



March 31, 2025

RE: VOTE NO on H.R. 22, the Safeguard American Voter Eligibility (SAVE) Act

Dear Representative:

On behalf of the Southern Poverty Law Center (“SPLC”), we write to urge you to oppose H.R. 22, the Safeguard American Voter Eligibility Act (SAVE) Act. This legislation would disenfranchise millions of citizens, endanger nonpartisan election workers, and create an administrative disaster that would disrupt our electoral system nationwide. Far from safeguarding free and fair elections, this bill would undermine them.

The SPLC was founded in Alabama in 1971 to help make the promise of the Civil Rights Movement a reality for all, including ensuring every eligible U.S. citizen has the right and opportunity to vote. Through litigation, advocacy, and public education, we work to safeguard democratic institutions and values, including expanding ballot access and eliminating barriers to voting. Our work, particularly in the Deep South, has made us well attuned to spotting exclusionary voting laws, even when disguised as measures to protect election integrity. The SAVE Act is one such law.

Voting is the language of our democracy; it is how the American people make our voices heard and effect change in our communities. For half a century, the Voting Rights Act of 1965 helped to secure voting rights for all Americans, particularly for Black Americans and, subsequently, for other Americans of color. Over the past decade, however, the Supreme Court’s weakening of that landmark law has enabled a surge of state laws restricting voting access, disproportionately affecting Black Americans.¹ The SAVE Act would further limit the freedom to vote for all eligible voters, and would acutely hurt Black and Brown people, rural voters, elderly voters, and married women. The SAVE Act represents one of the most sweeping disenfranchisement efforts in decades, and, alarmingly, if passed would be the first federal roll back of voting rights since Reconstruction.

Proponents of the SAVE Act cite the threat of noncitizen voting, but evidence overwhelmingly shows this issue is virtually nonexistent. A study of the 2016 election in 42 jurisdictions in 12 states found only 30 instances of suspected noncitizen voting out of 23.5 million votes cast (0.0001%).² Audits in states like Texas, North Carolina, and Georgia similarly found negligible evidence of noncitizen voting.³ Existing federal law already bans noncitizen voting in federal elections and imposes severe penalties for violations.⁴

¹ Southern Poverty Law Center (2023), “A Decade-Long Erosion: Impact of Shelby Decision on the Political Participation and Representation of Black People and Other People of Color in the Deep South,” available at <https://www.splcenter.org/wp-content/uploads/files/report-impact-shelby-decision-10-years-later.pdf>.

² Brennan Center for Justice (2017), “Noncitizen Voting: The Missing Millions,” available at <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>.

³ Jude Joffe-Block (2024), “6 Facts About False Noncitizen Voting Claims and the Election,” *National Public Radio*, available at <https://www.npr.org/2024/10/12/nx-s1-5147789/voting-election-2024-nocitizen-fact-check-trump>.

⁴ See 18 USC § 1015, 18 USC § 611, 8 U.S. Code § 1182, and 8 U.S. Code § 1227.



As one federal judge aptly noted, such measures are "a solution in search of a problem.⁵ Yet, in "solving" a non-existent problem, the SAVE Act creates several significant new ones.

The SAVE Act Would Block Millions of Eligible Voters from the Voting

The SAVE Act requires Americans registering or re-registering (due to a move, name change, or party switch) to provide documentary proof of citizenship, i.e. a passport or birth certificate. More than 21 million U.S. citizens lack easy access to such documentation, and roughly half of adults lack a valid passport.⁶ Additionally, an estimated 69 million U.S. citizen women do not have a birth certificate that reflects their birth name due to marriage.⁷

In practice, this would mean a married woman without a passport and whose birth certificate does not match her legal name would be unable to register. Others would face similar barriers. For example, in Kansas, Steven Fish was unable to register because he lacked an original copy of his birth certificate and did not know where to obtain one, as the Air Force base in Illinois where he was born had closed in 1990.⁸

The SAVE Act would also create considerable hardship for Americans aged 65 and older, who are less likely to have the required documents, as well as for Black Americans and working-class citizens, the vast majority of whom lack a passport.⁹ These concerns aren't theoretical. When Kansas implemented a similar law, it blocked over 31,000 eligible voters—12% of applicants—from registering before being struck down in federal court.¹⁰ The SAVE Act would replicate this on a national scale, resulting in a far-reaching and regressive overhaul of voter registration and a dramatic rollback of voting as we know it.

