



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

Chuck Schumer  
Senate Majority Leader  
H-232, The Capitol  
Washington, D.C. 20515

Mitch McConnell  
Senate Minority Leader  
2433 Rayburn House Office Building  
Washington, D.C. 20515

July 15, 2024

**Re: Safeguard American Voter Eligibility Act (“SAVE Act”)**

Dear Majority Leader Schumer and Minority Leader McConnell:

The situation at the United States-Mexico border has devolved dramatically since Joe Biden assumed the presidency in 2021. Millions of aliens have been intentionally released into communities across the nation and countless other “gotaways” have escaped detection altogether. The federal government has refused to enforce the laws passed by Congress to control immigration. This has introduced major safety risks and imposed major costs on the American public, including allowing the entry of unvetted foreign aliens with ties to terror groups and burdening communities with significant healthcare, education, and law enforcement expenses. Aside from undermining the sovereignty of the States, endangering the safety of Americans, and flooding the country with human trafficking and illicit contraband, this disaster has opened the door to the abuse of our electoral system by partisan political activists who aim to mobilize illegal aliens to vote in this country’s elections.

Although federal law prohibits those who are not U.S. citizens from voting in federal elections, it also paradoxically prohibits States from requiring voters to have *proof* of citizenship to vote in federal elections. Under any circumstances, this federal prohibition against citizenship verification makes little sense, but it is especially troubling given the current scale of the illegal immigration crisis. Congress needs to correct this statutory defect by allowing states to ensure that votes are being cast legally by eligible voters.

I am calling on Congress to pass the Safeguard American Voter Eligibility Act (“SAVE Act”), which would require voters to provide proof of citizenship, thereby preventing the effective disenfranchisement of citizens. This is a simple, common-sense fix. It builds on previous reforms, such as the National Voter Registration Act, that allow easy voter registration, while ensuring that only citizens register and vote—as required by law.



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Importantly, the SAVE Act would derail any litigation over whether voters must provide proof of citizenship before voting in federal elections.

Under current law, States may set up a bifurcated voting system, with separate elections—one for federal elections, where proof of citizenship is not required, and one for state elections, where proof of citizenship can be required. Texas estimates that running separate primaries for each election system would add between \$15 and \$18 million in unnecessary taxpayer dollars at the statewide level and could double costs at the county level.<sup>1</sup> The SAVE Act would allow States to run one, secure system for both state and federal elections without sacrificing any ease of voter registration.

In one example of the dysfunction created by the existing situation, Arizona has implemented a bifurcated voting system. In the 2020 election, over 11,600 Arizona voters participated only in the federal election because they had not provided proof of citizenship, despite the fact that federal law prohibits non-citizens from voting in federal elections.<sup>2</sup> That means that 11,600 voters voted in the previous presidential election without ever providing proof that they were citizens—in a state that President Biden won by 10,457 votes out of over 3.3 million votes cast. The SAVE Act would fix this problem, assure integrity in our democratic process, and make elections more secure.

The House has passed this important piece of legislation, and we urge the Senate to do the same. The American people deserve elections that are protected with complete, airtight integrity. That means ensuring their ballot—their voice and representation—is not diluted or canceled out by the illegally cast vote of someone who is not even a citizen of this country.

Sincerely,

A handwritten signature in black ink that reads "Ken Paxton".

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<sup>1</sup> <https://docs.house.gov/meetings/JU/JU10/20210816/114010/HHRG-117-JU10-20210816-SD202.pdf>

<sup>2</sup> <https://apnews.com/article/voting-rights-us-supreme-court-legislature-arizona-bc2fa3b59f7b7c81d27fde7df9e1ed9b>