



January 15, 2026

House Committee on Elections
Kansas State Capitol
300 SW 10th St., Rm. 218-N
Topeka, KS 66612

Via Email

Re: Opposition to House Bill No. 2437

Dear Members of the House Elections Committee,

Campaign Legal Center (CLC) is a non-partisan, non-profit organization that works to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. We write to express our strong opposition to House Bill No. 2437 (hereinafter “HB 2437”), which would require the secretary of state to request from the United States Citizenship and Immigration Services (“USCIS”) a list of individuals who are noncitizens but may be registered to vote and furnish this list to county election officials, and subsequently exempt any records obtained by the secretary from public disclosure under the Kansas open records act, K.S.A. 45-215. If passed, HB 2437 would create additional burdens for election administrators and raise the likelihood of mass disenfranchisement, legal challenges, and election administration disasters. These hardships are simply not warranted to sustain a policy that will ultimately do little to strengthen Kansas’s election system.

HB 2437 Makes It More Likely That Eligible Voters Will Be Removed from Kansas’s Voter Rolls

Good list maintenance practices increase the accuracy of voter rolls by removing people who pass away, no longer live in the state, or have become ineligible for other reasons, while also protecting eligible voters against wrongful and discriminatory purges. Unfortunately, the changes that HB 2437 makes to Kansas's election administration and list maintenance practices will only increase the likelihood that eligible voters will be disenfranchised.

In order "to ensure effective and continuous maintenance of voter registration records," HB 2437 directs the secretary of state to request or obtain certain information and share that information with county election officials. Among the information the secretary is required to obtain on (at least) an annual basis is a list of individuals who are noncitizens and may be registered to vote, as provided by USCIS. The secretary is then required to share this information with county election officials.

This new provision would burden county election officials while doing very little to ensure election integrity. Information from USCIS, or its parent agency the Department of Homeland Security ("DHS"), can be incomplete or outdated, and relying on it to verify citizenship risks disenfranchising eligible voters.¹

Data requested from USCIS, including data retrieved using the Systematic Alien Verification for Entitlements ("SAVE") system, is prone to errors and can incorrectly identify someone as a noncitizen or fail to confirm someone's immigration status. For example, SAVE may improperly identify newly naturalized citizens as noncitizens by relying on outdated citizenship information. This is, in part, because SAVE is not itself a data repository, but rather a tool for searching various datasets.² Nor does SAVE present a comprehensive list of all U.S. citizens, with gaps in data on naturalized citizens and citizens born to U.S. parents outside the country.³ Improper use of SAVE, including failure to independently verify when SAVE is unable to confirm

¹ Jasleen Singh, *Homeland Security's "SAVE" Program Exacerbates Risks to Voters*, Brennan Center for Justice (July 21, 2025), <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>.

² Jude Joffe-Block & Miles Parks, *33 million voters have been run through a Trump administration citizenship check*, NPR (Sept. 11, 2025), <https://www.npr.org/2025/09/10/nx-s1-5477367/save-election-citizenship-data-trump>.

³ U.S. Commission on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States*, 2018 Statutory Enforcement Report (Sept. 2018), https://www.usccr.gov/files/pubs/2018/Minority_Voting_Access_2018.pdf?inline=1.

citizenship, is likely to result in eligible citizens being removed from the voter rolls.

Additionally, nothing in HB 2437 creates any temporal limitation on the use of data from USCIS to assess a voter registrant's citizenship status. As a result, such a system is likely to discriminatorily target naturalized citizens whose naturalization status is out-of-date in data shared by USCIS with the secretary of state. Unsuccessful attempts by other states to implement systemic removals of suspected non-U.S. citizens are instructive here.

Other states that have attempted to use data obtained through SAVE to search for alleged noncitizens on the rolls have found that relying on stale, outdated citizenship data does nothing to prevent non-U.S. citizens from voting but conversely targets eligible voters who then face additional voter registration burdens. This occurs because USCIS's SAVE and other similar governmental databases are not designed to track the *current* citizenship status of their customers.

