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Submitted via [www.regulations.gov](http://www.regulations.gov)

Mr. Roman Jankowski  
Chief Privacy Officer  
Privacy Office  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528-0655

**Re: Comments on Proposal to Modify and Reissue DHS/USCIS-004 Alien Verification for Entitlements Program System of Records, Dkt. No. USCIS-2025-0337**

Dear Mr. Jankowski,

The National Women's Law Center (NWLC) submits these comments in response to the Department of Homeland Security's (DHS) proposed modifications to the Systematic Alien Verification for Entitlements (SAVE) system to verify U.S. citizenship for voter registration purposes.<sup>1</sup> We write in strong opposition to the proposed changes, which would result in eligible voters being purged from the voting rolls across the country and compromise the privacy of millions of Americans.

For over fifty years, NWLC has fought for gender justice — in the courts, in public policy, and in our society — working across issues that are central to the lives of women and girls, with a particular focus on the needs of LGBTQ+ people, women of color, and women with low incomes and their families. NWLC's work is dependent upon a fair and functioning democracy and the ability of women to freely exercise their right to vote. Further, voter suppression efforts are often part of a broader agenda to attack women's fundamental rights, including abortion access, workplace protections, and social programs. We are strongly opposed to any measures that would restrict voting rights and equal access to the democratic process.

On October 30, 2025, the DHS issued a proposed modification to a System of Records Notice ("the updated SORN"). Under the Privacy Act of 1974, DHS is required to describe how they collect, maintain, and use individual's information.<sup>2</sup> The modifications would overhaul the

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<sup>1</sup> Privacy Act of 1974, System of Records, 90 Fed. Reg. 48948 (Oct. 30, 2025), Dkt. No. USCIS-2025-0337, <https://www.federalregister.gov/documents/2025/10/31/2025-19735/privacy-act-of-1974-system-of-records>.

<sup>2</sup> See *id.* Section II.

system, expanding its purpose to include voter verification, adding U.S.-born citizens to the system, increasing the amount and type of information collected, and allowing unprecedented access by state and local election officials.<sup>3</sup> The updated SORN would result in thousands of voters, primarily women, LGBTQI+ people, and naturalized citizens, being incorrectly purged from the voter rolls. The changes go far beyond the original purpose of the database, apply to uses for which the database is not well-suited, and extend into areas beyond the scope of DHS's authority, all to fix the imaginary problem of noncitizen voting. While there are some states that use the system for verifying citizenship,<sup>4</sup> the system cannot provide definitive determination even with the proposed updates. Additionally, the recent changes to the scope of the system from DHS, the lack of clarity as to the security measures, the highly sensitive information in the database, and the issues already plaguing the current system give rise to serious data privacy and security concerns.

This comment will first address the drawbacks with the system and the potential security issues that the updated SORN raises. Next, it will outline the negative impact that the changes will have on women, LGBTQ+ people, and people of color. Finally, it will explain why these changes are unnecessary and seek to fix a problem that does not exist.

**I. The use of the SAVE system to validate citizenship for voter registration purposes is far broader than its original purpose, and this highly flawed system is unsuited to such usage.**

The SAVE system was originally created to help states verify the immigration status of people applying for public benefits. The system is not actually used to determine whether or not a person will be able to receive those benefits, only to check their immigration status.<sup>5</sup> SAVE provides a method for state agencies to check several different DHS immigration databases rather than storing this information in one database.<sup>6</sup> Agencies generally use the system to verify information provided by a person to *that agency* for the purpose of determining whether applicant is eligible for the relevant. Conversely, using SAVE for voter registration requires election officials to run their entire voter roll – millions of records -- against information in databases that were created at different times for different purposes, so the information is not always complete and likely to result in numerous mismatches.<sup>7</sup> Further, SAVE is plagued by inaccuracies and outdated information, which makes its use for citizenship verification questionable.

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<sup>3</sup> *Id.* at Section I.

<sup>4</sup> Jasleen Singh & Spencer Reynolds, *Homeland Security's "SAVE" Program Exacerbates Risks to Voters*, The Brennan Center for Justice (Jul. 21, 2025), <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>.

