



December 12, 2025

Mr. Matthew Ramsey  
Head of Privacy and Disclosure Policy  
Social Security Administration  
Room G-401 West High Rise  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

Submitted electronically via regulations.gov  
Re: Privacy Act of 1974; System of Records  
Docket Number: SSA-2025-0225

Dear Mr. Ramsey:

On behalf of the League of Women Voters (“LWV”), the League of Women Voters of Louisiana (“LWVLA”), the League of Women Voters of Virginia (“LWVVA”), and the League of Women Voters of Texas (“LWVTX”) (together, “the League”), we write in response to the Social Security Administration’s (“SSA”) proposal to modify and reissue the system of records notice (“SORN”) titled, “Master Files of Social Security Number (SSN) Holders and SSN Applications (60-0058),” 90 Fed. Reg. 50880 (Nov. 12, 2025). The League urges SSA to rescind the revised SORN and immediately cease sharing any SSA data with the Department of Homeland Security (“DHS”) without statutory authority and beyond the routine uses set forth in its prior operative SORN, 90 Fed. Reg. 10026 (Feb. 20, 2025).

#### **I. Interests of the League**

The League is a nonprofit, grassroots, membership organization whose mission is to empower voters and defend democracy. The League is nonpartisan—neither supporting nor opposing candidates or political parties at any level of government—and is committed to protecting citizens’ freedom to vote. State Leagues, including LWVLA, LWVVA, and LWVTX, provide voter outreach, education, and assistance to all eligible voters, including naturalized citizens. The League seeks to educate the public, state and local Leagues, their members, and eligible naturalized citizen voters about the risks of the overhauled SAVE system including its use of SSA data, and how to mitigate these risks. The League provides voter registration to naturalized citizens and has naturalized citizens among their members.

The League believes that voting is a fundamental right of citizenship that must be guaranteed. The League also believes that a representative democracy depends on informed

and active participation and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, among other methods of transparency.

## **II. The League opposes SSA's illegal bulk disclosure of citizenship and immigration information to the Department of Homeland Security.**

Federal law protects all American citizens and lawful permanent residents from improper government use of their data. After months of SSA illegally disclosing its citizenship and immigration information in bulk to DHS—including for DHS's use in its expanded Systematic Alien Verification for Entitlements ("SAVE") system—without legally required transparency or public input, the League writes to express serious concerns about the legality, utility, and tangible impact of SSA's bulk disclosure of its data to DHS, especially for purposes of expanding SAVE to conduct voter eligibility checks.

In May, several months *before* SSA published the revised SORN on November 12, DHS announced that agencies using SAVE were "now able to create cases using a Social Security number (SSN) as the applicant's enumerator," and conduct "bulk" searches of millions of individuals' data.<sup>1</sup> DHS attributed this new bulk search-by-SSN functionality to a "new partnership with the Social Security Administration."<sup>2</sup> The agreement between DHS and SSA formalizing the partnership was signed on May 15, 2025, but was not released to the public until September 25, 2025.<sup>3</sup> The SSA-DHS agreement details the following "data elements" that SSA now provides to DHS in response to SAVE inquiries (including through SAVE's new bulk search function):<sup>4</sup>

- SSN Match (True/False)
- Full SSN for all matches (when a partial SSN is provided)
- Name Match (True/False)
- Date of Birth Match (True/False)
- Citizenship/Foreign Indicator

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<sup>1</sup> U.S. Citizenship and Immigr. Servs., *Optimizing SAVE: New Options to Create Cases with a Social Security Number and by Bulk Upload* (May 22, 2025), <https://www.uscis.gov/save/current-user-agencies/news-alerts/optimizing-save-new-options-to-create-cases-with-a-social-security-number-and-by-bulk-upload>.

<sup>2</sup> U.S. Citizenship and Immigr. Servs., *USCIS Deploys Common Sense Tools to Verify Voters* (May 22, 2025), <https://www.uscis.gov/newsroom/news-releases/uscis-deploys-common-sense-tools-to-verify-voters>.

<sup>3</sup> U.S. Soc. Sec. Admin., *Letter Agreement Providing for Information Sharing Between DHS, USCIS, and SSA Regarding Citizenship* (May 15, 2025), [https://www.ssa.gov/foia/resources/proactivedisclosure/2025/May%2015,%202025%20SSA-DHS-USCIS%20Agreement\\_Redacted.pdf](https://www.ssa.gov/foia/resources/proactivedisclosure/2025/May%2015,%202025%20SSA-DHS-USCIS%20Agreement_Redacted.pdf) (posted Sep. 25, 2025) [hereinafter "Ltr. Agreement"].

<sup>4</sup> *Id.* at 5.

- Blank - Citizenship code is blank and foreign-born indicator is blank
  - \* - Citizenship code is blank and foreign-born indicator is \*
  - "A" - U.S. Citizen
  - "B" - Legal alien, eligible to work
  - "C" - Legal alien, not eligible to work
  - "D" - Other
  - "E" - Alien Student - restricted work authorized
  - "F" - Conditionally legalized alien
- Alien Registration Number (where applicable)
  - Death Indicator (Yes Deceased / Not Deceased)
  - Error code descriptions (transaction and record levels).

Since at least May, SSA has been disclosing these data elements to DHS in response to SAVE queries, enabling DHS to transform SAVE into a national citizenship data bank that pools and repurposes citizenship data stored by SSA. SSA has done so despite long acknowledging the unreliability of this information for non-SSA program purposes (as explained in detail below).

