

December 1, 2025

Office of the Executive Secretary  
MS 0525  
Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528-0525

*Via regulations.gov*

RE: U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services  
modification of system of records.

To Whom It May Concern,

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) strongly opposes the Department of Homeland Security (“DHS”) proposal to modify and reissue a DHS system of records notice (“SORN”) titled, “Department of Homeland Security/U.S. Citizenship and Immigration Services (USCIS)–004 Systematic Alien Verification for Entitlements Program (SAVE).” The proposed expansion would transform SAVE from a narrow benefit-verification tool into a broad identity-matching system that pulls data from multiple federal and state sources, creating heightened risks of inaccurate matches, privacy violations, and misuse in voter eligibility determinations.

Such risks fall squarely within the civil rights concerns that LDF has spent more than eight decades working to address. Founded in 1940 by Thurgood Marshall, LDF is the country’s premier racial justice legal organization. LDF was launched at a time when America’s aspirations for equality and due process of law were stifled by widespread state-sponsored racial inequality. For 85 years, LDF has relied on the U.S. Constitution and federal and state civil rights laws to pursue equality and justice for Black people and other people of color. LDF’s mission has always been transformative: to achieve racial justice, equality, and an inclusive society.

For decades, SAVE was a limited tool used to verify the immigration status of noncitizens applying for federal, state, and local benefits.<sup>1</sup> The recent expansion of SAVE, however, represents a substantial departure from its statutory purpose, its technical design, and the privacy protections that Congress has long required federal agencies to uphold. DHS has now transformed SAVE into a broad and intrusive identity verification system that incorporates data from the Social Security Administration, the Department of State, and potentially state driver

---

<sup>1</sup> GAO, *Immigration Status Verification for Benefits: Actions Needed to Improve Effectiveness and Oversight*, GAO-17-204 (Mar. 2017), <https://www.gao.gov/assets/gao-17-204.pdf>

licensing agencies.<sup>2</sup> These changes carry profound risks for voter eligibility determinations, privacy rights, and civil liberties.

Congress established clear limits on federal data use and interagency data consolidation through the Privacy Act of 1974 and the Administrative Procedure Act.<sup>3</sup> The SAVE overhaul raises serious concerns under both statutes. These actions have occurred with little transparency, minimal public notice, and significant questions about procedural compliance.<sup>4</sup> Neither the public nor impacted communities were informed of these sweeping changes until after the data consolidation had already begun.<sup>5</sup> SAVE relies on incomplete, outdated, and inconsistent underlying data, and its use for voter eligibility verification will inevitably lead to erroneous results and wrongful voter removals.<sup>6</sup>

Because voter purges, investigations, and citizenship challenges have disproportionately affected Black voters throughout American history, the risks posed by the SAVE expansion cannot be evaluated in isolation from this historic context.<sup>7</sup> States are already struggling with technical flaws and procedural deficiencies in the system and those effects would fall most heavily on those who have long been vulnerable to wrongful disenfranchisement.<sup>8</sup> For these reasons, LDF strongly urges DHS to withdraw the proposal in its entirety and not move forward with the SAVE expansion as currently structured.

<sup>2</sup> U.S. Dep't of Homeland Sec., *Systematic Alien Verification for Entitlements (SAVE) Program* (Oct. 2025), <https://www.dhs.gov/sites/default/files/2025-10/Systematic%20Alien%20Verification%20for%20Entitlements%20Program%20-%20October%202025.pdf>.

<sup>3</sup> See 5 U.S.C. § 552a, <https://www.govinfo.gov/content/pkg/USCODE-2018-title5/pdf/USCODE-2018-title5-partI-chap5-subchapII-sec552a.pdf>; Administrative Procedure Act, 5 U.S.C. §§ 551–559, <https://pplt.defense.gov/Portals/140/Documents/Regulatory/apa.pdf>.

<sup>4</sup> See Press Release, Sen. Gary Peters, *Peters Presses DHS for Information on Expanded Use of SAVE Program for Voter Verification* (July 31, 2024), <https://www.hsgac.senate.gov/media/dems/peters-presses-dhs-for-information-on-expanded-use-of-save-program-for-voter-verification/>.

<sup>5</sup> See Press Release, Sen. Alex Padilla, *Padilla, Peters, Merkley Sound Alarm on Potential Purging of Eligible Voters Through DHS Database* (Aug. 1, 2024), <https://www.padilla.senate.gov/newsroom/press-releases/padilla-peters-merkley-sound-alarm-on-potential-purging-of-eligible-voters-through-dhs-database>.