<sup>5</sup> SAVE, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/save>.

<sup>6</sup> *Using the Systematic Alien Verification for Entitlements (SAVE) Program for Voter Eligibility Verification*, American Immigration Council (Aug. 2, 2012), <https://www.americanimmigrationcouncil.org/fact-sheet/using-systematic-alien-verification-entitlements-save-program-voter-eligibility/>.

<sup>7</sup> *Id.*

The Brennan Center for Justice has done research into the historical unreliability of the SAVE system and the different datasets from which it draws.<sup>8</sup> For example, data is pulled from the FBI's terrorism watchlist, which contains unreliable information that is biased against certain racial and ethnic groups (an estimated 98% of the names on the watchlist are Muslim-origin).<sup>9</sup> Other datasets are outdated or infrequently updated and rely on issue-specific or limited sources. Further, the updated SORN would allow the system to access Social Security Administration (SSA) data.<sup>10</sup> This, however, will do little to make the database any more accurate. The SSA's information is infrequently updated and does not always reflect when a person becomes a naturalized citizen. In fact, in the agency's own words, the data they maintain is only a "snapshot" of a person's citizenship at the time that they interact with the SSA.<sup>11</sup> Further, updating the SAVE database to fix inaccuracies can be difficult and expensive for individuals because it requires the individual to determine which agency maintains their records.<sup>12</sup> This can require a Freedom of Information Act (FOIA) request, which can take months to get a response.

While some states do have agreements with DHS to access the database for citizenship verification, those agreements require checking names one-by-one and requesting additional verification if flagged. The updated SORN would remove those checks and verification procedures,<sup>13</sup> add citizens born in the U.S. to the system, and massively increase the amount of data it contains. Additionally, the updated SORN allows states to upload their voter rolls en masse to the database and check all of them at once against the available data.<sup>14</sup> The original system, which was put in place for only for review of benefits, requires human verification. With these updates, any individualized checks are removed, with millions of names plugged in at once and automatically flagged by the system. Given the inaccuracies in the system, this paves the way to voters being incorrectly flagged as noncitizens. Further, given that states can use partial Social Security numbers for these checks (which is all that most states collect for voter

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<sup>8</sup> See Singh & Reynolds (2025).

<sup>9</sup> *CAIR Issues Report on Secret Government Watchlist, Calls on President Biden to Take Action*, Council on American-Islamic Relations (Jun. 12, 2023), [https://www.cair.com/press\\_releases/cair-issues-report-on-secret-government-watchlist-calls-on-president-biden-to-take-action/](https://www.cair.com/press_releases/cair-issues-report-on-secret-government-watchlist-calls-on-president-biden-to-take-action/).

<sup>10</sup> *Letter Agreement Providing for Information Sharing Between the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) and the Social Security Administration (SSA) Regarding Citizenship*, Social Security Administration (May 15, 2025), [https://www.ssa.gov/foia/resources/proactivedisclosure/2025/May%2015,%202025%20SSA-DHS-USCIS%20Agreement\\_Redacted.pdf/](https://www.ssa.gov/foia/resources/proactivedisclosure/2025/May%2015,%202025%20SSA-DHS-USCIS%20Agreement_Redacted.pdf/).

<sup>11</sup> *Re: Application for Records and Testimony of a Social Security Administration (SSA) Employee in a Federal Civil Case*, *Mi Familia Vota, et al., v. Adrian Fontes, in his official capacity as Arizona Secretary of State, et al., 22-cv-509 et al. (consolidated) (D. AZ)*, Social Security Office of the General Counsel, <https://perma.cc/KS2N-U2US>.

<sup>12</sup> See USCIS, *SAVE Records: Fast Facts for Benefits Applicants* (last updated July 2025), <https://www.uscis.gov/sites/default/files/document/fact-sheets/SAVERecordsFastFactsforBenefitApplicants.pdf>.

<sup>13</sup> 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>.