The SAVE Act Puts Nonpartisan Election Officials in Legal Peril

The SAVE Act would force nonpartisan election officials to hastily establish a process for collecting proof of citizenship and then punish them with up to five years in prison for making an error in that process.¹¹ It also imposes that same penalty on employees of the executive branch who provide "material assistance" (a term left undefined in the bill) to a noncitizen attempting to register to vote.¹² What's more, the bill creates a private right of action to allow any individual to sue an election official for civil damages for

⁵ *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020)

⁶ Jillian Rothschild (2024), "Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge," *University of Maryland Center for Democracy and Civic Engagement*, available at <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20Jan%202024%20%281%29.pdf>.

⁷ Greta Bedekovics and Sydney Bryant (2025), "The SAVE Act Would Disenfranchise Millions of Citizens," *Center for American Progress*, available at <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>.

⁸ John Hanna (2024), "Kansas Once Required Voters to Prove Citizenship. That Didn't Work Out So Well," *Associated Press*, available at <https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f>.

⁹ Jamie Ballard (2023), "Adults Under 30 are More Likely Than Older Americans to Have a Current U.S. passport," *YouGov*, available at <https://today.yougov.com/travel/articles/46028-adults-under-30-more-likely-have-us-passport>.

¹⁰ "Kansas Once Required Voters to Prove Citizenship," *supra*, note 8.

¹¹ U.S. House of Representatives. (2025). *H.R. 22: SAVE Act*. 119th Congress. <https://www.congress.gov/bill/119th-congress/house-bill/22>. Section 2, subclause (j)(3)(C) amends Section 12(2) of the National Voter Registration Act to impose criminal penalties of up to five years for an official who registers an applicant to vote in a federal election without requiring documentary proof of U.S. citizenship. However, the bill does not specify a *mens rea* requirement.

¹² *Id.* Section 2, subclause (j)(3)(B) amends Section 12(2) of the National Voter Registration Act to impose criminal penalties of up to five years for "an officer or employee of the executive branch providing material assistance to a noncitizen in attempting to register to vote or vote in an election for Federal office."



allegedly failing to meet the SAVE Act's new proof requirement.¹³ This would undoubtedly prompt an avalanche of litigation targeting the very people who make our elections work. At a time when recruiting election officials has become more challenging than ever, exposing them to criminal and civil penalties is likely to cause staff shortages and worsen turnover.¹⁴

The SAVE Act Would Cause Administrative Chaos and Threaten Election Integrity Nationwide

Implementing the SAVE Act would create an administrative nightmare. The bill requires election officials—already underfunded and understaffed—to spend months notifying voters about the need for required documentation, collecting it, and updating voter records. It would also require each state to establish a process for individuals unable to provide proof of citizenship, including accepting undefined "other evidence" to demonstrate citizenship.¹⁵ Adding to these burdens, the SAVE Act would take effect immediately upon passage, providing states with no time to prepare.¹⁶ The bill also constitutes an unfunded mandate, offering no additional funding to help election officials implement all of its new and onerous requirements.

Further, in requiring voters show documentary proof of citizenship in person each time they register or update their registration, the SAVE Act would upend decades of voter registration modernization that has made our voting rolls more accurate and our elections more secure. The SAVE Act would effectively eliminate online voter registration, and it would make mail-in registration a more burdensome and less effective option; it would also likely limit automatic voter registration systems.¹⁷ The bill would also end third-party voter registration drives, which are used by communities across the political spectrum, and which have long been used to encourage and support civic engagement among communities of color.¹⁸

¹³ *Id.* Section 2, subclause (i) amends Section 11(b)(1) of the National Voter Registration Act of 1993—the private action clause—to add the additional action of “a violation of this Act, including the act of an election official who registers an applicant to vote in an election for Federal office without requiring documentary proof of United States citizenship.”

¹⁴ Brennan Center for Justice (2024), “Poll of Election Officials Finds Concerns About Safety, Political Interference,” available at <https://www.brennancenter.org/our-work/analysis-opinion/poll-election-officials-finds-concerns-about-safety-political>.

¹⁵ U.S. House of Representatives (2025). *H.R. 22: SAVE Act*. 119th Congress. <https://www.congress.gov/bill/119th-congress/house-bill/22>. Section 2, subclause (f)(3) amends Section 8 of the National Voter Registration Act to create a “process for those without documentary proof” but leaves open what that process and evidence might look like, adding to concerns about the potential for criminal and civil penalties described above.