<sup>6</sup> See U.S. Citizenship & Immigration Servs., *Voter Registration and Voter List Maintenance Fact Sheet*, <https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet> (explaining that SAVE is not a source database; relies solely on data available in DHS and SSA systems; cannot verify many citizens whose records are missing or incomplete; and may return noncitizen responses when underlying data are outdated or inconsistent).

<sup>7</sup> See Brennan Ctr. for Justice, *The Impact of Voter Suppression on Communities of Color*, <https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color>; CNN, *A Timeline of Black Voting Rights and Suppression in the U.S.*, <https://www.cnn.com/interactive/2021/05/politics/black-voting-rights-suppression-timeline/>.

<sup>8</sup> See Letter from 22 State Election Officials to Sec'y Kristi Noem, U.S. Dep't of Homeland Sec. (Feb. 27, 2025), <https://s3.documentcloud.org/documents/25548794/902a7005-1927-42fd-acbe-1a7e3a276420-finaljtsossaveletter.pdf> (detailing current challenges states face using SAVE, including data accuracy problems, limited identifiers, lack of batch processing, user fees, and unclear federal guidance).

## 1. SAVE Uses Incomplete and Unreliable Data Sources

DHS has publicly stated that SAVE did not verify the citizenship of U.S. born individuals and does not contain comprehensive records of naturalized citizens.<sup>9</sup> DHS has also repeatedly acknowledged that SAVE should not be the sole basis for concluding that a person is not a citizen or is ineligible to vote.<sup>10</sup> So, when states have used SAVE to check the citizenship of individuals, those records have reflected the same flaws DHS had previously recognized.<sup>11</sup>

The current proposal fundamentally alters the nature of the program. By including hundreds of millions of records from the Social Security Administration and adding passport data and visa histories while simultaneously seeking access to state driver license databases, these changes have effectively transformed SAVE from an administrative benefits tool into a national identity verification system without congressional authorization or adequate public process.<sup>12</sup>

These Social Security Administration records that were never designed to function as a comprehensive citizenship database.<sup>13</sup> The SSA did not consistently collect citizenship

<sup>9</sup> See U.S. Citizenship & Immigration Servs., *SAVE Verification Process*, <https://www.uscis.gov/save/about-save/save-verification-process> (explaining that SAVE cannot verify citizenship using driver's license numbers, passports, or name-only searches and does not contain full records of all U.S.-born or naturalized citizens); 11Alive, *Naturalized U.S. Citizen Says Georgia Was Unable to Verify Her Immigration Status the Day She Applied for a Georgia Driver's License*, <https://www.11alive.com/article/news/local/naturalized-us-citizen-says-georgia-was-unable-to-verify-her-immigration-status-the-day-she-applied-for-a-georgia-drivers-license/85-80614904-224d-41fd-9e91-e8dd1cac27db> (reporting DHS's failure to verify a naturalized citizen due to incomplete records).

<sup>10</sup> See U.S. Gov't Accountability Off., *Immigration Status Verification for Benefits: Actions Needed to Improve Effectiveness and Oversight*, GAO-17-204 (Mar. 2017), <https://www.gao.gov/assets/gao-17-204.pdf> (noting DHS's repeated guidance that SAVE responses cannot be the sole basis for adverse determinations and that agencies must complete additional verification steps before concluding an individual is not a citizen or is ineligible for a benefit).

<sup>11</sup> See Louisiana Sec'y of State, Facebook Post (July 2024), <https://www.facebook.com/Louisianasos/posts/1271219118366334/>; Ga. Sec'y of State, *Citizenship Audit Finds 1,634 Noncitizens Attempted to Register to Vote*, <https://sos.ga.gov/news/citizenship-audit-finds-1634-noncitizens-attempted-register-vote>; Jen Fifield, *Details of DHS Agreement Reveal Risks of Trump Administration's Use of Social Security Data for Voter Citizenship Checks*, ProPublica (Oct. 30, 2025), <https://www.propublica.org/article/dhs-social-security-data-voter-citizenship-trump> (noting that state audits and investigative reporting have identified repeated mismatches caused by incomplete SSA citizenship records, outdated DHS immigration codes, and errors in SAVE cross-matching).