SSA's revised SORN inexplicably does not reference DHS's SAVE system by name. However, new Routine Use No. 49—permitting disclosure to DHS of “information regarding the citizenship and immigration status, lawful or unlawful, of any individual pursuant to 8 U.S.C. 1373(a)” —is designed to facilitate SAVE's expanded functionality, as well as other unspecified data sharing with DHS. Indeed, in the League's ongoing litigation against SSA, the Department of Justice has acknowledged that SSA's revised SORN “relate[s] to this year's updates to SAVE.”<sup>5</sup>

DHS's revised SORN for SAVE, published October 31, 2025, provides more detail about what SSA's new disclosures mean for SAVE. That revised SORN reveals that, when a SAVE user agency submits a full or partial SSN, that information is provided to the “Social Security Administration Enumeration System for search and response.”<sup>6</sup> Consistent with the May 2025 SSA-DHS data sharing agreement, the revised SAVE SORN says the information returned by SSA to DHS via SAVE includes verification that the SSN, name, and date of birth match; death indicator; citizenship indicator; foreign-born indicator; alien registration number; and error

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<sup>5</sup> Notice, *League of Women Voters v. Dep't of Homeland Sec.*, No. 25-cv-3501 (D.D.C. Nov. 13, 2025), ECF No. 54 (D.D.C. Nov. 13, 2025).

<sup>6</sup> 90 Fed. Reg. 48948, 48950 (Oct. 31, 2025).

code descriptions.<sup>7</sup> DHS acknowledges these changes are an “expansion from the previous SAVE functionality, which limited U.S. citizenship verification to DHS records of naturalized and certain acquired U.S. citizens.”<sup>8</sup> DHS also notes in its revised SORN that SSA’s “Master Files of Social Security Number Holders, Social Security Number Applications” (also known as the NUMIDENT system) was being added as a new record source, and that SAVE now allows users to conduct bulk queries of NUMIDENT data using full or partial SSNs.<sup>9</sup>

As you know, SSA’s NUMIDENT system is a highly sensitive database that contains records of “each person who has applied for and to whom [SSA has] assigned an SSN,”<sup>10</sup> including more than 300 million Americans.<sup>11</sup> Although SSA has long known of and recognized the limitations of SSA’s citizenship data and the challenges associated with linking it with DHS data,<sup>12</sup> the revised SSA SORN acknowledges none of these well-documented issues, nor does it specifically identify or describe the planned uses SSA knows DHS to be making of its data.

Troublingly, several states are already using SAVE’s new search-by-SSN functionality, in combination with the new bulk upload function added by DHS, to purge voter rolls and open criminal investigations of alleged noncitizen voters, including but not limited to Texas, Louisiana, and Virginia. On November 3, DHS announced that “26 states . . . have, or are in the process of establishing, a memorandum of agreement for voter verification with SAVE,” and the agency is pushing every state in the country to use the system, insisting that “[g]overnment officials at all levels in all states should be committed to eliminating voter fraud and restoring faith in America’s elections”<sup>13</sup>—even though extensive data debunks the myth that noncitizen voting is widespread in the United States.<sup>14</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 48949.

<sup>10</sup> 90 Fed. Reg. 10025, 10026 (Feb. 20, 2025).

<sup>11</sup> U.S. Soc. Sec. Admin., *Social Security Performance*, <https://www.ssa.gov/ssa-performance> (last updated Dec. 5, 2025) (SSA “serve[s] more than 300 million Americans”).

<sup>12</sup> See Letter from Nancy Morales Gonzalez, Assoc. Gen. Couns. for Gen. L., Div. 1, U.S. Soc. Sec. Admin., to Jon Sherman, Litig. Dir. & Senior Counsel, Fair Elections Ctr. 2 (July 13, 2023), <https://fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter.July-13-2023-signed.pdf> [hereinafter “July 2023 SSA Ltr.”]; Westat Report to Dep’t of Homeland Sec., *Evaluation of the Accuracy of E-Verify Findings* 29, 34, 51, A-4 (July 2012), <https://www.e-verify.gov/sites/default/files/everify/data/FindingsEVerifyAccuracyEval2012.pdf> [hereinafter “July 2012 Westat Rpt.”].

<sup>13</sup> Press Release, U.S. Citizenship and Immig. Servs., *USCIS Enhances Voter Verification Systems* (Nov. 3, 2025), <https://www.uscis.gov/newsroom/news-releases/uscis-enhances-voter-verification-systems> [hereinafter “Nov. 2025 USCIS Press Release”].

<sup>14</sup> See *infra* Part VI.

The League's mission is to empower voters and defend democracy. Intimidating eligible voters through threats to cancel their voter registration based on unreliable citizenship data and even to target them for criminal investigation severely weakens our democracy by chilling participation. Distressingly, as explained below, the Administration's efforts disproportionately target historically disenfranchised communities, including communities of color and new Americans. When voters are wrongly purged from voter rolls it decreases the number of voters, directly undermining the League's mission of increasing the number of registered voters and voter participation. When voters are intimidated or must take additional steps to register or remain registered, this impedes the League's mission of ensuring that the ballot box is accessible for all eligible voters.

### **III. The revised SSA SORN and associated public comment period are untimely and woefully insufficient.**

SSA has been disclosing NUMIDENT data to DHS since as early as May for use in DHS's overhauled SAVE system, but failed to publish a SORN or solicit public comment until November 12. Under the Privacy Act, SSA was required to solicit public input *before* making major changes to the NUMIDENT system of records.<sup>15</sup> Yet, as of November 3, the United States Citizenship and Immigration Services ("USCIS") claimed the "SAVE Optimization" using SSA NUMIDENT records has already "enabled state voting agencies to submit **over 46 million voter verification queries** and has also allowed federal agencies to submit over 110 million queries to help verify eligibility for federally funded benefits."<sup>16</sup> **None of these checks using SSA data should have occurred without SSA first complying with the Privacy Act's transparency and public comment requirements.** SSA's untimely, vague, after-the-fact SORN does not remedy those violations. And even now, while the comment period is pending, SSA is continuing to disclose its data in bulk to DHS for the overhauled SAVE system and potentially for other uses covered by Routine Use No. 49's vague and broad terms. All of these actions are procedurally defective and unlawful under the Privacy Act.

By running roughshod over the Privacy Act's critical safeguards, SSA has endangered the voting and privacy rights of League members and millions of Americans whom the League serves.

### **IV. DHS and SSA lack any statutory or constitutional authority to create a massive inter-governmental data bank for voter eligibility checks.**

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<sup>15</sup> 5 U.S.C. §§ 552a(e)(4), (e)(11).

