#), the voters most likely to be disenfranchised are married women, the elderly, Hispanic/Latino citizens, and low-income applicants.

- **Married Women.** Around 80% of American women change their name upon marriage. As a result, roughly 33% of all married women lack documents that meet the SAVE Act’s citizenship requirements and reflect their current legal name. As they make up over a quarter of the electorate, impediments to voter registration for married women could have a significant impact on election outcomes.
- **Elderly registrants.** In 2020, 14.10% of survey respondents 80 years old and older reported that they lack access to documents proving citizenship. In 2022, older voters (defined as age 65+) were 28% of the electorate.
- **Young voters.** In the same study, 24.34% of 18–29-year-olds reported that they lacked documentation. State-level data matched that finding. Young Texans aged 18-29 are three times more likely to have trouble accessing their documentary proof of citizenship than older Texans (13% vs. 5%). Georgians aged 18–29 are twice as likely to lack access to documents than those 30 or older (16% vs 8%).
- **Hispanic voters:** In recent case studies in Texas and Georgia, Black and White voters had nearly identical rates of DPOC access (10% in Georgia and 5% in Texas), but Hispanic voters were less likely to have accessible DPOC (16% of Hispanic Georgians and 8% of Hispanic Texans).

- **Lower-income voters.** In Texas and Georgia, voters making less than \$50,000 per year are less likely to possess identity documents than their higher-income peers. Voters making less than \$30,000 per year are even less likely to have required documents.

The SAVE Act's requirements would apply to new and updated voter registrations.

- Because the SAVE Act requires voters to provide DPOC at the time of submitting a voter registration application, proof of citizenship would be required for all new registrants.
- Although the SAVE Act does not apply retroactively to voters who are already registered, any time a currently registered voter updates their registration (for example, because they move to another state or county), they would need to provide proof of citizenship documents or have their updated registration rejected.

HOW THE SAVE ACT IMPACTS ELECTION ADMINISTRATORS

State election officials will have to revamp their election systems.

- As described above, if the SAVE Act is *not* interpreted as requiring documentary proof of citizenship to be presented in person (which would eliminate online registration for federal elections entirely), state election officials will still need to revamp their online registration systems to be able to accept and allow for review of citizenship documents.
- Election officials will also need to devote additional staff time to the ongoing voter purges mandated by the SAVE Act, develop procedures for evaluating citizenship documents, implement data privacy protections for digital copies of these documents, and retrain election officials and poll workers.
- These changes will be very costly and time-consuming for election officials, who are already overworked and underfunded. Many election offices simply do not have the funding for a major overhaul of this nature and would need massive grants and appropriations by the state or federal government in order to comply with the SAVE Act.

Election officials may face criminal and civil penalties.

- Under the SAVE Act, election officials could face up to five years of imprisonment if they knowingly register a voter without documentary proof of citizenship, **even** if the voter turned out to be an eligible citizen.
- It would also allow private individuals to sue election officials for a single instance of failing to obtain documentary proof of citizenship from a registered voter.
- These severe penalties will only exacerbate [growing harassment of election officials](#), whose work is vital for helping voters participate in our democracy.

HOW THE SAVE ACT IMPACTS CIVIC ENGAGEMENT ORGANIZATIONS

The SAVE Act's criminal penalties are unlikely to apply to civic engagement organizations.

- While election officials could face up to five years of imprisonment if they knowingly register a voter without documentary proof of citizenship, these penalties should not apply to civic engagement organizations that engage in voter registration drives.
- While civic engagement groups can organize and facilitate voter registration, they do so by providing individuals with registration applications that the organization then submits to an election official, who then officially registers those individuals to vote and adds them to the voter rolls. Only election officials can actually register voters, and therefore only election officials would be subject to criminal penalties under the SAVE Act.

But the SAVE Act could make it much more difficult for civic engagement organizations to hold successful voter registration drives.

- The SAVE Act would, however, kneecap the voter registration efforts of civic engagement organizations. If the SAVE Act requires registrants to present original copies of their proof of citizenship documents in person, then they will not be able to fully register at voter registration drives. But even if the SAVE Act allows registrants to submit copies of their proof of citizenship documents, it would still require registrants to have those documents on their person at the voter registration drive *and* require civic engagement organizations to have access to the technology needed to scan and/or copy the registrant's citizenship documents. Most voter registration drives happen in public spaces where prospective registrants are unlikely to be carrying their passports or birth certificates.
- Testimony in Arizona's [most recent documentary proof of citizenship lawsuit](#) established that civic engagement groups were unable to register many eligible voters because of similar hurdles.

HOW THE SAVE ACT IMPACTS GOVERNMENT AGENCIES

- The SAVE Act would require federal agencies to share citizenship data on voter registration applicants within 24 hours of a state's request. This would impose an enormous burden on government agencies, which are not set up to rapidly share citizenship data.
- Agencies like the SSA do not have sufficient staff, systems, or resources to enable this type of rapid information sharing. Providing this type of information to state officials would require significant administrative resources that would be diverted away from the agency's other critical duties. The SSA has already emphasized the additional burden this would place on the agency and that it would force them to divert limited resources from other programs, including the critical dispersal of social security benefits.
- Rapid sharing of citizenship data and other personally identifying information to any state government agency request would also implicate data security and privacy

concerns. Currently, to access sensitive federal databases, state governments must enter into a Memorandum of Understanding (MOU) with the federal government that sets forth the terms and protocols for accessing and using data in a secure and responsible manner (and many states have entered into such agreements). The ad-hoc information sharing described in the SAVE Act would evade these important protocols.