

SCOTT SCHWAB
Secretary of State



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STATE OF KANSAS

September 16, 2024

Tammy Meckley
Associate Director
Immigration Records and Identity Services Directorate
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

Dear Associate Director Meckley,

As Kansas Secretary of State, I am requesting the assistance of the United States Citizenship and Immigration Services (USCIS) to ensure that individuals who have registered to vote in Kansas are citizens of the United States entitled to vote in our state elections.

To enable Kansas election officers to use all tools available to ensure that only U.S. citizens are permitted to vote in Kansas, the agency is requesting access to the Systematic Alien Verification for Entitlements (SAVE) Program. Access to the program will enable Kansas election officers to verify the citizenship status of newly registered voters as needed.

However, the SAVE Program is only useful when the office has a reason to question a citizenship status and when an identifier such as an Alien Registration Number exists. Other programs enable verification of a person's immigration or citizenship status including the Person Centric Query Service that allows searches on individuals to be run that can access multiple information systems and databases maintained by or accessible to USCIS. These searches appear to allow for a more expansive set of search terms than are available using SAVE. Thus, it appears that USCIS can run searches based on queries that provide name, date of birth, address, and other information provided as part of a person's voter registration information.

As authorized by Kansas law (K.S.A 25-2309), I am requesting that USCIS accept lists provided by my office of those who have registered to vote for the first time so that these can be checked against the information systems and databases maintained and accessible by USCIS for the purpose of verifying registrant's citizenship status. This will help ensure that only eligible voters are present on Kansas' voter rolls.

The Kansas Constitution mandates U.S. Citizenship as a qualification to be a Kansas elector and to register to vote. The Kansas Secretary of State's Office is required by state statute, K.S.A. 25-2304,

to establish and maintain a centralized voter registration database and counties are required to continuously maintain the voter roll to ensure that only qualified Kansans are registered to vote. State law requires counties to conduct voter roll maintenance and sets criteria for removal of names from the voter registration list.¹ K.S.A. 25-2316c, KSA 25-2354(a).

This request is made pursuant to 8 U.S.C. § 1373, which, states “[t]he Immigration and Naturalization Service shall respond to an inquiry by a federal, state, or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.”

Additionally, Section 1373 provides that “Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” 8 U.S.C. § 1373(a).²

Please provide the agency with guidance on the best format in which to provide USCIS with the lists of new registrants we would like verified. I appreciate your assistance in carrying out our duty to maintain a current and accurate voter registration database.

Sincerely,



Scott Schwab

Kansas Secretary of State

cc:

Ur M. Jaddou, Director, U.S. Citizenship and Immigration Services

Jennifer B. Higgins, Deputy Director, U.S. Citizenship and Immigration Services

Felicia Escobar Carrillo, Chief of Staff, Office of the Director

Ashley Tabaddor, Chief Counsel, Office of Chief Counsel

¹ Federal law also requires states to conduct programs to remove ineligible voters from the rolls. See 52 U.S.C. 20507(c); see generally 52 U.S.C. § 20501 et seq.

² 8 U.S.C. 1644 similarly states “Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of an alien in the United States.”