<sup>16</sup> U.S. Citizenship and Immigr. Servs., *USCIS Enhances Voter Verification Systems* (Nov. 3, 2025), <https://www.uscis.gov/newsroom/news-releases/uscis-enhances-voter-verification-systems> (emphasis added).

Besides SSA's procedural violations, the SAVE overhaul is deficient for a more fundamental reason: Congress has granted no statutory authority to DHS or SSA to transform SAVE into a massive inter-governmental data bank for voter eligibility checks.

"Federal agencies are creatures of statute. They possess only those powers that Congress confers upon them."<sup>17</sup> Here, no statute authorizes DHS and SSA to (i) collect voter roll data en masse from states, (ii) disclose that data to SSA and bulk match the data against SSA's NUMIDENT system, (iii) disclose the queried SSA data elements to DHS and cross-check it against DHS and other agency databases, and (iv) disclose the results of this bulk interagency data matching to SAVE user agencies for voter eligibility checks.<sup>18</sup>

As authority to disclose mass amounts of sensitive SSA data to DHS—not only for SAVE but also for other undisclosed uses—new Routine Use No. 49 of SSA's revised SORN relies solely on § 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 3009, 707 (1966) (codified at 8 U.S.C. § 1373(a)).<sup>19</sup> Yet the Department of Justice's Office of Legal Counsel has long interpreted § 1373(a) not as providing any "affirmative authority," but rather as a "limitation on the authority of government entities or officials to impose prohibitions or restrictions on disclosures" of certain citizenship data "by government entities or officials" *where such disclosure is otherwise authorized by law*.<sup>20</sup> That reading follows from the statute's plain text, which confers no express authority on SSA to disclose its data to DHS and for that data to be collected, consolidated, and matched with data from DHS or other federal agencies and then for the matching results to be disclosed to states and local officials.

Canons of statutory construction amply confirm that Congress has not authorized the bulk inter-governmental data collection, disclosure and matching that SAVE now performs. Most notably, while nothing in § 1373(a) of the IIRIRA expressly authorizes DHS's expansion of SAVE, a *different* section of the IIRIRA *does* expressly authorize certain interagency data sharing and matching between DHS and SSA solely for purposes of determining an employee's work-authorization status under the E-Verify program (formerly known as the "Basic Pilot Program").<sup>21</sup> That section requires that E-Verify's interagency data matching and sharing be conducted through "reliable, secure method[s]," strictly limits the data that SSA may share with DHS, mandates that both agencies "shall update their information in a manner that promotes

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<sup>17</sup> *Judge Rotenberg Educ. Ctr., Inc. v. FDA*, 3 F.4th 390, 399 (D.C. Cir. 2021).

<sup>18</sup> 90 Fed. Reg. 48948, 48950 (Oct. 31, 2025) (describing SAVE's new data matching against SSA's Enumeration System).

<sup>19</sup> 90 Fed. Reg. 50857 at 50883 (Nov. 12, 2025).

<sup>20</sup> Off. of Legal Couns., *Relationship Between Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and Statutory Requirement for Confidentiality of Census Information* at 1999 WL 34995963, at \*4 (O.L.C. May 18, 1999).

<sup>21</sup> Pub. L. No. 104-208, § 404, 110 Stat. 3009, 664–65 (1996) (codified at 8 U.S.C. § 1324a note).

the maximum accuracy and shall provide a process for the prompt correction of erroneous information,” and prohibits the data from being used “for any other purpose other than” for E-Verify.<sup>22</sup> **The IIRIRA notably omits any similar provisions authorizing interagency data sharing and matching for the SAVE program, creating a strong presumption that Congress has conferred no such authority.** Indeed, “where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.”<sup>23</sup>

Moreover, Congress has amended the Privacy Act several times—in 1988, 1997, 1999, 2010, and 2014—to create specific carveouts for bulk computerized matching of data across federal and non-federal agencies.<sup>24</sup> To take one example, the Affordable Care Act of 2010 amended the Privacy Act to add an exclusion for “matches performed by [HHS] or the [HHS Inspector General] with respect to potential fraud, waste, and abuse, including matches of a system of records with non-Federal records.”<sup>25</sup> These carveouts show that when Congress wants to create exceptions to the Privacy Act’s extensive restrictions on inter-governmental data sharing and matching, it does “so clearly and expressly.”<sup>26</sup> It has not done so for SAVE.

Nor could any of the other statutes cited in the revised DHS SORN be read to *implicitly* authorize such sweeping and unprecedented inter-governmental data sharing and matching. As the Supreme Court has made clear, when it comes to conferring power on agencies, Congress does not “hide elephants in mouseholes.”<sup>27</sup>

In addition to lacking statutory authorization, the overhaul of SAVE improperly arrogates powers to the Executive that the Constitution delegates to the States and Congress. As a federal court recently held in permanently enjoining provisions of the same executive order<sup>28</sup> that DHS invoked to overhaul SAVE,<sup>29</sup> “[t]he Constitution assigns no direct role to the President” with respect to “the power to determine who is qualified to vote” or “the power to regulate federal

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<sup>22</sup> *Id.* §§ 404(e)–(h), 110 Stat. at 665.

<sup>23</sup> *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972); see *City & Cnty. of San Francisco v. EPA*, 604 U.S. 334, 344 (2025) (“We have invoked this canon time and time again.”) (citing cases).

<sup>24</sup> See 5 U.S.C. §§ 552a(a)(8)(B)(i)–(x).

<sup>25</sup> *Id.* at § 552a(a)(8)(B)(ix).

<sup>26</sup> *FCC v. NextWave Pers. Commc’ns, Inc.*, 537 U.S. 293, 302 (2003) (applying canon in different context); see also *Meghrig v. KFC Western, Inc.*, 516 U.S. 479, 485 (1996).

<sup>27</sup> *Whitman v. Am. Trucking Ass’ns, Inc.*, 531 U.S. 457, 468 (2001).