<sup>12</sup> See U.S. Dep't of Homeland Sec., *Privacy Impact Assessment: Systematic Alien Verification for Entitlements (SAVE) Program*, DHS/USCIS/PIA-006(d) (Oct. 2025), <https://www.dhs.gov/sites/default/files/2025-10/Systematic%20Alien%20Verification%20for%20Entitlements%20Program%20-%20October%202025.pdf> (describing SAVE's expanded use of Social Security numbers, passport data, visa and consular records, driver's license data, bulk uploads, and cross-agency data sharing for voter verification and other purposes).

<sup>13</sup> See U.S. Citizenship & Immigration Servs., *Voter Registration and Voter List Maintenance Fact Sheet*, <https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet> (explaining that SAVE is not a source database and relies heavily on SSA's Enumeration System for citizenship indicators, which often lack complete or updated information on naturalized and acquired citizens).

information until 1978, meaning that records for older Americans, particularly those born in segregated hospitals or in communities where birth documentation was inconsistent, may be incomplete or inaccurate.<sup>14</sup> Naturalized citizens who did not take the affirmative step to update their Social Security records after naturalization may still be listed as noncitizens, even if they have been U.S. citizens for decades.<sup>15</sup>

DHS’s own immigration databases are also known to contain errors.<sup>16</sup> These databases were also never intended to serve as a definitive source of citizenship information.<sup>17</sup> They include outdated entries, inconsistent formats, misspelled names, and identity mismatches.<sup>18</sup> DHS has also acknowledged these limitations in its own materials and has historically required manual review when an individual cannot be verified through an automated SAVE query.<sup>19</sup>

Despite this known unreliability, state election officials have treated initial SAVE nonconfirmations as triggers for citizenship challenges, voter purges, or referrals to law

<sup>14</sup> See Soc. Sec. Admin., *Report to Congress on Options for Enhancing the Social Security Card* app. B: Chronology of Social Security Number/Card Events, <https://www.ssa.gov/history/reports/ssnreportap.html> (noting that SSA did not begin requiring evidence of age, citizenship, and identity from all SSN applicants until 1978).

<sup>15</sup> See Soc. Sec. Admin., *Your Social Security Number and Card*, <https://www.ssa.gov/pubs/EN-05-10002.pdf> (explaining that individuals whose immigration status or citizenship changes must affirmatively notify SSA and provide proof of citizenship in order for SSA to update their records).

<sup>16</sup> See U.S. Dep’t of Homeland Sec., Office of Inspector General, *Summary Report: Persistent Data Issues Hinder DHS Mission, Programs, and Operations* (May 24, 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-05/OIG-21-37-May21.pdf> (identifying widespread data accuracy, completeness, availability, and integrity problems across DHS systems, including immigration databases, and attributing these persistent errors to systemic deficiencies in system design, oversight, and internal controls).

<sup>17</sup> See U.S. Gov’t Accountability Off., GAO-17-204, *Immigration Status Verification for Benefits* (Mar. 2017), <https://www.gao.gov/assets/gao-17-204.pdf> (explaining that SAVE is not a database of citizenship records, but a *verification service* that pulls information from multiple DHS and DOJ systems, that it was created under IRCA solely to verify immigration, naturalized, or derived citizenship status for benefit eligibility—not to determine citizenship itself—and that SAVE “does not verify the citizenship status of native born U.S. citizens” and was not designed to be used outside the benefits-eligibility context).

<sup>18</sup> See U.S. Gov’t Accountability Off., GAO-17-204, *Immigration Status Verification for Benefits* (Mar. 2017) (describing data quality issues in SAVE, the need for applicants to correct underlying DHS records, and the prevalence of incomplete, inaccurate, or outdated status information that must be resolved through additional verification and record-correction processes); see also U.S. Dep’t of Homeland Sec., Science & Tech. Directorate, *Biometric Identity Disambiguation* (explaining that common names and birthdays, data input errors, misspelled names, nicknames, and transposed numbers in birthdates can cause identity confusion and delays in verification), <https://www.dhs.gov/science-and-technology/publication/biometric-identity-disambiguation>.

