

United States Senate  
WASHINGTON, DC 20510

April 29, 2026

The Honorable Markwayne Mullin  
Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20240

Dear Secretary Mullin:

We write to warn the Department of Homeland Security (DHS) against any illegal activity in support of President Trump’s March 31, 2026 Executive Order, including ongoing efforts by DHS to use inaccurate and out-of-date citizenship data in ways that will likely lead to the disenfranchisement of eligible voters.

President Trump’s Executive Order (EO) 14399 on “Ensuring Citizenship Verification and Integrity in Federal Elections,” issued on March 31, 2026, tasks DHS with unlawful activities, including creating citizenship lists for each state despite considerable documented accuracy issues with its Systematic Alien Verification for Entitlements (SAVE) program and the lack of legal or historic precedents for federal involvement with state-run elections. Although the Administration claims that these tasks are necessary to prevent voter fraud, a multitude of laws and processes already prevent noncitizens from voting, and independent research has consistently found that voter fraud is extremely rare.<sup>1</sup> These efforts by the Administration to create what is akin to a national citizenship database, used to determine voter eligibility based on inaccurate data, contravene the Constitution and federal law and weaken the free and fair elections that are at the core of Americans’ freedoms.

The SAVE program was designed over three decades ago as a service to aid benefit-granting agencies in determining the immigration status of benefit applicants.<sup>2</sup> State and local elections officials, nonpartisan voter advocacy organizations, federal agencies, and courts have made clear that the SAVE program is not appropriate for voter roll maintenance because incorrect and out-of-date citizenship information in the databases it queries often leads to eligible voters being incorrectly flagged as non-citizens.<sup>3</sup> Even DHS itself has admitted that “the SAVE Program may produce inaccurate results,” and previous administrations did not enable its use for

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<sup>1</sup> *Noncitizen Voting is Vanishingly Rare*, Brennan Center for Justice (Sept. 17, 2024) ([www.brennancenter.org/our-work/research-reports/noncitizen-voting-vanishingly-rare](https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-vanishingly-rare)).

<sup>2</sup> Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359 (1986).

<sup>3</sup> *Homeland Security’s “SAVE” Program Exacerbates Risks to Voters*, Brennan Center for Justice (Jul. 21, 2025) (<https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>); Letter from Secretaries of State and Chief Election Officials to Attorney General Bondi and DHS Secretary Noem (Nov. 18, 2025) ([www.brennancenter.org/media/14805/download/2025-11-18-chief-election-officials-letter-to-dhs-and-doj.pdf?inline=1](https://www.brennancenter.org/media/14805/download/2025-11-18-chief-election-officials-letter-to-dhs-and-doj.pdf?inline=1)); Letter from Social Security Administration Office of the General Counsel to Jon Sherman (Jul. 13, 2023) ([fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter.July-13-2023-signed.pdf](https://www.fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter.July-13-2023-signed.pdf)).

bulk voter roll verification for precisely this reason.<sup>4</sup> Nonetheless, in spite of these well-documented issues, DHS has distorted the original intent of the program in order to enable large scale voter eligibility determinations and take likely illegal steps to create what is akin to a national citizenship database.

DHS argues that election officials should take additional steps to verify whether SAVE program outputs are correct. But even setting aside the burden this puts on local election officials to research and verify each individual for whom SAVE does not have up-to-date citizenship information, DHS itself admits that SAVE program users “may not go through all steps to ensure accuracy of information” — and millions of Americans do not possess the documents they would need to prove they are U.S. citizens.<sup>5</sup>

The foreseeable result is that tens of thousands of eligible U.S. citizen voters will discover on Election Day that they are barred from voting because they have been incorrectly removed from voter rolls. Indeed, reports have already confirmed that eligible Americans are being targeted for removal from voter rolls after being erroneously flagged as non-citizens by the SAVE program.<sup>6</sup> As state and local election officials have stated, the SAVE program’s expanded use for voter roll maintenance would likely lead to even greater wrongful disenfranchisement.<sup>7</sup>

Now, the SAVE program is being used to facilitate potential violations of the Constitution, which reserves elections powers for Congress and the states. At President Trump’s direction, DHS appears to be using this tool in conjunction with the Department of Justice (DOJ)’s campaign to coerce state election officials into turning over unredacted copies of voter rolls containing sensitive information about Americans, including their names, dates of birth, home addresses, driver’s license numbers, and Social Security numbers, all linked to their voting history. And the March 31, 2026 Executive Order on “Ensuring Citizenship Verification and Integrity in Federal Elections” directs DHS to leverage the SAVE program, despite its accuracy