<sup>28</sup> If the revised SSA SORN and Routine Use No. 49 are in response to Executive Order 14159 or Executive Order 14248, SSA does not say—those executive orders’ commands and reliance on 8 U.S.C. § 1373 are reflected in DHS’s revised SORN.

<sup>29</sup> See 90 Fed. Reg. 48948, 48950 (Oct. 31, 2025) (citing Executive Order 14248, *Preserving and Protecting the Integrity of American Elections*).

election procedures.”<sup>30</sup> Rather, “the power to determine voter qualifications is left entirely with the States, subject only to the requirement that each State must adopt the same qualifications for congressional elections as it does for elections to ‘the most numerous branch’ of its own legislature.”<sup>31</sup> In other words, “determining voter qualifications ‘forms no part of the power to be conferred upon the national government.’”<sup>32</sup> And the Elections Clause empowers the States and Congress to regulate federal election procedures, but vests no such power in the Executive.<sup>33</sup> Because neither SSA nor DHS have “statutory authority” or any “background constitutional authority” to transform SAVE into an inter-governmental data bank for voter eligibility checks, the SAVE overhaul violates “constitutional separation of powers principles.”<sup>34</sup>

#### **V. The expanded SAVE system requires disclosure of SSA data in violation of the Social Security Act, the Privacy Act, and longstanding SSA policy.**

As explained above, the overhauled SAVE system now enables user agencies to run bulk searches of SSA’s NUMIDENT system by full or partial SSN, in response to which SSA will confirm to DHS whether the provided full or partial SSN is a “match” (using a “True” or “False” indicator), and, if only a partial SSN is provided, SSA will disclose the full SSN to DHS.<sup>35</sup> This bulk disclosure of SSNs of U.S. citizens and lawful permanent residents without advance notice, individual consent, or statutory authorization violates at least two statutory prohibitions and longstanding SSA policy.

First, it violates a provision of the Social Security Act mandating that “Social security account numbers and related records that are obtained or maintained by authorized persons pursuant to any provision of law enacted on or after October 1, 1990, shall be confidential, and no authorized person shall disclose any such social security account number or related record.”<sup>36</sup> Second, it violates a provision of the Privacy Act providing that “[a]ny Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what

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<sup>30</sup> *League of United Latin Am. Citizens v. Exec. Off. of the President*, No. CV 25-0946 (CKK), 2025 WL 3042704, at \*2 (D.D.C. Oct. 31, 2025).

<sup>31</sup> *Id.* at \*26; see U.S. Const. art. I, § 2, cl. 1; U.S. Const. amend. XVII.

<sup>32</sup> *League of United Latin Am. Citizens*, 2025 WL 3042704, at \*3 (quoting *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 17 (2013)).

<sup>33</sup> U.S. Const. art. I, § 4, cl. 1.

<sup>34</sup> *Sierra Club v. Trump*, 929 F.3d 670, 696–97 (9th Cir. 2019).

<sup>35</sup> See U.S. Soc. Sec. Admin., *Letter Agreement Providing for Information Sharing Between DHS, USCIS, and SSA Regarding Citizenship*, at 5 (May 15, 2025),

[https://www.ssa.gov/foia/resources/proactivedisclosure/2025/May%202025%20SSA-DHS-USCIS%20Agreement\\_Redacted.pdf](https://www.ssa.gov/foia/resources/proactivedisclosure/2025/May%202025%20SSA-DHS-USCIS%20Agreement_Redacted.pdf) (posted Sep. 25, 2025); 90 Fed. Reg. 48948, 48950 (Oct. 31, 2025).

<sup>36</sup> 42 U.S.C. § 405(c)(2)(C)(viii)(I).

statutory or other authority such number is solicited, and what uses will be made of it.”<sup>37</sup> Third, it violates SSA’s longstanding “policy to verify SSNs, and SSN information,” only “under limited circumstances as allowed or required by Federal laws,” where SSA has “legal authority and where we are able to identify the true number holder.”<sup>38</sup> That policy states unequivocally that SSA does “**not have the legal authority to disclose information about U.S. citizens to DHS. If DHS requests information and we determine the information pertains to both U.S. citizens and aliens, only information about the aliens can be disclosed.**”<sup>39</sup> SSA’s revised SORN does not acknowledge or explain why it is suddenly departing from this longstanding agency policy by disclosing to DHS SSN data of millions of U.S. citizens pursuant 8 U.S.C. § 1373(a), a statute enacted *nearly 30 years ago*.

## **VI. The revised SSA SORN’s new Routine Use No. 49 violates the Privacy Act’s compatibility requirement and is impermissibly vague and overbroad.**

Under the Privacy Act, the primary way a record is disclosed is pursuant to a pre-published “routine use,” defined as “the use of [a] record for a purpose which is compatible with the purpose for which it was collected.”<sup>40</sup> To satisfy this compatibility requirement, “[t]here must be a . . . concrete relationship or similarity, some meaningful degree of convergence, between the disclosing agency’s purpose in gathering the information and in its disclosure.”<sup>41</sup> This requirement embodies Congress’s judgment that “[w]hen personal data collected by one organization for a stated purpose is used and traded by another organization for a completely unrelated purpose, individual rights could be seriously threatened.”<sup>42</sup>

Here, SSA’s revised SORN adds new “Routine Use No. 49” for disclosure of “citizenship and immigration information to [DHS], pursuant to 8 U.S.C. 1373(a) . . . .” But this new routine use enables mass repurposing of millions of Americans’ sensitive SSA data for use by SAVE and in other ways that are fundamentally incompatible with the reasons for which that data was collected.

Specifically, SSA collected the citizenship and immigration information now being used by SAVE for its own program purposes concerning work authorization and eligibility for SSA

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<sup>37</sup> 5 U.S.C. § 552a note.

<sup>38</sup> Soc. Sec. Admin., *Disclosure and Verification of Social Security Numbers (SSN) Without Consent*, Program Operations Manual System (POMS), GN 03325.002 (2023), <https://secure.ssa.gov/apps10/poms.nsf/lnx/0203325002>.

<sup>39</sup> *Id.*

<sup>40</sup> 5 U.S.C. §§ 552a(a)(7), (b)(3).