<sup>19</sup> See U.S. Citizenship & Immigr. Servs., *SAVE User Reference Guide*, § 9.2 Additional Verification (detailing that SAVE instructs users to “institute additional verification” when automated queries cannot confirm status; explaining that manual review is required when an immigration enumerator is needed; and directing agencies not to rely on an initial automated response when additional verification is required), <https://www.uscis.gov/save/current-user-agencies/guidance/save-user-reference-guide/9-case-response/92-additional-verification>.



enforcement.<sup>20</sup> Recent events demonstrate the harmful consequences of this approach. When Texas ran its full voter file through SAVE, 2,724 individuals were flagged as potential noncitizens, representing approximately 0.015 percent of the electorate.<sup>21</sup> And, in Travis County alone, officials reported that approximately one quarter of those flagged voters had already provided valid proof of citizenship at the time of registration.<sup>22</sup> This suggests that the underlying data used by SAVE is generating false positives at a rate that cannot be ignored, particularly when extrapolated to a national scale.

Expanding SAVE while ignoring its known limitations risks imposing significant harms on eligible voters and undermining confidence in the electoral process.

## **2. The Risk of Wrongful Voter Purges and Disenfranchisement**

Using SAVE for voter eligibility verification introduces significant risk to voters, especially Black voters, naturalized citizens, and individuals whose documentation may not align perfectly across databases. Historically, voter purges and efforts to deny people access to the ballot have disproportionately targeted Black communities.<sup>23</sup> Practices such as literacy tests, stringent residency requirements, and discriminatory registration rules were all rationalized as efforts to maintain “integrity” but functioned as tools of exclusion.<sup>24</sup>

The expanded use of SAVE continues this structural pattern historically rooted in Jim Crow-era disenfranchisement, reflecting many of the same mechanisms, impacts, and populations affected.<sup>25</sup> The system allows states to upload entire voter rolls for bulk checks, even though federal SAVE guidance expressly prohibits agencies from treating initial automated responses as dispositive and requires additional verification before taking adverse action.<sup>26</sup> Many states have

---

<sup>20</sup> See Letter from 22 State Election Officials to Sec’y Kristi Noem, U.S. Dep’t of Homeland Sec. (Feb. 27, 2025), <https://s3.documentcloud.org/documents/25548794/902a7005-1927-42fd-acbe-1a7e3a276420-finaljtsossaveletter.pdf> (detailing current challenges states face using SAVE, including data accuracy problems, limited identifiers, lack of batch processing, user fees, and unclear federal guidance).

<sup>21</sup> Texas Secretary of State, *Potential Non-Citizens on the Statewide Voter Registration List* (Jan. 30, 2025), <https://www.sos.state.tx.us/about/newsreleases/2025/potential-non-citizens.pdf>; see also Taylor Goldenstein, *Texas flags 2,724 potential noncitizens on voter rolls. Here’s what that means.*, *Houston Chronicle* (Jan. 30, 2025), <https://www.chron.com/politics/article/texas-voter-rolls-noncitizens-21114249.php>; Texas Secretary of State, *Historical Turnout Data 1970–1992*, <https://www.sos.state.tx.us/elections/historical/70-92.shtml>.

<sup>22</sup> Eleanor Klibanoff, *Texas county election officials scramble to investigate thousands of potential noncitizens flagged by state*, *Texas Tribune* (Oct. 31, 2025), <https://www.texastribune.org/2025/10/31/texas-county-election-officials-investigate-potential-noncitizens/>.

<sup>23</sup> Kyle K. Moore, *Rooted in racism: An empirical analysis of voter suppression laws, 2008–2020*, Economic Policy Institute (Oct. 31, 2024), <https://www.epi.org/publication/rooted-racism-voter-suppression/>.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> U.S. Citizenship & Immigr. Servs., Dep’t of Homeland Sec., *SAVE User Reference Guide: 9.2 Additional*

already initiated purge processes based on the initial SAVE results without sufficient safeguards, oversight, or individualized review.<sup>27</sup>

Furthermore, a substantial portion of the individuals most likely to be misidentified by SAVE belong to communities that already face barriers to voting, including Black people in the South, naturalized citizens, and individuals residing in historically under-documented communities.<sup>28</sup> When these data gaps intersect with automated citizenship checks, eligible voters face a heightened risk of cancellation, investigation, or removal.

The consequences of an erroneous purge can be severe. Voters who are wrongfully removed may arrive at the polls only to find their names missing. They may be challenged by partisan observers or local officials. They may be forced to cast provisional ballots that are later rejected due to administrative delays or miscommunication. These outcomes undermine equal access to the ballot and can suppress turnout, particularly in communities with long histories of voter intimidation and discrimination.

