



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE**

March 28, 2025

*Via Electronic Mail*

**The Honorable Chris Deluzio**

1222 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Deluzio:

I write to share my views on one piece of proposed legislation, H.R. 22 of the 119th Congress (the “SAVE Act”). While there is no evidence that non-citizens are registering or voting in U.S. federal elections in some common or systematic way, I understand that proponents of the legislation have stated they are seeking to prevent ineligible voters from being placed on the rolls, to ensure that our elections remain secure, and to protect our lawful non-citizen residents from facing any adverse consequences from accidental registration. That said, I have deep concerns regarding the chosen method of preventing non-citizen registration (documentary proof of citizenship at the point of registration), which is likely to burden large swaths of eligible voters who face barriers in accessing long-unused documents or must overcome administrative hoops to establish a simple name change resulting from marriage. The right to vote is sacred, and making that right contingent on having access to paperwork a voter does not have in their possession, or which may include a name that the voter has long since changed, overly burdens this important right of citizenship, and will disenfranchise Americans seeking to make their voices heard at the ballot box. I urge you to work with your colleagues to avoid imposing these burdens both on voters and states administering their voter registration systems.

To that end, I write to make you aware of a number of administrative burdens and implementation issues with the current draft of this bill, and to provide my perspective as the state official responsible for administration of elections in Pennsylvania. I express the views in this letter with the sincere hope that any legislation impacting elections takes into principal account the ability for both administration and implementation, as well as the needs of voters, government agencies, and local election officials.

**Registration at Motor Voter Agencies and Other National Voter Registration Act (“NVRA”) Agencies**

The SAVE Act proposes that voter registration applications at state departments of transportation (“Motor Voter Agencies”) and other public-facing state agencies designated under Section 7 of the National Voter Registration Act of 1993, 52 U.S.C. § 20506 (“NVRA Agencies”), require applicants to verify their U.S. citizenship when registering to vote.<sup>1</sup>

Pennsylvania does not permit non-citizens to register and vote in *any* elections, whether state or local, and counties take many steps to maintain the integrity of our voter rolls. I appreciate the need to ensure that lawfully resident non-citizens, who are permitted to drive and are issued government ID, are not inadvertently registered to vote when interacting with government agencies. I drew attention to this issue myself when I was a City Commissioner in Philadelphia, concerned about both the integrity of elections and the prospect that lawful residents who fully intend to abide by the laws of our nation might inadvertently disrupt their pathway to citizenship.

In Pennsylvania, we implemented a solution for this by bifurcating the Motor Voter process so that non-citizens are not presented with the opportunity to register to vote. At our Pennsylvania Department of Transportation (“PennDOT”) centers, anyone who provides proof of lawful residency in Pennsylvania and the United States (rather than proof of citizenship) is given an Immigration and Naturalization Services (“INS”) indicator on their license that prevents them from being placed in the Motor Voter registration workstream. PennDOT customers who demonstrate U.S. citizenship, as well as the other prerequisites for registration, are automatically led through Pennsylvania’s motor voter registration process, with multiple opportunities to opt out.

This ensures that only U.S. citizens are provided the opportunity to register to vote. As a result, this system eliminates the opportunity for law-abiding non-citizens to inadvertently register to vote, reduces the burden on election officials to assess evidence of a registrant’s eligibility, and reassures the public that non-citizens are not registered as a result of any transaction at a PennDOT center. I recommend that legislation aimed at preventing non-citizens from registering to vote focus on reducing opportunities for registration rather than requiring proof of citizenship on the voter registration forms themselves.

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<sup>1</sup> H.R. 8281, §§ 2(c), 2(f).

## **Requirement for In-Person Proof of Citizenship When Registering by Mail**

The SAVE Act also requires that every individual who submits a voter registration application by mail show up in-person to their county elections office to provide proof of citizenship.<sup>2</sup> This will present an enormous administrative burden on Pennsylvania's counties and will prove unworkable amidst the tight timelines and strained resources faced by our local officials. In 2023, the last year for which Pennsylvania has reported its voter registration statistics, Pennsylvania's counties processed 7,562 voter registration forms over the counter at their offices.<sup>3</sup> By contrast, they processed over 320,000 applications received from sources other than PennDOT or NVRA Agencies.<sup>4</sup>

As someone who has visited each of Pennsylvania's 67 county elections offices, I can attest that requiring each applicant to provide proof of citizenship in-person will strain county resources, likely past the point of functional operations. Pennsylvania law gives registrants the right to wait in the county elections office while an election worker processes their voter registration application.<sup>5</sup> Requiring election officials to review and process proof of citizenship for hundreds of thousands of voters will mean voters crowding sometimes-small reception areas and offices, as well as over-worked county elections staff struggling to manage the new in-person processes.

