



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

February 27, 2025

VIA EMAIL

The Honorable Michael Johnson
568 Cannon House Office Building
Washington, DC, 20515-1804

The Honorable Hakeem S. Jeffries
2267 Rayburn House Office Building
Washington, DC, 20515-3208

RE: Opposition to the Safeguard American Voter Eligibility Act

Dear Speaker Johnson and Minority Leader Jeffries,

We, the undersigned Attorneys General, write this letter in the strongest opposition to H.R. 22— “Safeguard American Voter Eligibility Act” or the “SAVE Act.” The legislation purports to protect federal elections from non-citizen voters by imposing burdensome proof of citizenship requirements. Congressman Chip Roy, the sponsor of the Bill, asserts that the legislation is necessary because of the risk that millions of non-citizens may have access to the ballot box. Nothing could be farther from the truth. In fact, the SAVE Act is an oppressive solution in search of a problem that would directly disenfranchise eligible voters who reside in our states.

Noncitizen Voting is Extremely Rare

Federal law already prohibits non-citizens from voting in federal elections. Illegal voting by a non-citizen can result in a fine and up to a year in prison.¹ In addition, a non-citizen who improperly votes risks removal and other immigration consequences.² The

¹ 18 U.S.C. § 611.

² 8 U.S.C. § 1182(a)(10)(D).

National Voter Registration Act generally requires applicants who register by mail to vote in federal elections to attest to their citizenship under penalty of perjury.³

Given the potential consequences, it is not surprising that voting by non-citizens is extremely rare. As the conservative think tank Cato Institute noted, the percentage of non-citizens who vote is nearly zero.⁴ A study by the Brennan Center for Justice at New York University of 42 jurisdictions with high immigration populations found that out of 23.5 million votes cast, just 30 non-citizens voted, which constituted 0.0001% of the vote.⁵ A similar audit of the Georgia voting rolls by the Secretary of State found 20 non-citizens had registered to vote out of 8.2 million voters and only nine of the 20 had a record of voting.⁶

The SAVE Act Creates Substantial Burdens on Voters, Especially Poor and Minority Voters

Against this background of negligible participation, the SAVE Act would overcorrect by amending the National Voter Registration Act (“NVRA”) to require that a voter provide “documentary proof of citizenship” before registering to vote. But in enacting the NVRA over thirty years ago, Congress recognized that the right to vote is a fundamental right, that governments have a duty to promote the exercise of that right, and that discriminatory and unfair registration laws can have a damaging effect on voter participation and disproportionately harm voter participation by various groups, including racial minorities.⁷ The NVRA thus established national standards for voter registration by **removing** barriers to registration, such as cost, misinformation, and inconvenience.

The SAVE Act would reimpose many of those barriers. It would strip eligible voters of the ability to register unless the voter could pay for—and present—documentary proof of their United States citizenship. For most eligible voters, the bill functionally restricts “documentary proof” to a United States passport or the combination of a government-issued identification card and a birth record or naturalization document.⁸ And the bill further requires that any birth record “include[] the full name of the applicant,” despite the fact that an applicant’s name may have changed between the time the voter was born and when they registered to vote.

³ 52 U.S.C. § 20508(b)(2); 11 C.F.R. § 9428.4(b)(1).

⁴ Walter Olsen, [Shedding Light on the Incidence of Illegal Noncitizen Voting, Cato at Liberty](#) (May 22, 2024).

⁵ Douglas Keith, Myrna Perez, Christopher Famighetti, [Non Citizen Voting: The Missing Millions](#), Brennan Center for Justice (May 5, 2017).

⁶ Associated Press, [Georgia Citizenship audit finds few noncitizens on voting rolls](#), (October 23, 2024).

⁷ 52 U.S.C. § 20501(a).