### 3. **The Threat to Privacy and Data Security**

The Privacy Act of 1974 was enacted to prevent the federal government from building centralized hubs of personal information about its citizens.<sup>29</sup> The addition of Social Security data, passport files, visa records, and potentially driver license databases to SAVE threatens to create precisely the type of consolidated federal identity system that Congress sought to avoid.<sup>30</sup> The risks to privacy, data security, and civil liberties are significant.

Verification (2025), <https://www.uscis.gov/save/current-user-agencies/guidance/save-user-reference-guide/9-case-response/92-additional-verification>.

<sup>27</sup> See Letter from 22 State Election Officials to Sec’y Kristi Noem, U.S. Dep’t of Homeland Sec. (Feb. 27, 2025), <https://s3.documentcloud.org/documents/25548794/902a7005-1927-42fd-acbe-1a7e3a276420-finaljtsossaveletter.pdf> (detailing current challenges states face using SAVE, including data accuracy problems, limited identifiers, lack of batch processing, user fees, and unclear federal guidance).

<sup>28</sup> See U.S. Gov’t Accountability Off., GAO-17-204, *Voter Registration: Issues Identified in Verifying the Eligibility of Voters* (2016), <https://www.gao.gov/assets/gao-17-204.pdf>; Brennan Ctr. for Justice, *The Impact of Voter Suppression on Communities of Color* (2021), <https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color>; Brennan Ctr. for Justice, *Homeland Security’s SAVE Program Exacerbates Risks for Voters* (2025), <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>.

<sup>29</sup> See U.S. Dep’t of Justice, Office of Privacy & Civil Liberties, Overview of the Privacy Act of 1974, Introduction (2020 ed.), <https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition/introduction> (explaining that Congress enacted the Privacy Act in response to Watergate-era abuses and to prevent the federal government from creating centralized dossiers of personal information).

<sup>30</sup> See U.S. Dep’t of Homeland Sec., Office of Inspector Gen., *Summary Report: Persistent Data Issues Hinder DHS Mission, Programs, and Operations*, OIG-21-37 (May 24 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-05/OIG-21-37-May21.pdf>; U.S. Citizenship & Immigration Servs., Dep’t of Homeland Sec., *Privacy Impact Assessment: Systematic Alien Verification for Entitlements (SAVE) Program* (Oct. 2025), <https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf>.

Americans interact with the Social Security Administration to apply for retirement benefits, disability benefits, survivor benefits, and other related services.<sup>31</sup> Individuals do not expect the citizenship information they provide in those contexts to be repurposed for voter verification or shared with law enforcement agencies. Similarly, individuals who apply for passports or driver licenses do not consent to their data being used for immigration enforcement or screening unrelated to the original purpose of that collection.

The use of this sensitive data for voter verification raises procedural and constitutional concerns. The Privacy Act requires federal agencies to publish notice in the Federal Register when they establish or revise a system of records.<sup>32</sup> It also prohibits the unauthorized disclosure of personal information.<sup>33</sup> DHS's belated publication of a modified SAVE System of Records Notice, after expanding the program to draw on Social Security, passport, and driver's license records for voter verification and list maintenance, raises serious concerns about compliance with the Privacy Act's advance notice requirements for new or revised systems of records and new routine uses.<sup>34</sup>

Beyond those procedural concerns, the consolidation of this data increases the risk of hacking or unauthorized access.<sup>35</sup> Large federal databases containing all of this personal data present significant targets for malicious actors.<sup>36</sup> Breaches of such databases would expose millions of Americans to identity theft, surveillance, or other harmful consequences.<sup>37</sup> DHS has not adequately demonstrated that it can safeguard this data at the scale envisioned by the SAVE expansion.<sup>38</sup> Therefore, it should not move forward with this proposal.

#### **4. The Potential for Improper Investigations and Law Enforcement Misuse**

The SAVE expansion authorizes data sharing with Immigration and Customs Enforcement, Customs and Border Protection, the Department of Justice, and other components of DHS

<sup>31</sup> See Social Security Administration, *Retirement Benefits*, <https://www.ssa.gov/retirement>; Social Security Administration, *Disability Benefits*, <https://www.ssa.gov/disability>; Social Security Administration, *Survivors Benefits*, <https://www.ssa.gov/survivor>.