Pennsylvanians have already seen the challenges this type of in-person requirement could cause. The 2024 General Election saw a surge of voters showing up to county election offices to apply for, receive, vote, and return their mail ballot in-person. These voters experienced excessive wait times in a process that made national news, incited litigation, and sometimes brought county election operations to a stand-still. Requiring an in-person process for voter registration would prove to be an administrative strain and a significant inconvenience for many voters, especially in rural counties where voters have to travel farther to their county seat to interact with offices who may be under-resourced. While Philadelphia is able to operate 10 satellite county election offices, that is far from the norm elsewhere in Pennsylvania.

I would urge that the in-person requirement be reconsidered. Pennsylvania, and I suspect other states, may be unable to serve the large number of its eligible registrants in the manner contemplated by this legislation.

## **List Maintenance Requirement**

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<sup>2</sup> *Id.* § 2(e); see also [https://roy.house.gov/sites/evo-subsites/roy.house.gov/files/evo-media-document/FINAL\\_SAVE%20Act%20One-Pager%20\(2\).pdf](https://roy.house.gov/sites/evo-subsites/roy.house.gov/files/evo-media-document/FINAL_SAVE%20Act%20One-Pager%20(2).pdf) ("SAVE Act... [a]mends the National Voter Registration Act (NVRA), which has governed state voter registration since 1993, to require states to obtain documentary proof of U.S. citizenship and identity – in person – when registering an individual to vote in a Federal election.").

<sup>3</sup> *Administration of Voter Registration in Pennsylvania: 2023 Annual Report to the General Assembly*, Appendix C.1, PA. DEP'T OF STATE, [https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/DOS\\_Voter\\_Registration\\_Report\\_2023.pdf](https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/DOS_Voter_Registration_Report_2023.pdf) at 45-47.

<sup>4</sup> *Id.*

<sup>5</sup> 25 P.S. § 3071(e)(2).

The SAVE Act requires that states implement a routine program to identify non-citizens on the voter rolls using “one or more” of four different sources: the Social Security Administration, state agencies which verify citizenship and issue ID cards, databases offered by the Department of Homeland Security (including the Systematic Alien Verification for Entitlements database), or other sources which verify U.S. citizenship.<sup>6</sup>

The issue is that none of these sources, individually or collectively, is sufficient for citizenship verification. For example, the Department of Homeland Security’s Systematic Alien Verification for Entitlements database is greatly under-representative of all naturalized individuals who are qualifying U.S. citizens. In short, there is simply no reliable point-in-time database that can confirm an individual’s U.S. citizenship. This deficiency must be fixed *before* states can be required to participate in the type of program required by the SAVE Act.

### **Enforcement of the SAVE Act (Private Right of Action and Criminal Sanctions)**

The SAVE Act grants a private right of action to anyone who is “aggrieved” by “an election official who registers an applicant to vote in a federal election who fails to present documentary proof of U.S. citizenship.”<sup>7</sup> Likewise, it imposes criminal sanctions for “registering an applicant to vote in an election for Federal office who fails to present documentary proof of United States citizenship.”<sup>8</sup>

These enforcement methods are unnecessary, and I worry about the chilling effect they will have on our local election officials. Pennsylvania has continued to see an exodus of its experienced county officials, and provisions like those in the SAVE Act, which can be used to intimidate good-faith public servants, will have a detrimental effect on operations. I recognize that federal law currently already does provide a private right of action when a voter application is improperly denied.<sup>9</sup> But that provides a remedy to a single person—the denied applicant. Expanding a right of action to anyone who is “aggrieved” by failure to request documentary proof of citizenship is vague, overbroad, and could prove costly to counties and their taxpayers.

The criminal sanctions provision goes further and is again, in my view, unnecessary. Adding the threat of incarceration and criminal consequences to county officials struggling to navigate a new statutory scheme with insufficient resources and inadequate citizenship verification databases is patently unfair, and counter-productive to the work I have put in to ensure that county officials know they are valued and appreciated public servants.

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<sup>6</sup> H.R. 8281, § 2(f)(3-4).

<sup>7</sup> H.R. 8281, § 2(i).

<sup>8</sup> H.R. 8281, § 2(j).

<sup>9</sup> 52 U.S.C. § 20510(b)(1).

### **Lack of Appropriations**

My concerns about this bill discussed above are magnified by the legislation's lack of appropriations. While changing nothing about the legal requirement that only citizens be permitted to vote, it contemplates substantial change to the administration of the registration process and the duties of county election officials. Coupled with these new duties are severe consequences to our valued elections workers for good faith errors that might occur with a new process. Given these concerns, I would ask that states be provided with support and resources to ensure that they can satisfy any new burdens or requirements.

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The right to vote is sacred, and I am committed to ensuring it is not undermined either by needless barriers or by the threat of ineligible voters casting ballots. Only eligible U.S. citizens should be able to register and vote; the observations I share in this letter are meant to ensure that any legislation advancing this objective does not prove counter-productive by imposing unworkable requirements and straining or chilling the activity of our county elections officials.

I appreciate your attention to this issue and your dedication to ensuring that elections in this country remain free, fair, safe, and secure. I stand ready to assist in this mission in any way that I can.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Schmidt".

Al Schmidt  
Secretary of the Commonwealth