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<sup>4</sup> Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program, DHS Reference No. DHS/USCIS/PIA-006(d) (Oct. 31, 2025) ([www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf](http://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf)). The SAVE Privacy Impact Assessment, released months after the system had been overhauled, admits that “the SAVE Program may produce inaccurate results” and notes that additional verification steps that would be taken when the SAVE program is used for benefits eligibility verification cannot be taken when queries are performed using Social Security numbers, as most queries for voter roll maintenance purposes would.

<sup>5</sup> *Id.*; *Millions of Americans Don’t have Documents Proving Their Citizenship Readily Available*, Brennan Center for Justice (Jun. 11, 2024) ([www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily](http://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily)).

<sup>6</sup> *Trump’s SAVE tool is looking for noncitizen voters. But it’s flagging U.S. citizens too*, NPR (Dec. 10, 2025) ([www.npr.org/2025/12/10/nx-s1-5588384/save-voting-data-us-citizens](http://www.npr.org/2025/12/10/nx-s1-5588384/save-voting-data-us-citizens)); *A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas*, Texas Tribune (Feb. 13, 2026) ([www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/](http://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/)).

<sup>7</sup> Letter from Secretaries of State and Chief Election Officials to Attorney General Bondi and DHS Secretary Noem (Nov. 18, 2025) ([www.brennancenter.org/media/14805/download/2025-11-18-chief-election-officials-letter-to-dhs-and-doj.pdf?inline=1](http://www.brennancenter.org/media/14805/download/2025-11-18-chief-election-officials-letter-to-dhs-and-doj.pdf?inline=1)); *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump Claim*, The New York Times (Jan. 14, 2026) ([www.nytimes.com/2026/01/14/us/politics/noncitizen-voters-save-tool.html](http://www.nytimes.com/2026/01/14/us/politics/noncitizen-voters-save-tool.html)) (reporting that in December 2025, 70 county clerks in Missouri “signed a letter to state House and Senate leadership describing the [SAVE program] as flawed, saying it regularly included ‘individuals we know to be U.S. citizens – our neighbors, colleagues and even voters we have personally registered at naturalization ceremonies.’”).

issues, to essentially compile a national citizenship database.<sup>8</sup> As one judge wrote in ruling that the Administration’s efforts to obtain states’ voter rolls violated multiple federal laws, “[t]here cannot be unbridled consolidation of all election power in the Executive without action from Congress and public debate. This is antithetical to the promise of fair and free elections our country promises and the franchise that civil rights leaders fought and died for.”<sup>9</sup>

Despite Congress raising concerns on this issue, DHS appears to have rolled out the overhauled SAVE program without regard for accuracy or data security, and has only taken token, retroactive steps in the face of litigation to attempt a minimal level of compliance with federal privacy and notice requirements.<sup>10</sup> Since that notice, DOJ has made contradictory statements in different federal courts as to whether that data is being shared with DHS.<sup>11</sup> Other public reporting states that DHS and DOJ are close to finalizing an agreement to share states’ voter registration data with DHS.<sup>12</sup>

During your confirmation process, you indicated that “any use of [SAVE] should be accurate, lawful, and paired with appropriate safeguards.” But instead, at President Trump’s direction, you are now being asked to use the SAVE program to facilitate even more violations of the law and Constitution. Although DHS claims that it has policies and training in place to ensure that SAVE user agencies perform additional verification to compensate for the SAVE program’s inaccuracy, there is limited evidence that the training, verification, and audit steps described on paper are meaningfully being performed.<sup>13</sup>

The Department should immediately discontinue the SAVE program’s use for these illegal and non-statutory purposes and take no steps pursuant to the Executive Order that violate the law and risk disenfranchising eligible voters. In addition, we request a detailed briefing and responses to the following questions no later than two weeks from today:

**1) Accuracy issues:**

- a. Please describe how DHS and the U.S. Citizenship and Immigration Services (USCIS) calculate the accuracy of the SAVE program’s citizenship outputs and provide all accuracy metrics calculated by DHS and USCIS.
  - i. How many U.S. citizens have been falsely identified as noncitizens by the SAVE program since January 2025?