<sup>32</sup> Privacy Act of 1974, 5 U.S.C. § 552a(e)(4) (2018).

<sup>33</sup> Privacy Act of 1974, 5 U.S.C. § 552a(b) (2018).

<sup>34</sup> *Privacy Act of 1974; System of Records, Department of Homeland Security/U.S. Citizenship and Immigration Services—004 Systematic Alien Verification for Entitlements (SAVE) Program System of Records*, 90 Fed. Reg. 74,112 (Oct. 31, 2025), <https://www.federalregister.gov/documents/2025/10/31/2025-19735/privacy-act-of-1974-system-of-records>.

<sup>35</sup> See U.S. Dep't of Homeland Sec., Office of Inspector Gen., *Summary Report: Persistent Data Issues Hinder DHS Mission, Programs, and Operations*, OIG-21-37 (May 24, 2021), <https://www.oig.dhs.gov/sites/default/files/assets/2021-05/OIG-21-37-May21.pdf>.

<sup>36</sup> See U.S. Gov't Accountability Off., *Cybersecurity High-Risk Series: Challenges in Protecting Privacy and Sensitive Data*, GAO-23-106443 (Feb. 14, 2023), <https://www.gao.gov/products/gao-23-106443>.

<sup>37</sup> *Id.*

<sup>38</sup> GAO, *Immigration Status Verification for Benefits: Actions Needed to Improve Effectiveness and Oversight*, GAO-17-204 (Mar. 2017), <https://www.gao.gov/assets/gao-17-204.pdf>

engaged in law enforcement, intelligence, and national security functions.<sup>39</sup> This raises other serious concerns about the possibility of improper investigations of voters and election officials. In recent years, there have been threats of prosecution against election officials based on unfounded allegations of permitting noncitizens to vote.<sup>40</sup> The expanded SAVE system risks providing a veneer of legitimacy to these efforts by producing inaccurate noncitizenship flags that could be misinterpreted or weaponized. Election officials who decline to cancel registrations based on unreliable data may find themselves subject to scrutiny or pressure.<sup>41</sup>

The risk extends to voters themselves, particularly naturalized citizens. Individuals flagged by SAVE could be subjected to citizenship challenges, investigations, or, in the worst cases, immigration enforcement actions.<sup>42</sup> These harm far outweighs the flawed justifications to move forward.

## **5. The Disproportionate Impact on Black Voters**

The risks posed by SAVE are not distributed evenly across the population. Black Americans in particular face heightened vulnerability due to historical documentation disparities, socioeconomic barriers, and ongoing discriminatory practices in election administration.<sup>43</sup> Many older Black Americans lack complete or accurate birth records because they were born in segregated hospitals or in communities where births were not consistently documented.<sup>44</sup> These gaps can produce inconsistencies in Social Security records, which SAVE now treats as a basis for citizenship verification.<sup>45</sup> Moreover, Black voters are more likely to have names that are misspelled or inconsistently recorded across government systems, increasing the likelihood of

---

<sup>39</sup> U.S. Dep't of Homeland Sec., *Systematic Alien Verification for Entitlements (SAVE) Program* (Oct. 2025), <https://www.dhs.gov/sites/default/files/2025-10/Systematic%20Alien%20Verification%20for%20Entitlements%20Program%20-%20October%202025.pdf>.

<sup>40</sup> Brennan Center for Justice, *Election Officials Under Attack* (2022), <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>.

<sup>41</sup> See Michael Morse, Rachel Orey & Joann Bautista, *Modernizing Voter List Maintenance: An Evidence-Based Framework for Access and Integrity* (Bipartisan Policy Ctr. 2025) (describing political pressure on election officials, heightened scrutiny over list-maintenance decisions, and risks to officials who do not act on questionable data signals), <https://bipartisanpolicy.org/report/modernizing-voter-list-maintenance-an-evidence-based-framework-for-access-and-integrity/>.

<sup>42</sup> See Brennan Center for Justice, *Homeland Security's SAVE Program Exacerbates Risks for Voters* (2024), <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>.

<sup>43</sup> See Brennan Center for Justice, *The Impact of Voter Suppression on Communities of Color* (2024), <https://www.brennancenter.org/our-work/research-reports/impact-voter-suppression-communities-color>

<sup>44</sup> *Texas v. Holder*, 888 F. Supp. 2d 113 (D.D.C. 2012).