<sup>41</sup> *Britt v. Naval Investigative Serv.*, 886 F.2d 544, 549–50 (3d Cir. 1989); *see also Townsend v. United States*, 236 F. Supp. 3d 280, 318 (D.D.C. 2017).

<sup>42</sup> *Britt*, 886 F.3d at 550 (quoting 120 Cong. Rec. 36,894 (1974) (statement of Sen. Percy)).

benefits.<sup>43</sup> SSA did not collect the data for disclosure to DHS and state and local agencies for voter eligibility checks, nor does that use meaningfully converge with the reasons for SSA's data collection. In fact, SSA has explicitly cautioned that while its "citizenship information is accurate for SSA's program purposes, if used later for other purposes, it may not be current" because "SSA is not the custodian of U.S. citizenship records."<sup>44</sup>

Similarly, SAVE state and local user agencies collected the voter roll data now being bulk uploaded into SAVE for use by *state* officials. They did not collect the data to be fed into a massive inter-governmental data bank for the *federal government* to conduct voter eligibility checks or, as SAVE user agreements broadly authorize, for "any [other] purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law."<sup>45</sup>

The overhauled SAVE system therefore significantly repurposes millions of Americans' protected SSA data without advance notice, consent, opportunity for public input, or legal authorization.

New Routine Use No. 49 is also impermissibly vague and overbroad. Binding OMB guidelines instruct that any new or modified "[r]outine uses shall be narrowly tailored to address a specific and appropriate use of the records," and that "[a]gencies shall describe each routine use with sufficient clarity and specificity to ensure that members of the public who are unfamiliar with the system or the agency's program can understand the uses to which the records are subject."<sup>46</sup> "Overly broad or ambiguous language would undermine the purpose of the routine use notice requirement and shall be avoided."<sup>47</sup> New Routine Use No. 49 fails to satisfy these requirements. Indeed, it purports to authorize unlimited disclosure to DHS of SSA's citizenship and immigration information about U.S. citizens and lawful permanent residents *for seemingly any purpose* (whether lawful or not), including but not limited to for utilization by the expanded SAVE system. This routine use is neither narrowly tailored to a specific and appropriate use of records, nor sufficiently described to put the public on notice of how SSA is repurposing and disclosing millions of Americans' sensitive personal information.

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<sup>43</sup> See Social Security Amendments of 1972, Pub. L. 92-603, 86 Stat. 1329 (codified as amended in scattered sections of 42 U.S.C.); U.S. Soc. Sec. Admin., *Program Operations Manual System (POMS)*, GN 00303.001 (Requirement of United States (U.S.) Citizenship or Appropriate Alien Status) (Feb. 23, 2024); 20 C.F.R. § 422.104(a)(3).

<sup>44</sup> See July 2023 SSA Ltr., *supra* note 12, at 2.

<sup>45</sup> U.S. Citizenship and Immigr. Servs., *SAVE Voter Verification Agency Sample MOA Draft 9* (revised June 9, 2025), <https://www.uscis.gov/sites/default/files/document/brochures/SAVE%20MOA%20Voter%20Registration%20and%20List%20Maintenance%20Sample.pdf> [hereinafter "SAVE MOA Draft"].

<sup>46</sup> Off. of Mgmt. & Budget, Circular No. A-108, re *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*, at 7, 11 (2016), <https://perma.cc/N9QK-SDLE>.

<sup>47</sup> *Id.* at 11.

**VII. The SSA citizenship data SAVE now utilizes for voter eligibility checks is unreliable, cannot be easily linked to DHS data, and will lead to wrongfully targeting naturalized citizens, barriers to voting, and unlawful purging.**

The expanded SAVE system is not only unlawful, but will also lead to naturalized citizens and other eligible voters being wrongly targeted, investigated, and forced to needlessly provide documentary proof of citizenship to vote. Due to the known unreliability of SSA's citizenship data, as well as known challenges of linking DHS and SSA data sets, the disclosure of SSA data to DHS including for use in the expanded SAVE system will result in eligible citizens facing additional hurdles to voting and being unlawfully purged from voter rolls due to data mismatches, user error, and inaccurate records.

**A. SAVE now utilizes SSA citizenship data that the government knows is incomplete, unreliable, and not easily linked to DHS data.**

Relying on SSA citizenship data for voter registration and list maintenance will disproportionately adversely affect naturalized citizens and others for whom SSA has inaccurate and outdated data. Naturalized citizens are most at risk because, unlike U.S.-born citizens, naturalized citizens' status is not static; if they interacted with SSA before their naturalization, SSA records will reflect their old noncitizen status. This noncitizen status will remain in SSA records until it is updated by the SSA holder. This is because the only citizenship data SSA possesses is provided by the individual at a single moment in time—i.e., when someone applies for an SSN and the corresponding card.<sup>48</sup> Under SSA policy, every legal permanent resident ("LPR") needs a Social Security Number,<sup>49</sup> but SSA has no current process for automatically updating the citizenship data it maintains when a LPR naturalizes. Instead, SSA relies on each individual SSN-holder to inform SSA of any change in their status, including naturalization. But SSA policy states that "there is no obligation for an individual to report to SSA a change in their immigration status *unless the individual is receiving Social Security payments.*"<sup>50</sup>

SSA citizenship data for U.S. born citizens is also incomplete because the agency did not consistently collect and maintain this information before 1981.<sup>51</sup> According to SSA's own analysis, "SSA's assessment of its citizenship data indicates that approximately ¼ of those records do not have an indication of citizenship present."<sup>52</sup> As SSA itself has explained, "SSA is

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<sup>48</sup> July 2023 SSA Ltr., *supra* note 12, at 2.

<sup>49</sup> U.S. Soc. Sec. Admin., *Social Security Numbers for U.S. Permanent Residents*, [https://www.ssa.gov/ssnvisa/Handout\\_11\\_1.html](https://www.ssa.gov/ssnvisa/Handout_11_1.html) (last visited Dec. 9, 2025).