<sup>14</sup> Yuni Rivas & Jim Saska, *In Late, Obscure Notice, DHS Turbocharges Trump's Voter Purge Database, Evading Privacy Protections*, Democracy Docket (Oct. 31, 2025), <https://www.democracymarket.com/news-alerts/in-late-obscure-notice-dhs-turbocharges-trumps-voter-purge-database-evading-privacy-protections/>.

registration purposes), there is even greater likelihood of errors, mismatches, and inconsistencies.<sup>15</sup>

The updated SORN not only expands the scope of the system and types of data that it can access, but also *who* has access to this data. State and local election officials will have full access to sensitive information about millions of American citizens. The agreement between DHS and the SSA fails to provide information about how that data can be used or appropriate safeguards in place for protecting the data.<sup>16</sup> State officials have expressed concern about the safety and legality of the SAVE system, and some have refused to participate until DHS can guarantee that there are protections in place for voter data.<sup>17</sup>

## **II. Using the SAVE system to verify citizenship will result in eligible voters being incorrectly purged from the rolls, disproportionately impacting woman and LGBTQ+ people, and place the data security of millions of Americans at risk.**

By inappropriately using the SAVE system for voting registration purposes, DHS will disproportionately harm women, LGBTQ+ people, people of color, and naturalized citizens. According to USCIS guidance, once an individual is flagged as a potential noncitizen, election officials are required to reach out to them and ask them to correct the federal record or request additional verification of their citizenship.<sup>18</sup> This puts the onus on the voter to be able to provide documentary proof of their citizenship or risk being purged from the voter rolls. This approach raised numerous red flags, and it fails to provide adequate safeguards for voters. For example, DHS has no checks in place to ensure that state officials are actually reaching out to voters in a timely and appropriate way. Wyoming, one state that has run their information through the updated system, only provided 20 days to respond — with seemingly no safeguard for individuals who cannot get the information in time or are no longer at the address on file.<sup>19</sup> Further, proactively requiring registered voters to provide proof of citizenship in order to stay on the rolls will have a disproportionate impact on women, LGBTQ+ people, and people of color, who are less likely to be able to access the required documents.

The additional proof of citizenship required is determined by the states, but can include a birth certificate, U.S. passport, or a Certificate of Naturalization,<sup>20</sup> documents that can be difficult, time-consuming, or expensive to obtain. Only about half of U.S. citizens have a passport, with low-income Americans and those without a higher education being much less likely to have

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<sup>15</sup> Fifield (2025).

<sup>16</sup> *Id.*

<sup>17</sup> Jude Joffe-Block & Miles Parks, *33 million voters have been run through a Trump administration citizenship check*, NPR (Sept. 11, 2025), <https://www.npr.org/2025/09/10/nx-s1-5477367/save-election-citizenship-data-trump>.

<sup>18</sup> See USCIS, *Voter Registration and Voter List Maintenance Fact Sheet*, “What You Should Know,” (last updated Aug. 27, 2025), <https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet>.

<sup>19</sup> See *SAVE System Notice to Counties*, Wyoming Secretary of State, [https://sos.wyo.gov/Media/2025/2025-10-16\\_Notify\\_SAVE\\_System\\_to\\_Counties.pdf](https://sos.wyo.gov/Media/2025/2025-10-16_Notify_SAVE_System_to_Counties.pdf).

<sup>20</sup> See, e.g., *Notice to Registered Voter for Proof of Citizenship (USCIS Verification)*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/forms/pol-sub/21-50f.pdf>.

one.<sup>21</sup> About one in ten eligible voters, or around 20 million citizens, do not have proof of citizenship readily available.<sup>22</sup> Further, women and trans people are far more likely to have legal names that do not match their birth certificate. About 69 million married women and four million married men changed their names after marriage and will not be able to verify their citizenship with a birth certificate alone.<sup>23</sup> Trans people face a similar issue — one survey found that only 18% of trans adults who changed their names had successfully updated their birth certificate.<sup>24</sup> Further, the clerical and data entry errors that resulted in some individuals being flagged in the first place are more likely to impact people of color. Many naturalized immigrants and people of color have last names that do not match up exactly with their official documentation due to differing naming conventions in various cultures.<sup>25</sup>

States that have attempted to implement documentary proof of citizenship requirements to register to vote are already encountering numerous difficulties, which this push to make states verify citizenship using the SAVE database will only exacerbate. For example, in Kansas, a report found that voters were being asked to pay a fee or wait months to access their birth certificate.<sup>26</sup> Similarly, in Louisiana, a mailed request for a birth certificate could take up to ten weeks to process (with only one office in the state handling in-person requests).<sup>27</sup> When states provide voters with only 20 to 30 days to submit documentary proof of citizenship, eligible voters who do not already have these documents readily available will simply be stripped of the ability to vote.

