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October 14, 2024

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

Re: Request for verification of voter registration information.

Dear Secretary Mayorkas:

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

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

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

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

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

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

shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency *for any purpose authorized by law*, by providing the requested verification or status information.⁵

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

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

³ 52 U.S.C. §21083(a)(5)(A).

⁴ *Id.* §21083(a)(1)–(4).

⁵ 8 U.S.C. §1373(c) (emphasis added).

⁶ *Id.* §1644.

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

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

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

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

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

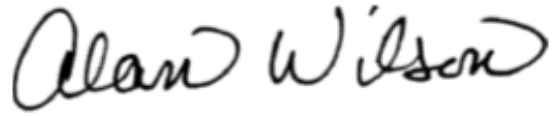
We urge you to faithfully execute your duty to verify voter registration information to the States immediately, given the imminence of the upcoming election. At a minimum, we ask that you provide us with your plan to provide an adequate response to the States' outstanding requests for verification of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

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

Yours,



Dave Yost
Ohio Attorney General



Alan Wilson
South Carolina Attorney General



Tim Griffin
Arkansas Attorney General



Ashley Moody
Florida Attorney General



Chris Carr
Georgia Attorney General



Todd Rokita
Indiana Attorney General



Brenna Bird
Iowa Attorney General



Kris Kobach
Kansas Attorney General



Austin Knudsen
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Mike Hilgers
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Gentner Drummond
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Marty Jackley
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