<sup>50</sup> July 2023 SSA Ltr., *supra* note 12, at 2 (emphasis added).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.* at 3.

not the agency responsible for making citizenship determinations” and “SSA is not the custodian of U.S. citizenship records.”<sup>53</sup>

The only way to correct citizenship status information in SSA records is through an in-person appointment at an SSA office—a burdensome and time-consuming process for many voters—which is further complicated by diminished services due to recent reductions in force at SSA.<sup>54</sup> Unless and until a person has a need to begin receiving benefits from SSA, there is no independent reason they would need to update their citizenship status following naturalization. The impact is broad and immense. In the last decade alone, nearly 8 million Americans have naturalized, including over 800,000 people just in fiscal year 2024.<sup>55</sup> The vast majority of these individuals are not age-eligible to receive Social Security benefits and would have no independent reason to update their status with SSA.<sup>56</sup>

A 2006 audit by SSA’s Office of Inspector General estimated that SSA’s citizenship data inaccurately identified about 3.3 million U.S. citizens as noncitizens “because [they] had become U.S. citizens after obtaining their SSN” and “had not updated their records with SSA.”<sup>57</sup> The same audit also compared SSA data to corresponding DHS records and found discrepancies between the two (i.e., differing names, date of birth, or citizenship status) in an estimated 17.8 million of the SSA NUMIDENT records reviewed.<sup>58</sup>

Despite these known data limitations, SSA has continued to disclose its unreliable citizenship data to DHS, including facilitating its use by SAVE to verify voter eligibility for state and local officials. This ill-advised and unfair repurposing of SSA data has occurred without prior notice or consent.

Compounding these risks, while it is not specified in the SORN, it is clear from the May 2025 SSA-DHS data sharing agreement, the October 2025 DHS SAVE SORN, and DHS’s public statements that SSA has enabled DHS to conduct citizenship checks using only the last four

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<sup>53</sup> *Id.* at 2.

<sup>54</sup> Jordyn Bradley, *Nearly Every US State Has Lost Social Security Field-Office Staff This Year*, Investopedia (Aug. 11, 2025), <https://perma.cc/MYB8-38PQ>.

<sup>55</sup> U.S. Citizenship and Immigr. Servs., *Naturalization Statistics* (Jan. 24, 2025), <https://www.uscis.gov/citizenship-resource-center/naturalization-statistics>.

<sup>56</sup> *Id.*

<sup>57</sup> U.S. Soc. Sec. Admin. Off. of the Inspector Gen., No. A-08-06-26100, *Congressional Response Report: Accuracy of the Social Security Administration’s Numident File* iii (Dec. 18, 2006), [https://oig-files.ssa.gov/audits/full/A-08-06-26100\\_0.pdf](https://oig-files.ssa.gov/audits/full/A-08-06-26100_0.pdf).

<sup>58</sup> *Id.* at 5 & n.11.

digits of an SSN (“SSN4”),<sup>59</sup> which is not a unique identifier since “up to 40,000 numberholders possibly share SSNs that have the same last four digits.”<sup>60</sup> This new functionality risks misidentifying or mismatching people between the voter file and the information accessed by SAVE.<sup>61</sup> Indeed, in the Privacy Impact Assessment for SAVE released on October 31, 2025, DHS admits that “due to misspelling of names, transposed numbers, or incomplete information, the SAVE Program may produce inaccurate results,” and that these risks cannot be fully mitigated when SAVE users conduct searches by SSN because DHS “does not have direct access to the Social Security Administration system to support” additional verification steps, and SAVE user agencies “may not go through all steps to ensure accuracy of information.”<sup>62</sup>

DHS wrongly claims that the known problems with SSA’s data are mitigated by SAVE’s cross-checking of results against DHS’s own citizenship records. But this ignores another well-documented problem: the inability to effectively link DHS and SSA citizenship data. As a 2012 report to USCIS explained, “[t]he lack of a common identifier, such as the SSN, between SSA and DHS means that information about foreign-born citizens contained in USCIS naturalization databases may not be locatable when SSA information is inadequate to confirm citizenship status.”<sup>63</sup> Thus, cross-checking SSA search results against DHS databases will do little to mitigate risks since the databases do not “speak” to one another, and were never intended to be linked in this way.

The problems with using SSN4 are well known in the voting context, because another voting verification program, the identity check created under the Help America Vote Act of 2002 (“HAVA”), utilizes SSN4 rather than the full SSN. Specifically, a 2009 SSA Inspector General report found that this program, Help America Vote Verification (“HAVV”), which also uses last name, first, name and birthdate, had a “high no-match response rate” and “inconsistent verification responses” which were attributable in part to the lack of unique identifier inherent

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<sup>59</sup> U.S. Citizenship and Immigr. Servs., *USCIS Enhances Voter Verification Systems* (Nov. 3, 2025), <https://www.uscis.gov/newsroom/news-releases/uscis-enhances-voter-verification-systems>; see Ltr. Agreement, *supra* note 3, at 5.; 90 Fed. Reg. 48948, 48950 (Oct. 31, 2025).

<sup>60</sup> U.S. Soc. Sec. Admin. Off. of the Inspector Gen., No. A-03-09-29115, *Quick Response Evaluation - Accuracy of the Help America Vote Verification Program Responses* 6 (June 2009), <https://oig-files.ssa.gov/audits/full/A-03-09-29115.pdf> [hereinafter “2009 SSA OIG Rpt.”].

<sup>61</sup> See, e.g., U.S. Soc. Sec. Admin., *Social Security Administration (SSA) Weekly Data for Help America Vote Verification (HAVV) Transactions by State - January 2011 to Present Totals*, <https://www.ssa.gov/data/havv/havv-totals-since-2011.html> (last visited Dec. 9, 2025) (use drop down menu in “HAVV Data” to select “January 2011 to Present Totals”) (of the HAVV verification transactions submitted since 2011, where full name, birthdate, and last four of SSN were queried against SSA data, 6,800 transactions matched with multiple living people, and 4,039 matched with at least one living person and at least one deceased person).

