

MITCH McCONNELL, KENTUCKY, CHAIRMAN

TED CRUZ, TEXAS  
SHELLEY MOORE CAPITO, WEST VIRGINIA  
ROGER F. WICKER, MISSISSIPPI  
DEB FISCHER, NEBRASKA  
CINDY HYDE-SMITH, MISSISSIPPI  
BILL HAGERTY, TENNESSEE  
KATIE BOYD BRITT, ALABAMA  
JOHN BOOZMAN, ARKANSAS

ALEX PADILLA, CALIFORNIA  
CHARLES E. SCHUMER, NEW YORK  
MARK R. WARNER, VIRGINIA  
AMY KLOBUCHAR, MINNESOTA  
JEFF MERKLEY, OREGON  
JON OSSOFF, GEORGIA  
MICHAEL F. BENNET, COLORADO  
PETER WELCH, VERMONT

# United States Senate

TIFFANY GE, STAFF DIRECTOR  
ANDREW G. WALLACE, DEMOCRATIC STAFF DIRECTOR

COMMITTEE ON  
RULES AND ADMINISTRATION  
WASHINGTON, DC 20510-6325

April 7, 2025

Dear Lieutenant Governors, Secretaries and Chief Election Officials:

As a former Secretary of State, I write to bring your attention to my serious concerns over the *Safeguard American Voter Eligibility (SAVE) Act* (H.R. 22/S. 128) which will be considered in the U.S. House of Representatives soon. This bill purports to stop noncitizen voting by requiring anyone registering to vote to provide documentary proof of citizenship. If this legislation becomes law, millions of Americans will face major obstacles to vote because they either lack the required documents to prove citizenship or because they relied on ways to register that the bill would upend – including online voter registration, registration by mail, voter drives, or automatic voter registration. I encourage you to use your office to help educate election officials in your state and your Members of Congress about how this bill could harm voters and elections in your state.

This vote is particularly concerning as it comes after a recent executive order, where the President asserted sweeping unilateral power of state-run elections, including illegally requiring documentary proof of citizenship on the National Voter Registration Form, and allowing DOGE and the Department of Homeland Security access to voter registration and other state records, along with federal databases. We have not seen an attempt like this since the federal push for voter data by the Presidential Advisory Commission on Election Integrity during the first Trump Administration in 2017, which state election officials rejected on an overwhelming bipartisan basis.

Voting by noncitizens, which this bill claims to combat, is exceedingly rare and this response only serves to inhibit eligible voters. A review of the 2016 general election found that in the jurisdictions studied, improper noncitizen voting was 0.0001 percent of votes. Voters already must affirm their U.S. citizenship under the penalty of perjury when registering to vote and voting in a federal election as a noncitizen is a federal crime.

Further, the requirement for documentary proof of citizenship is a costly burden that could disenfranchise millions of Americans. A large majority of Americans live in states where their driver's license does not meet the requirements of the bill. Over 140 million Americans do not have a passport, and over 21 million American citizens cannot easily access proof of citizenship documents. The bill also prevents people who have changed their legal names from using their birth certificates, impacting tens of millions of married women. More than 12 percent of Americans also move every year, and would be forced to access these documents to re-register at their new address.

Taken together the bill's requirements would disproportionately harm voters of color, married women, members of the military, and younger voters. As Kansas Secretary of State Scott Schwab has made clear, his state's efforts to impose proof of citizenship requirements in 2013 "didn't work out so well." As the Kansas law was challenged in court, it was found that only 39 noncitizens had registered to vote in the state from 1999 to 2012, yet the law ultimately blocked the registration of over 31,000 eligible U.S. citizens.<sup>1</sup>

The *SAVE Act* would take effect immediately, giving states little time to set up a regime that not only requires verification of citizenship but requires removal of noncitizens from the voter rolls. The lack of time and infrastructure for these processes may cause states to rely on unreliable data, resulting in the removal of eligible voters.

In addition to likely disenfranchising millions of Americans, the *SAVE Act* would make it more difficult for election officials to do their jobs, with dramatic consequences for errors. If enacted, the law would impose severe criminal penalties against election officials, including fines and up to five years in federal prison, if they help register a voter who does not provide documentary proof of citizenship. As you know, election workers in your states are already overburdened – imposing these penalties could have a profoundly harmful impact on the election administration workforce.

Put plainly, state and local election officials should be aware that Congress is rapidly moving legislation to disenfranchise voters and disrupt election administration based on the fiction of noncitizen voting. As someone who served as a state election, I encourage you to review the legislation closely and ensure that election officials in your state and your Members of Congress are aware of the potentially serious consequences if this bill were to be enacted.

Sincerely,



Alex Padilla  
U.S. Senator

Ranking Member, U.S. Senate Committee on Rules and Administration

---

<sup>1</sup> John Hanna, *Kansas once required voters to prove citizenship. That didn't work out so well.* AP (Dec. 29, 2024) <https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f>.