



COUNSEL'S OFFICE

August 13, 2024

Secretary Francisco Aguilar
Nevada Secretary of State
101 N. Carson St.
Suite 3
Carson City, NV 89701

Re: Ensuring Election Integrity for Our Citizens

Dear Secretary Aguilar:

Elections in America are by and for Americans. At least, they should be. That's why your state, like most, permits only those who are U.S. citizens to vote in state and federal elections. That commonsense requirement helps protect our elections from the influence of voters who pledge no allegiance to this country.

I am writing to you on behalf of the Republican National Committee, concerned that this commonsense citizenship requirement has been cast aside. Federal law requires states to register voters for federal elections if they simply "attest" that they are citizens.¹ And social security numbers are no longer reliable indicators of citizenship, as aliens can obtain a social security number through the asylum process² and the parole process.³ These and other loopholes make it almost impossible to ensure that noncitizens are not voting in our elections. Worse still, some jurisdictions, including our nation's capital, have stopped trying altogether—they now explicitly permit noncitizens to vote in their elections.⁴

Meanwhile, Senate Democrats are obstructing the SAVE Act, which would fix these legislative loopholes. Activists like the ACLU are hindering state efforts to update voter registration information.⁵ The Justice Department has turned a blind eye. And the Biden Administration welcomes this chaos into our elections with its open-border policy.

But you can help. Secure elections start with secure voter rolls. States have significant power to ensure that those who are registered to vote are qualified to vote—which includes the basic requirement of U.S. citizenship. And there are multiple steps you can take to ensure that noncitizens are not registered and voting in our elections.

¹ 52 U.S.C. § 20505; *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 6 (2013).

² *Apply for your Social Security Number While Applying for Your Work Permit*, Social Security Admin., perma.cc/P2U3-Q2YZ.

³ *Employment Resources for Parolees in the United States*, U.S. Citizenship and Immigration Servs., perma.cc/USN8-7RMJ.

⁴ Local Resident Voting Rights Amendment Act of 2022, D.C. Law 24-242, 69 D.C.R. 14601.

⁵ Letter to Mark Goins, *American Civil Liberties Union* (June 27, 2024), perma.cc/HX4T-UKVT.

First, you can check the citizenship status of registered voters using various databases.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) offers the Systematic Alien Verification for Entitlements (SAVE) Program to aid federal, state, and local governments in verifying an individual's immigration or citizenship status. The SAVE program is a useful, if imperfect, tool. Running a query requires an individual's first name, last name, date of birth, and a numeric identifier from a U.S.-government-issued immigration document.⁶ State or local government agencies can enter a memorandum of agreement with USCIS to obtain access to the SAVE database.⁷

Other databases can supplement the SAVE program. The Social Security Administration maintains databases that contain citizenship-identifying records. Naphsis is a nonprofit organization that provides access to vital-records data such as birth, death, and marriage certificates, which can be helpful in confirming citizenship status.⁸ State and federal courts often maintain records of individuals disqualified from jury service due to a lack of U.S. citizenship. And state databases containing driver's license information often contain indicators of an individual's citizenship status. Ohio recently used such data from its Bureau of Motor Vehicles to conduct an audit of the voter rolls, leading to the removal of 499 noncitizens who otherwise may have been able to illegally vote in the upcoming presidential election.⁹

States have used these and other databases to assist in verifying the citizenship of potential voters. For example, Arizona recently passed a law requiring county recorders to use programs such as SAVE and Naphsis to check the citizenship status of voter-registration applicants. *See* Ariz. Stat. § 16-121.01(D). And Florida uses the SAVE program to verify the citizenship of individuals on its voter rolls.¹⁰ We encourage you to use SAVE, Naphsis, and other databases at your disposal to check the citizenship status of registered voters.

Second, you can encourage voters to update their registration status.

Inviting the cooperation of registered voters is one of the simplest ways to update voter rolls. In part, that's because a voter's request to be removed from the voter rolls does not implicate the restrictions that accompany involuntary removal. In addition, you can encourage citizens to submit proof of citizenship if they have reason to suspect your records are not up to date. Citizens who recently have become naturalized may wish to provide proof of their citizenship, for example. Encouraging voluntary participation like this is an easy way to clean up voter rolls and foster confidence in our elections.

⁶ *SAVE Verification Process*, U.S. Citizen and Immigration Services, perma.cc/Q8HA-5B6H.

⁷ *Sample Memorandum of Agreement*, U.S. Citizen and Immigration Services, perma.cc/EPH6-B43X.

⁸ *Naphsis*, perma.cc/ES2Z-4CJM.

⁹ *Secretary LaRose Announces Latest Action In Statewide Voter Registration Integrity Audit, Orders Removal of 499 Non-Citizen Registrations*, Ohio Secretary of State's Office (Aug. 1, 2024), <https://www.ohiosos.gov/media-center/press-releases/2024/2024-08-01/>.

¹⁰ *U.S. Dept. of Homeland Security Agrees to Terms with Florida Dept. of State Over Legal Status Checks of Potential Non-Citizen Voters*, Fla. Sec'y of State (Aug. 16, 2012), perma.cc/3RHR-FXJ9.

Third, you can remind voters of the existing laws governing noncitizen voting.

It is a federal crime for “any alien” to cast a vote “for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner.” 18 U.S.C. § 611(a). And in your state, it is a felony for a noncitizen to register or vote in elections. NRS 293.775, 293.800(4), 293.485.

Each of these simple steps will go a long way toward fostering security and confidence in our elections. Activists have argued that these steps violate the National Voter Registration Act. They are wrong. Congress enacted the NVRA “to protect the integrity of the electoral process.” 52 U.S.C. § 20501(b)(3). Congress confirmed that the fundamental right to vote is a “right of citizens of the United States.” *Id.* § 20501(a)(1). Nothing in the NVRA prohibits states from running citizenship checks, encouraging voters to update their registrations, or reminding voters of what is already the law.

Several states have recently demonstrated the effectiveness of these steps. Just last May, Ohio Secretary of State Frank LaRose issued a directive to verify the citizenship status of registration records flagged by a state agency as noncitizens.¹¹ To facilitate that review, Secretary LaRose has requested citizenship data from the SAVE program and other federal databases. And in June, Tennessee Coordinator of Elections Mark Goins mailed a letter to 14,000 suspected noncitizens, encouraging them to update their registration status and mail in evidence of U.S. citizenship. So far, election officials have received evidence of citizenship from over 3,000 residents, and over 300 responded with requests that they be removed from the voter rolls.¹²

Noncitizen registration is a growing threat to our elections. The Biden administration is pushing policies that exacerbate the problem. And most states are doing nothing in response. We encourage you, as the chief elections officer of your state, to step up where the Biden administration has failed. As the Supreme Court has recognized, “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy.” *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006). With a few simple steps, you have the opportunity to ensure the security of our elections, increase confidence in our system, and boost turnout of Americans who are eligible to vote.

We ask that you take that opportunity.

Respectfully,

RNC Counsel’s Office

¹¹ *Secretary LaRose Announces Expanded Effort to Verify Citizenship Status on Ohio Voter Rolls*, Ohio Sec’y of State (May 14, 2024), perma.cc/5MB2-8ZHY.

¹² Vivian Jones, *TN Voters Won’t Be Purged from Rolls Over Citizenship Letters; Map Shows Top ZIP Code for Letters*, *The Tennessean* (July 19, 2024), perma.cc/D85D-G2XU.