<sup>62</sup> U.S. Dep’t of Homeland Sec., No. DHS/USCIS/PIA-006(d), *Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program* 19–20 (Oct. 31, 2025), <https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf> .

<sup>63</sup> July 2012 Westat Rpt., *supra* note 12, at 34.

in relying on the last four digits of the SSN.<sup>64</sup> Uncritical and undisclosed expansion of these data methods is unwarranted and ill-advised.

Giving DHS free rein to utilize SSA data of millions of Americans poses unnecessary and intolerable burdens on the right to vote that SSA has failed entirely to consider in sharing its data.

**B. SSA is facilitating—and complicit in—DHS’s push for election officials to use its new SAVE system at a massive scale without mitigating known risks to voters.**

The massive increase in the number of voters impacted by SAVE’s new SSA-facilitated “features,” including the function to search by full or partial SSN, exponentially increases the risks of error and harm to the millions of voters whom the League serves. DHS states that, as of November 3, “26 states . . . have, or are in the process of establishing, a memorandum of agreement” to use SAVE for voter registration or voter list maintenance.<sup>65</sup> SAVE user agreements and the revised SAVE SORN contemplate that when SAVE fails to confirm the citizenship status of voters based on a bulk SSN search, the SAVE user agency will force voters to prove their citizenship status in order to remain on voter rolls.<sup>66</sup> And that is precisely what is happening in several states. For example:

- **Texas** has instructed numerous counties to send notices to thousands of individuals flagged by SAVE as “potential” noncitizens, and is requiring them to provide proof of citizenship within 30 days or else have their voter registrations cancelled.<sup>67</sup> The Secretary of State has instructed counties that, “[i]n accordance with our [SAVE] Memorandum of Understanding with USCIS, if a voter provides proof of citizenship documentation, the county must send a copy of that documentation to the Secretary of

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<sup>64</sup> 2009 SSA OIG Rpt., *supra* note 60, at 4.

<sup>65</sup> Nov. 2025 USCIS Press Release, *supra* note 13.

<sup>66</sup> See SAVE MOA Draft, *supra* note 45, at 4 (instructing that “[i]f the [SAVE] User Agency does not request additional verification or SAVE does not verify the registrant or registered voter as a U.S. citizen after conducting additional verification, the User Agency must contact the registrant or registered voter to obtain proof of U.S. citizenship, if necessary under the circumstances to fulfill the purpose of this MOA and in accordance with the provisions of this MOA and Federal and State law”); 90 Fed. Reg. 48948, 48951 (Oct. 31, 2025) (agencies using SAVE’s new bulk search-by-SSN function “are not prompted to institute additional verification . . . but are instructed to resubmit with additional information when the process is unable to return a response.”).

<sup>67</sup> Press Release, Tex. Sec’y of State, *Texas Completes Citizenship Verifications in the SAVE Database* (Oct. 20, 2025), <https://www.sos.state.tx.us/about/newsreleases/2025/102025.shtml>; see also *id.* (follow “county-level breakdown of this data can be found here (PDF)” hyperlink, <https://www.sos.state.tx.us/about/newsreleases/2025/potential-non-citizens.pdf>) (last visited Nov. 17, 2025)); Tex. Sec’y of State, Form 12-50, *Notice To Registered Voter For Proof Of Citizenship (USCIS Verification)* (Oct. 2025), <https://www.sos.state.tx.us/elections/forms/pol-sub/21-50f.pdf>.

State’s office to be provided to USCIS.”<sup>68</sup> Early reports indicate a high error rate, with numerous eligible voters being wrongfully identified as noncitizens and forced to re-prove their citizenship status to the state and USCIS.<sup>69</sup>

- **Louisiana** claims to have removed nearly 400 voters from their voter rolls using the SAVE system.<sup>70</sup> In September, the Secretary of State’s office sent notices to those individuals claiming that the State has reason to believe they are noncitizens and requiring them to prove their citizenship status within 21 days or else be removed from voter rolls.<sup>71</sup>
- **Virginia** is likewise requiring its voter rolls to be run through SAVE to identify potential noncitizens.<sup>72</sup> An October 2025 report by the Virginia Department of Elections says that between September 1, 2024, and August 31, 2025, 1,644 voter registrations were cancelled as a result of SAVE citizenship checks.<sup>73</sup>

The upshot of this process is that SSA’s disclosure of its citizenship data to DHS is facilitating a back-door documentary proof-of-citizenship (“DPOC”) requirement on many registered voters. DHS seeks to minimize this aspect of its data sharing as merely as mere “additional verification.” **But SSA has failed entirely to consider that requiring DPOC of registered naturalized citizen voters *itself* burdens the right to vote, and creates an intolerable risk that eligible voters will be disenfranchised.**

Indeed, for many Americans, proving their citizenship with documents is burdensome and time-consuming. Over 9% of voting-age citizens—nearly 21.3 million people—cannot readily access documentary proof of citizenship, according to the University of Maryland Center

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<sup>68</sup> Email from Tex. Sec’y of State Elections Div. to Voter Registrars/Election Administrators re *List Maintenance Activity Involving Potential Non-United States Citizens* (Oct. 21, 2025), <https://perma.cc/X9MN-ZTVJ>.

<sup>69</sup> Natalia Contreras, *Texas counties look into ‘potential noncitizens’ on voter rolls. Here’s what they’re finding*, Votebeat Tex. (Oct. 31, 2025), <https://www.votebeat.org/texas/2025/10/31/county-election-officials-investigate-potential-noncitizens-flagged-save-database/>.

<sup>70</sup> La. Sec’y of State, *Louisiana Secretary of State’s Post*, Facebook (Oct. 27, 2025 at 11:49 am), <https://www.facebook.com/Louisianasos/posts/in-a-recent-letter-president-donald-trump-praised-secretary-landrys-commitment-t/1321314536690125/>.

<sup>71</sup> Jude Joffe-Block and Miles Parks, *33 million voters have been run through a Trump administration citizenship check*, NPR (Sep. 11, 2025), <https://www.npr.org/2025/09/10/nx-s1-5477367/save-election-citizenship-data-trump>.