⁸ Only five states currently allow individuals to obtain a REAL ID that provide proof of citizenship. Dep’t of Homeland Security, [Enhanced Drivers Licenses: What Are They?](#)

An eligible voter would therefore be unable to register, or change their voter registration after a move, unless they could procure a passport, birth certificate, or naturalization record that perfectly matched their name. Yet, over 21 million voting-age citizens (nearly 10% of the voting population) do not have ready access to a passport, birth record, or naturalization record.⁹ In fact, only half of Americans currently possess a valid passport¹⁰—a document that costs \$165 to initially obtain and itself requires access to a birth certificate or other proof of citizenship and access to a passport acceptance facility.¹¹ And 80% of married women (approximately 69 million women) would not have a valid birth certificate under the SAVE Act because those women chose to adopt their partner’s last name.¹² Other individuals who change their name in adulthood, such as transgender individuals, may similarly lack a matching birth certificate and therefore risk being disenfranchised. Ultimately, the SAVE Act will disqualify eligible voters who have validly voted in past elections because they could not access the documents mandated by the law, or they have valid documents that don’t perfectly match their current names.

The SAVE Act compounds these issues by requiring eligible voters who register by mail to present their “documentary proof of United States citizenship **in person** to the office of the appropriate election official.” This in-person presentation requirement would functionally invalidate online voter registration systems, which are currently available in 42 states and the District of Columbia, and which facilitate countless voter registration applications, changes, and renewals.¹³ The presentation requirement would also curtail registration amongst eligible voters who could not easily travel to a local election office during business hours because of their jobs, family situations, or residential remoteness. Finally, the SAVE Act will disenfranchise every single uniformed servicemember serving outside their residential state who, by reason of their service to this country, cannot return to their local election office.¹⁴

The SAVE Act Would Create Unreasonable Burdens on the States and be Expensive to Implement

⁹ Jillian Andres-Rothschild, Samuel B. Novey, Michael J. Hanmer, [Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge](#), University of Maryland Center for Democracy and Civic Engagement (June 2024).

¹⁰ United States Department of State—Bureau of Consular Affairs, [U.S. Passports: Reports and Statistics](#) (last accessed Feb. 12, 2025).

¹¹ United States Department of State—Bureau of Consular Affairs, [Passport Fees](#) (last accessed Feb. 12, 2025).

¹² Greta Bedekovis and Sydney Bryan, [The SAVE Act Would Disenfranchise Millions of Citizens, Center for American Progress](#) (Jan. 31, 2025).

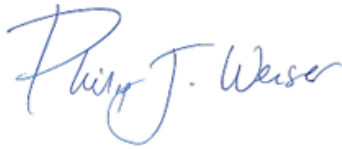
¹³ National Conference of State Legislatures, [Online Voter Registration](#) (last accessed Feb. 12, 2025).

¹⁴ Federal law currently grants each active-duty uniformed servicemember serving outside their resident state the unconditional right to register and vote by mail in all federal elections. *See* 52 U.S.C. § 20302(a).

The implementation of the SAVE Act will also prove unnecessarily burdensome to state election officials and impose significant costs on the states. While the NVRA currently establishes minimum standards for registration practices and leaves to the states the exact methods of their implementation, the SAVE Act commandeers state resources and directs them towards the verification of a voter's "documentary proof of citizenship." The legislation would require states to develop and implement onerous new processes to verify citizenship absent direct evidence and resolve discrepancies in documentary proof of citizenship. Moreover, many states will have to fundamentally restructure their voter registration and voter roll maintenance procedures. And states will further need to reformulate election judge training for in-person voting. Worse still, the SAVE Act could be read to criminalize mistakes made when implementing these new burdens, punishing election officials who "register[] an applicant to vote in an election for Federal office who fails to present documentary proof of United States citizenship" with up to five years in prison.

For all these reasons, we urge your opposition to the SAVE Act and hope you will fight to keep the franchise accessible to as many Americans as possible.

Sincerely,



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Attorney General of Connecticut



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Attorney General of Delaware



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