

January 10, 2025

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

Dear Representative:



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Advocacy Department**
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The American Civil Liberties Union strongly urges you to oppose H.R. 22, the Safeguard American Voter Eligibility (SAVE) Act, and will score this vote. This bill would amend the National Voter Registration Act (NVRA) to require potential voters to produce documentary proof of citizenship in order to register to vote in federal elections. This legislation adds significant new barriers to exercising the fundamental right to vote based on unfounded fears of significant noncitizen voting. Instead of pursuing baseless legislation that makes it harder for eligible voters to vote, Congress should instead advance legislation like the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act to increase access to the ballot.

The SAVE Act is entirely unnecessary and only serves to harm voters. There is no evidence of any pervasive or widespread voting by those who are ineligible to vote, including those who are not citizens. Existing federal law already prohibits voting in federal elections by noncitizens.¹ Moreover, all individuals must already swear under penalty of law to their citizenship when registering to vote. This bill would erect significant additional barriers to voting and prevent eligible voters who do not have ready access to citizenship documents like birth certificates or passports - often due to logistical and financial barriers - from participating in our democracy. In fact, a recent study found that more than 21 million Americans lack easy access to proof-of-citizenship documents that this bill would require.² When Kansas enacted a similar law over a decade ago, a federal court found it unconstitutional based on the severe burden it placed on qualified Kansans attempting to register – over 30,000 of whom, 12% of applicants, were unfairly denied the ability to register.³

The SAVE Act would also authorize states to engage in faulty voter list maintenance activities that would likely result in eligible voters being removed from voter lists days before an election. This would bypass the current “quiet period” under the NVRA which requires states to complete systematic list maintenance activities no later than 90 days before an election. Undercutting

¹ See 18 USC § 611

² Hanmer, M., Novey, S., Rothschild, J. (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%20survey%20Key%20Results%20June%202024.pdf>

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

these existing voter protections could result in eligible voters being removed from voter rolls close to an election and being denied the right to cast a ballot and have it counted. If enacted, compliance with the SAVE Act would impose significant burdens and costs on state and local election officials - who are already vastly underfunded and understaffed - for no legitimate purpose. Furthermore, this bill adds criminal liability to the everyday activities of election workers - the very people who ensure that our elections work - at a time when recruiting election workers is a challenge in many localities.

This legislation is grounded in falsehoods about immigrant communities that seek to spread fear and division, as well as dissuade eligible citizens of color from exercising their constitutional right to vote. Our existing laws and election processes already work to ensure that only eligible voters can vote, and the assertion that there is widespread voter fraud has been proven false time and time again.⁴ The ACLU urges you to reject this harmful bill and the falsehoods on which it is based, and instead focus on strengthening our democracy by advancing the John R. Lewis Voting Rights Act, Freedom to Vote Act, Native American Voting Rights Act, and Washington, D.C. Admission Act. Please do not hesitate to contact Xavier Persad at xpersad@aclu.org with any questions.

Sincerely,



Christopher Anders
Democracy and Technology
Division Director



Xavier Persad
Senior Policy Counsel

⁴ Famighetti, C., Keith, D., & Pérez, M. (2017). *Noncitizen voting: The missing millions*. Brennan Center for Justice at New York University School of Law, available at <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>