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<sup>8</sup> Executive Order on Ensuring Citizenship Verification and Integrity in Federal Elections (Mar. 31, 2026) ([www.whitehouse.gov/presidential-actions/2026/03/ensuring-citizenship-verification-and-integrity-in-federal-elections/](http://www.whitehouse.gov/presidential-actions/2026/03/ensuring-citizenship-verification-and-integrity-in-federal-elections/)).

<sup>9</sup> Order Granting Defendant’s Motion to Dismiss and Intervenor’s Motions to Dismiss, U.S. vs. Weber, No. 2:25-cv-09149 (S.D. Cal. Jan. 15, 2026), ECF No. 128.

<sup>10</sup> Letter from Sens. Gary Peters, Alex Padilla, and Jeffrey Merkley to Secretary Kristi Noem, Department of Homeland Security (July 15, 2025).

<sup>11</sup> Notice to Supplement the Record, U.S. vs. Simon, No. 0:25-cv-03761-KMM-EMB (D. Minn. Apr. 7, 2026). ECF No. 174.

<sup>12</sup> *Justice Dept. close to finalizing deal to hand over states’ voter roll data to Homeland Security, sources say*, CBS News (Mar. 26, 2026) ([www.cbsnews.com/news/justice-dept-finalizing-deal-voter-roll-data-homeland-security/](http://www.cbsnews.com/news/justice-dept-finalizing-deal-voter-roll-data-homeland-security/)).

<sup>13</sup> Government Accountability Agency, *Immigration Status Verification for Benefits: Actions Needed to Improve Effectiveness and Oversight* (Mar. 2017) (GAO-17-204) ([www.gao.gov/assets/gao-17-204-highlights.pdf](http://www.gao.gov/assets/gao-17-204-highlights.pdf)).

- ii. What is the average duration of the time between an individual's naturalization and that individual's citizenship status being correctly reflected in initial verification when queried by the SAVE program?
- b. Please provide specific details on all steps DHS and USCIS are taking to ensure that (i) SAVE program user agencies are appropriately validating potentially incorrect results when it is used to verify voter roll data, and (ii) any lists of "eligible voters" compiled by DHS are accurate.
- c. The sample USCIS Memorandum of Agreement allows "DHS-USCIS to conduct desk audits and/or site visits" to review user agencies' compliance with "SAVE-related policies, procedures, guidance and laws."
  - i. Has DHS or USCIS actually conducted any desk audits and/or site visits to ensure that user agencies are taking further validation steps when the SAVE program is unable to verify citizenship for voter rolls?
  - ii. If so, how often have these desk audits and/or site visits occurred, and what specific steps did they involve?
  - iii. If so, please provide documentation of the results of these desk audits and/or site visits.
- d. In response to previous questions, DHS indicated that "SAVE provides learning and education on [accuracy issues] in many different formats." Please provide specific information on these learning and education activities, including their frequency and contents.
- e. What processes do DHS and USCIS have in place to correct erroneous data in sources queried by the SAVE program when a user agency determines that a U.S. citizen was incorrectly flagged as a noncitizen?
- f. What steps do DHS and USCIS take to ensure that naturalized citizens are accurately captured in SAVE databases?
- g. For how many naturalized citizens have agencies requested second step verification each year since 2010? What was the average processing time for such verification in each year?
- h. For how many naturalized citizens have agencies requested third step verification each year since 2010? What was the average processing time for such verification in each year?
- i. How do DHS and USCIS plan to implement the directive in EO 14399 to enable individuals to access, update, or correct individual records in advance of elections, and how do the agencies plan to measure the effectiveness of any procedures established?

**2) Privacy issues:**

- a. Please describe all sources of data in the federal systems queried by the SAVE program when processing voter rolls or attempting to generate lists of U.S. citizens.
  - i. For each source of data, please describe its accuracy and potential accuracy limitations.
  - ii. For data obtained from other agencies, please provide the applicable Computer Matching Agreements, Memoranda of Understanding, or similar data matching agreement.