The SAVE system's inherent security flaws also pose heightened risks to women and LGBTQ+ people.<sup>28</sup> Compiling the Social Security information of millions of Americans in a system that any state election official and benefit manager has access to creates obvious security concerns, both in terms of the sensitivity of the data and the unprecedented access. For example, data available through the SAVE database may include not just name, image, and social security

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<sup>21</sup> Greta Bedekovics & Sydney Bryant, *The SAVE Act Would Disenfranchise Millions of Citizens*, Center for American Progress (Feb. 3, 2025), <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>.

<sup>22</sup> Rothschild et. al., *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge*, Center for Democracy and Civic Engagement at 6 (June 2024), <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%20survey%20Key%20Results%20June%202024.pdf>.

<sup>23</sup> See Bedekovics & Bryant (2025).

<sup>24</sup> Caleb Smith & Greta Bedekovics, *The SAVE Act Could Keep Millions of Transgender Americans from Voting*, Center for American Progress (Feb. 28, 2025), <https://www.americanprogress.org/article/the-save-act-could-keep-millions-of-transgender-americans-from-voting/>.

<sup>25</sup> Ainsley Platt, *Jester says 240 potential noncitizens found on Arkansas voter rolls, 0.013% of all registered voters*, Arkansas Advocate (Oct. 30, 2025), <https://arkansasadvocate.com/2025/10/30/jester-says-240-potential-noncitizens-found-on-arkansas-voter-rolls-0-013-of-all-registered-voters/>.

<sup>26</sup> *Voting Rights and the Kansas Secure and Fair Elections Act*, Kansas Advisory Committee to the U.S. Commission on Civil Rights at 12 (Mar. 2017), [https://mediad.publicbroadcasting.net/p/kcur/files/201703/KS-Voting-Rights-Report.pdf?\\_ga=1.256888651.1704001681.1484164029](https://mediad.publicbroadcasting.net/p/kcur/files/201703/KS-Voting-Rights-Report.pdf?_ga=1.256888651.1704001681.1484164029).

<sup>27</sup> Complaint for Declaratory and Injunctive Relief, *National Council of Jewish Women, et al. v. Landry*, Case 3:25-cv-006760BAJ-EWD at 31 (M.D. La. Aug. 1, 2025), <https://www.democracymocket.com/wp-content/uploads/2025/08/Complaint-08-01-2025.pdf>.

<sup>28</sup> Elinor McNamee, *Privacy, Power and Protection: Why Weakening Encryption Hurts Women and Gender Minorities*, New America, <https://www.newamerica.org/oti/blog/privacy-power-and-protection-why-weakening-encryption-hurts-women-and-gender-minorities/>.

number, but also family relationships and address history. Broadening access to such highly private information leaves them vulnerable to data leaks or breaches as well as targeted misuse. Leaks of personal information make woman and LGBTQ+ people more vulnerable to gender-based abuse, stalking, and, in the age of AI, explicit deepfakes. Several groups have already brought a claim against DHS, alleging that the updated SORN constitutes a breach of the Privacy Act, which prevents the government's misuse of private information.<sup>29</sup>

**III. Noncitizen voting in the United States, which is extremely rare and unable to significantly impact elections, does not justify this change to the SAVE system, which will certainly result in voter suppression and endanger data privacy.**

Like many other proposals to improve election security at the cost of voter access, this proposed updated SORN is justified by the threat of noncitizens voting in federal elections. However, this alleged threat is nearly entirely imaginary. A 2017 study from the Brennan Center found that voting among noncitizens occurs at a “vanishingly rare” rate — between 0.0003 and 0.0025 percent.<sup>30</sup> Immigrants are well aware of the risks of illegally voting; the penalty can include arrest, removal, and permanent loss of one's ability to become a citizen.<sup>31</sup> Noncitizens who register are more likely on the voter rolls due to misinformation or clerical errors than unlawful intent, as shown in a North Carolina audit after the 2016 election.<sup>32</sup> Even with its limited data, the SAVE system itself shows that noncitizen voting is rare.