¹⁶ *Id.* Section 8 requires that “This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act, and shall apply with respect to applications for voter registration which are submitted on or after such date.”

¹⁷ U.S. House of Representatives (2025). *H.R. 22: SAVE Act*. 119th Congress. <https://www.congress.gov/bill/119th-congress/house-bill/22>. Section 2, subclause (b) amends Section 4 of the National Voter Registration Act to state that, “Under any method of voter registration in a State, the State shall not accept and process an application to register to vote in an election for Federal office unless the applicant presents documentary proof of United States citizenship with the application,” rendering automatic and online voter registration systems effectively inoperable. Section 2, subclause (d)(4) amends the National Voter Registration Act to require voters registering to vote using the national mail voter registration form to provide documentary proof of citizenship in person to the office of the appropriate election official. As many voters—especially voters with disabilities, elderly voters, and rural voters, among others—use mail-in voting because they cannot present to register in person, this requirement would make registration by these and any other community that relies on mail-in voting extremely difficult.

¹⁸ Terin Patel-Wilson and DeMitris Causer (2024), “Keeping the Voter Drive Alive: Nonpartisan Voter Registration Work is a Cornerstone of Black Civil Rights Advocacy,” NAACP Legal Defense and Educational Fund, available at <https://www.naacpldf.org/nonpartisan-voter-registration-drives-black-civil-rights-advocacy/>. See also, Joshua A. Douglas (2023), “A History of Third-Party Voter Registration Drives,” Institute for Responsive Government, available at <https://responsivegov.org/research/a-history-of-third-party-voter-registration-drives/>.



Equally troubling, the bill requires the Department of Homeland Security and the Social Security Administration to respond to citizenship inquiries from state governments within 24 hours.¹⁹ With millions of registrations annually, this impractical mandate would strain federal agencies and likely result in widespread errors due to the tight turnaround. In total, these requirements would create mass chaos, confusion, and potentially upend the administration of elections nationwide.

Conclusion

The SAVE Act addresses no real problem, but its consequences would be disastrous. It would disenfranchise millions of eligible U.S. citizens, put nonpartisan election officials at risk, and disrupt election administration nationwide. The Republican Secretary of State in Kansas has already warned of the fiasco caused by similar measures in a state of just 3 million people, and there is no reason to believe it would fare any better on a national scale.²⁰

Instead of pursuing harmful measures, Congress should listen to nonpartisan election officials and bipartisan advocates who have pleaded for consistent and adequate funding for state and local election administration and security.²¹ It should also pass the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act to strengthen our voting laws and modernize election standards. Now is the time to eliminate barriers to voting, not create new ones. The SPLC stands ready to partner with you in this critical work. Please do not hesitate to contact our Senior Policy Advisor for Voting Rights, Laura Williamson, at laura.williamson@splcenter.org or 301.875.1631.

Respectfully,

A handwritten signature in black ink that reads "LaShawn G. Warren".

LaShawn Warren
Chief Policy Officer
Southern Poverty Law Center

A handwritten signature in black ink that reads "Sakira Cook".

Sakira Cook
Federal Policy Director
Southern Poverty Law Center

¹⁹ U.S. House of Representatives. (2025). *H.R. 22: SAVE Act*. 119th Congress. <https://www.congress.gov/bill/119th-congress/house-bill/22>. Section 2, subsection (f)(3) requires that "...any head of a Federal department or agency possessing information relevant to determining the eligibility of an individual to vote in elections for Federal office shall, not later than 24 hours after receipt of such request, provide the official with such information as may be necessary to enable the official to verify that an applicant for voter registration... is a citizen of the United States...".

²⁰ "Kansas Once Required Voters to Prove Citizenship," *supra*, note 8.

²¹ Election Officials Letter to Congress (2024), available at <https://issueone.org/wp-content/uploads/2024/06/Faces-Election-Funding-Letter-May-2024.pdf>; National Association of Counties Letter to Congress (2023), available at <https://naco.sharefile.com/share/view/s6f30648816904133acdd242d424cf90e>; Bipartisan National Council on Election Integrity Letter to Congress (2024), available at <https://issueone.org/wp-content/uploads/2024/06/NCEI-Election-Funding-Letter-May-2024.pdf>; Bipartisan Policy Center, Issue One, R Street Letter to Congress (2023), available at <https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2023/06/FSGG-Elections-Appropriation-2023-FINAL.pdf>.