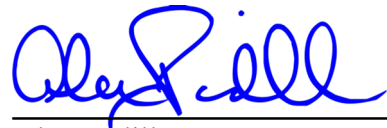
- b. Is DHS retaining data from voter lists input by states and local election offices into the SAVE program?
  - i. If so, how and where is that data retained, and for how long?
  - ii. If so, what safeguards are in place to ensure the security and confidentiality of records?
- c. Please describe any and all ways in which individuals at DHS and USCIS have used, or plan to use, data from voter lists input by state and local election officials into the SAVE program.
  - i. With what other entities is this data being shared, including other DHS components, agencies, or third parties?
  - ii. Is this data being matched or compared with other DHS data holdings about individuals, including other DHS-held data or data resulting from other SAVE program usage by federal, state, local, Tribal, or territorial partners?
  - iii. Has this data been used to inform criminal investigations (such as those conducted by Homeland Security Investigations), refer individuals to prosecutors for criminal investigation, or open criminal investigations?
    - 1. If so, how many times has each action occurred since January 2025?
    - 2. If so, what is DHS doing to ensure those referred for investigation have not been falsely identified as noncitizens?
    - 3. If so, when are affected states and individuals notified?
  - iv. Have any government entities served warrants based on this data?
    - 1. If so, which ones?
  - v. Have any individuals been deported based on this data?
- d. Has any individual at DHS or USCIS shared information derived from the SAVE program or any other nonpublic voter registration information with any individuals or organizations outside of the U.S. federal government, or do they plan to do so?
  - i. If so, please provide any contracts, agreements, memoranda, or other documents describing these efforts.
- e. DHS did not publish a Privacy Impact Assessment and System of Records until months after it made the updated SAVE program operational.
  - i. Were any changes made to how the system operates as a result of producing these documents? Please list any changes.
  - ii. If not, how did DHS or USCIS ensure that personally identifiable information was protected in updating the SAVE program?
- f. Please describe, and provide any applicable Privacy Impact Assessments, matching agreements, or similar documents, for any current or planned systems that share DOJ-collected voter roll data with DHS, or that enable matching of DOJ-collected voter roll data with DHS records.
- g. Please describe all voter roll data DHS has obtained (or plans to obtain) from DOJ, including a description of any fields shared and the number of individuals for which data was (or will be) shared.

Sincerely,



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Gary C. Peters  
United States Senator



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Alex Padilla  
United States Senator



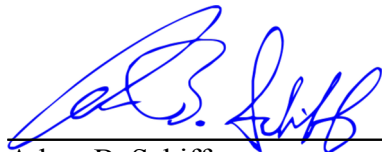
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Richard J. Durbin  
United States Senator



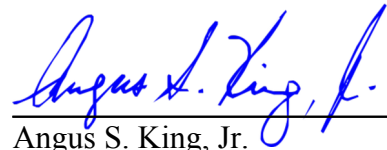
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Charles E. Schumer  
United States Senator



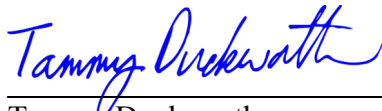
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Adam B. Schiff  
United States Senator



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Angus S. King, Jr.  
United States Senator



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Tammy Duckworth  
United States Senator



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Kirsten Gillibrand  
United States Senator



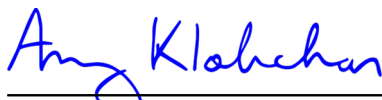
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Raphael Warnock  
United States Senator



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Richard Blumenthal  
United States Senator



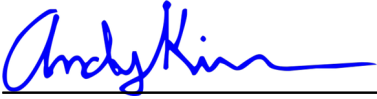
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Amy Klobuchar  
United States Senator



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Mazie K. Hirono  
United States Senator



Andy Kim  
United States Senator



Jack Reed  
United States Senator



Cory A. Booker  
United States Senator



Maria Cantwell  
United States Senator



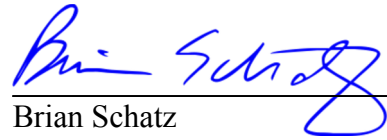
Catherine Cortez Masto  
United States Senator



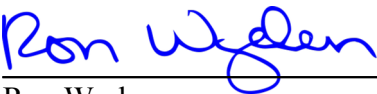
Chris Van Hollen  
United States Senator



Mark R. Warner  
United States Senator



Brian Schatz  
United States Senator



Ron Wyden  
United States Senator



Peter Welch  
United States Senator



Jacky Rosen  
United States Senator



Angela D. Alsobrooks  
United States Senator

*Patty Murray*

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*Edward J. Markey*

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*Bernard Sanders*

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*Jeffrey A. Merkley*

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United States Senator