<sup>45</sup> See U.S. Gov't Accountability Office, GAO-17-204, *Social Security Administration: Additional Actions Needed to Address Long-Standing Data Challenges* (2017) (finding that SSA citizenship fields are frequently incomplete or outdated, especially for individuals who received SSNs before 1978 or whose naturalization was never recorded).



false nonmatches.<sup>46</sup>

Black naturalized citizens also face disproportionate risk that SAVE may incorrectly classify them as noncitizens, a result currently happening.<sup>47</sup> From the mid twentieth century onward, Black communities have been targets of flawed purge programs based on criminal records, residency checks, and name similarity algorithms.<sup>48</sup> SAVE risks becoming a contemporary mechanism for similar exclusion, particularly because its data flaws disproportionately affect Black communities.

These patterns raise concerns under the Voting Rights Act and the Equal Protection Clause. Any federal system that produces racially disparate disenfranchisement effects must be scrutinized with the highest level of care.

## **6. Failure to Provide Adequate Public Notice and Opportunity for Comment**

DHS is now seeking public input after the SAVE changes have already been implemented and used by multiple states.<sup>49</sup> This sequence is inconsistent with the Administrative Procedure Act's requirement for public participation prior to the adoption of new rules or major modifications to existing systems.<sup>50</sup> Meaningful notice must occur before implementation, not after the fact.

The class action lawsuit filed by the League of Women Voters, the Electronic Privacy Information Center, and others underscores the significance of this procedural failure.<sup>51</sup> Public comment is not optional when federal agencies alter systems of records in ways that affect millions of people. DHS cannot cure procedural deficiencies through retroactive notice while continuing to operate the system in its expanded form.

## **7. Conclusion**

The SAVE expansion introduces serious risks to voter rights, privacy, due process, and civil liberties. The system relies on incomplete and inaccurate data sources. It encourages states to take actions that may wrongfully cancel the registrations of eligible voters and places Black voters and naturalized citizens at particular risk of disenfranchisement. This system undermines

<sup>46</sup> See, e.g., Findings of Fact and Conclusions of Law, *La Union del Pueblo Entero v. Abbott*, No. 5:21-cv-00844-XR (W.D. Tex. Mar. 14, 2025), ECF No. 1206. ¶132, ¶137

<sup>47</sup> See Mitch Smith & Luke Broadwater, *Indiana Naturalized Citizens File Suit Over State's New Voter-Eligibility Rule*, Chicago Tribune, Oct. 22, 2025, <https://www.chicagotribune.com/2025/10/22/lawsuit-new-indiana-election-rules-put-unfair-burden-on-naturalized-citizens/>.

<sup>48</sup> See CNN, *A Timeline of Black Voting Rights and Suppression in the U.S.* (May 2021), <https://www.cnn.com/interactive/2021/05/politics/black-voting-rights-suppression-timeline/>.

<sup>49</sup> See Hansi Lo Wang, *States Use Trump Administration Data System To Root Out Noncitizen Voters*, NPR (Sept. 15, 2025), <https://www.npr.org/2025/09/15/nx-s1-5542056/states-use-trump-administration-data-system-to-root-out-noncitizen-voters>.

<sup>50</sup> 5 U.S.C. § 553(b)–(c).

<sup>51</sup> *League of Women Voters v. Dep't of Homeland Sec.*, Case Summary, League of Women Voters (Oct. 8, 2025), <https://www.lwv.org/legal-center/league-women-voters-v-department-homeland-security>.

the privacy protections that Congress established to prevent the creation of centralized government dossiers, and it occurred without adequate public notice and raises substantial concerns under federal law.

DHS should not move forward with the proposed rule or continued expansion of SAVE. Instead, the department should suspend the expanded functionalities, conduct a comprehensive privacy and data integrity review, and fully comply with all notice and procedural requirements. Any future changes should be developed through a transparent, deliberative process that prioritizes data accuracy, civil rights protections, and the fundamental right to vote.

Very truly yours,

Brenda Wright  
**NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.**  
40 Rector Street, 5th Floor  
New York, NY 10006  
bwright@naacpldf.org

Louis A. Bedford, IV  
**NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.**  
700 14<sup>th</sup> Street, NW  
6<sup>th</sup> Floor  
Washington, DC 20005  
Lbedford@naacpldf.org