<sup>72</sup> Dean Mirshahi, *Youngkin signs order directing removal of non-citizens from voter rolls*, VPM (Sep. 18, 2025), <https://www.vpm.org/elections/2025-09-18/election-2025-youngkin-executive-order-voter-removal-homeland-security-beals>.

<sup>73</sup> Va. Dep’t of Elections, *Annual List Maintenance Report September 1, 2024 - August 31, 2025* 19 (2025), <https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/2025-Annual-List-Maintenance-Report.pdf>.

for Democracy and Civic Engagement.<sup>74</sup> And not all citizens would be impacted equally by a requirement to provide paperwork showing their citizenship. For example, an estimated 69 million American women who lack paperwork with their current name due to name changes during marriage—such as a passport—would be unable to use documents like their birth certificate to prove their citizenship.<sup>75</sup>

### **VIII. DHS’s justification for expanding SAVE using SSA data is based on the debunked myth of widespread noncitizen voting.**

DHS’s use of SSA data to overhaul SAVE for election use is a solution in search of a problem. DHS’s rationale for expanding the system is based on the empirically false premise that noncitizen voting is widespread in the United States.<sup>76</sup> But as USCIS itself acknowledged in an October 2024 letter, “[f]ederal law prohibits non-U.S. citizens from registering and voting in Federal elections,” and the “evidence is clear that these laws are working as intended—it is extremely uncommon for noncitizens to vote in Federal elections.”<sup>77</sup>

Indeed, extensive data shows that verified cases of noncitizen voting are vanishingly rare and statistically insignificant. For instance, a recent study by the nonpartisan Center for Election Innovation and Research reviewed suspected cases of noncitizen voting in all 50 states, and found that the “vast majority of allegations of noncitizen registration or voting appear to arise from misunderstandings, mischaracterizations, or outright fabrications about complex voter data.”<sup>78</sup> Similarly, the Heritage Foundation’s nationwide database of alleged instances of voter fraud identifies just 99 total cases of suspected noncitizen voting going back to 2000.<sup>79</sup> And a 2018 decision by a federal district court in a case brought by, among others, the League of Women Voters of Kansas, was “unable to find empirical evidence that a substantial number of noncitizens successfully registered to vote.” Though the court found a small number of noncitizens had registered, those instances were “largely explained by administrative error,

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<sup>74</sup> Jillian Andres Rothschild, et al., *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge*, Univ. of Md. Ctr. for Democ. and Civic Engagement 6 (June 2024), <https://fairelectionscenter.org/wp-content/uploads/2025/02/Voter-ID-survey-Key-Results-June-2024.pdf>.

<sup>75</sup> League of Women Voters, *The Safeguard American Voter Eligibility (SAVE) Act is a Trick* (Mar. 25, 2025), <https://www.lwv.org/blog/safeguard-american-voter-eligibility-save-act-trick>.

<sup>76</sup> See Press Release, U.S. Citizenship and Immigr. Servs., *USCIS Deploys Common Sense Tools to Verify Voters* (May 22, 2025), <https://perma.cc/HBZ5-RW2E> (“For years, states have pleaded for tools to help identify and stop aliens from hijacking our elections . . . Under the leadership of President Trump and Secretary Noem, USCIS is moving quickly to eliminate voter fraud.”).

<sup>77</sup> Letter from U.S. Citizenship and Immigr. Servs. Director Ur M. Jaddou to Ohio Sec’y of State Frank La Rose (Oct. 10, 2024), <https://perma.cc/8SN3-C88W>.

<sup>78</sup> See Ctr. for Election Innovation & Rsch., *Review of Allegations of Noncitizen Registrants and Voters* (July 2025), <https://electioninnovation.org/research/noncitizen-analysis/>.

<sup>79</sup> Heritage Found., *Election Fraud Map, Explore the Data* (last accessed Nov. 25, 2025), <https://electionfraud.heritage.org/search> (sort search results by “Fraud Sub-category” of “Alien”).

confusion, or mistake” and the court declined to “rely on extrapolated numbers from tiny sample sizes and otherwise flawed data.”<sup>80</sup>

In 2014, the U.S. Election Assistance Commission issued a 46-page Memorandum rejecting requests by Arizona, Georgia, and Kansas to add a DPOC requirement to the federal voter registration form, citing the exceedingly small number of noncitizens who had illegally registered to vote, which it found were attributable to a level of human error that is nearly unavoidable in such a bureaucratic process.<sup>81</sup> A 2024 review of Georgia voter rolls by state election officials identified just 20 noncitizens of the 8.2 million people—just .0002%—that were registered to vote in the state.<sup>82</sup>

The justification for use of SSA citizenship data by DHS as it relates to voter registration and voting thus lacks any empirical or rational basis.

## **IX. Conclusion**

The League urges SSA to rescind the revised SORN as it relates to disclosure of citizenship data to DHS, immediately cease all such data sharing with DHS, and only disclose SSA data consistent with the prior operative SORN for the NUMIDENT system, 90 Fed. Reg. 10026 (Feb. 20, 2025). SSA lacks any statutory or constitutional authority to disclose NUMIDENT data to feed into an inter-governmental data bank for citizenship checks, and SSA has failed to sufficiently consider and mitigate the significant risks to eligible voters in making its disclosure and enabling DHS to implement the expanded SAVE system.

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<sup>80</sup> *Fish v. Kobach*, 309 F. Supp. 3d 1048, 1102 (D. Kan. 2018), *aff'd sub nom. Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020), *cert. denied*, 141 S. Ct. 965 (2020).

<sup>81</sup> Post by Election Assistance Comm’n, Dkt. No. EAC-2013-0004-0429, *Memorandum of Decision Concerning State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form 28–37*, Regulations.gov (Jan. 20, 2014), <https://www.regulations.gov/document/EAC-2013-0004-0429>.

<sup>82</sup> *Georgia citizenship audit finds few noncitizens on voter rolls*, Associated Press (Oct. 23, 2024), <https://apnews.com/article/georgia-noncitizens-voter-rolls-14532ef49b66f9cbf34ff483d2534280>.

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