Already, over 30 million people have had their information run through the updated SAVE system,<sup>33</sup> and 26 states are in the process of establishing an agreement with DHS to share their information.<sup>34</sup> States that have run their information are already experiencing some of the errors outlined above. In Texas, for example, officials flagged 2,724 voters as potentially being incorrectly registered, several of whom have already confirmed they are actually citizens.<sup>35</sup> There are over 18 million registered voters in Texas — the flagged voters make up about 0.002% of the full voter roll that was run through the system. The majority of those noncitizens

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<sup>29</sup> *Class action lawsuit challenges Trump-Vance administration's unlawful "National Data Banks,"* Citizens for Responsibility and Ethics in Washington (Sept. 30, 2025), <https://www.citizensforethics.org/legal-action/lawsuits/class-action-lawsuit-challenges-trump-vance-administrations-unlawful-national-data-banks/>.

<sup>30</sup> See Justin Levitt, *The Truth About Voter Fraud*, Brennan Center for Justice (Nov. 9, 2017), [https://www.brennancenter.org/media/179/download/Report\\_Truth-About-Voter-Fraud.pdf?inline=1](https://www.brennancenter.org/media/179/download/Report_Truth-About-Voter-Fraud.pdf?inline=1).

<sup>31</sup> 8 U.S.C. §§ 1182(a)(10)(D)(i), 1227(a)(6)(A).

<sup>32</sup> See North Carolina State Board of Elections, *Post-Election Audit Report: General Election 2016* at 4-5 (Apr. 21, 2017), [https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report\\_2016%20General%20Election/Post-Election\\_Audit\\_Report.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf) (discussing the results of the state's audit as well as the investigation which followed the discovery of noncitizen voting).

<sup>33</sup> Joffe-Block & Parks (2025).

<sup>34</sup> *USCIS Enhances Voter Verification Systems*, U.S. Citizenship and Immigration Services (Nov. 3, 2025), <https://www.uscis.gov/newsroom/news-releases/uscis-enhances-voter-verification-systems>.

<sup>35</sup> Natalia Contreras, *Texas counties look into 'potential noncitizens' on voter rolls. Here's what they're finding*, Votebeat Texas (Oct. 31, 2025), <https://www.votebeat.org/texas/2025/10/31/county-election-officials-investigate-potential-noncitizens-flagged-save-database/>; As noted above, the Texas rule allow only 30 days to provide documentary proof of citizenship to confirm eligibility, This rigid, time-limited process makes it extremely challenging for eligible voters to confirm their citizenship. See *Notice to Registered Voter for Proof of Citizenship (USCIS Verification)*, Texas Secretary of State, <https://www.sos.state.tx.us/elections/forms/pol-sub/21-50f.pdf>.

that did register were registered as a result of data entry errors and had never actually voted.<sup>36</sup> In Arkansas, the Secretary of State acknowledged that some individuals had registered by accident or due to paperwork errors (the state flagged 240 potential noncitizens out of 1.8 million registered voters through the SAVE system).<sup>37</sup>

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The right to vote is fundamental and guaranteed in the U.S. Constitution. The proposed changes to the SAVE system open the door to eligible voters being incorrectly purged from the voter rolls, with few safeguards and little-to-no opportunity to remedy the error. Instead of protecting the security of the electoral system, the proposed update to SORN instead jeopardizes the security of millions of Americans' data, with the burden falling disproportionately on women, LGBTQ+ people, and people of color. We urge DHS not to needlessly change the scope and purpose of the SAVE system in order to prevent the erosion of our fundamental rights.

Should you have any questions, please contact me at [agill@nwlc.org](mailto:agill@nwlc.org). Thank you for your consideration.

Very truly yours,



Alison Gill  
Director of Nominations & Democracy  
National Women's Law Center

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<sup>36</sup> Contreras (2025).

<sup>37</sup> Platt (2025).