For example, recent reporting suggests that SAVE is regularly returning data to state and local election officials identifying voters who are U.S. citizens. St. Louis County determined that 35 percent of those initially marked as noncitizens were, in fact, naturalized citizens.⁴

Because the citizenship data tracked by USCIS, as well as other federal and state agencies, can quickly become stale based on the current inability of these databases to continually update citizenship statuses, these types of database matching practices are far more likely to result in eligible U.S. citizens being incorrectly flagged for removal from the voter registration rolls than they are to identify non-U.S. citizens who are improperly registered to vote. This can result in unlawful national origin discrimination, because naturalized U.S. citizens are more likely to be caught up in these unnecessary citizenship verification programs. When Texas used this approach in 2019, using data from its Department of Public Safety, its flawed citizenship review program wrongfully flagged tens of thousands of Texas voters for removal and threatened them with civil and criminal penalties when they had done nothing

⁴ Alexandra Berzon & Nick Corasaniti, *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump Claim*, New York Times (Jan. 14, 2026), <https://www.nytimes.com/2026/01/14/us/politics/noncitizen-voters-save-tool.html>.

wrong.⁵ The state agreed to end its database matching process but still ended up owing plaintiffs \$450,000 in legal fees after litigation was brought by impacted individuals.⁶ Nearly identical failures have played out in Florida and Alabama.⁷ If HB 2437 becomes law and Kansas implements a discriminatory purge program based on stale data, these failed policies and constitutional violations could be regretfully repeated in Kansas.

Kansas's Elections Are Already Secure

Finally, HB 2437 is a solution in search of a problem. Kansas's elections are safeguarded by strong measures to ensure that only U.S. citizens can, and do, vote. In fact, instances of voting by non-U.S. citizens are nearly nonexistent in Kansas⁸—a federal court found only 39 instances over a 13-year period—and the United States⁹ as a whole because of the strict criminal penalties for casting a ballot illegally.¹⁰ The election system in Kansas maintains checks and balances at every step of the way, including regular reviews of voter rolls and post-election audits to ensure that only those who are eligible to vote are casting ballots and that all elections are conducted freely and fairly.

Non-U.S. citizens residing in the United States recognize that breaking the law and attempting to register and vote will threaten their existence in this country, not to mention their freedom. There are simply no incentives for voting as a non-U.S. citizen. Instead, a non-U.S. citizen who tries to submit a voter registration form or cast a ballot in any state faces prison time or deportation.¹¹ That person would be sacrificing the significant amount of time, money, and resources they've spent to immigrate to and remain in the U.S. for the purpose of casting one ballot. The false specter of illegal voting by non-U.S. citizens should not displace the reality that Kansas's elections are secure.

⁵ Alexa Ura, *Texas will end its botched voter citizenship review and rescind its list of flagged voters*, The Texas Tribune (Apr. 26, 2019), <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>.

⁶ *Id.*

⁷ *Arcia v. Florida Secretary of State*, 772 F.3d 1335 (11th Cir. 2014); Preliminary Injunction, *United States v. Allen*, Case No. 2:24-cv-1329-AM (N.D. Ala. Oct. 16, 2024).

⁸ John Hanna, *Kansas once required voters to prove citizenship. That didn't work out so well*, AP News (Dec. 29, 2024), <https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f>.

⁹ Alex Nowrasteh, *Noncitizens Don't Illegally Vote in Detectable Numbers*, Cato Institute (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

¹⁰ 18 U.S.C. § 611; Mont. Code Ann. §§ 13-35-209, 45-7-201.

¹¹ Hillel R. Smith, *Immigration Consequences of Unlawful Voting by Aliens*, Congressional Research Service (Sept. 18, 2024), <https://crsreports.congress.gov/product/pdf/IF/IF12767>.

Election officials spend 365 days a year ensuring the fairness and integrity of these systems.

HB 2437 Threatens the Public's Access to Information on the Efficacy of Kansas's Voter List Maintenance Practices

Public disclosure of voter lists¹² and voter list maintenance activities undertaken by election officials under open records laws is crucial for ensuring that a state's voter list maintenance practices and activities are effective and nondiscriminatory.

HB 2437 designates all the information that the secretary shall or may request (in section (i) of the bill) "confidential" and exempts its disclosure from Kansas's open records act—with the exception of the release of obtained records to county election officials.

By exempting from public disclosure any of the information that the secretary of state obtains from the social security administration, USCIS, the division of motor vehicles, other federal or state agencies, or nongovernmental organizations, HB 2437 cuts off the public's ability to monitor how Kansas conducts list maintenance and assess the integrity and accuracy of the process. While this bill purports to advance election integrity, hiding this data from the public is contrary to that goal, as well as to the goal of protecting election data from digital bad actors.¹⁴

Voters and the public writ large deserve to have access to lists of voters that the Kansas secretary of state determines are ineligible to vote. If these voters are removed from the voter rolls and it is later determined that they were in fact *eligible voters*, that information should be accessible to the public to ensure that advocacy organizations can remedy these violations and get affected voters re-registered. In short, without access to the information that the secretary of state is directed to (or authorized to) request, Kansans remain in the dark on whether the voter rolls are being maintained or improperly purged.

Conclusion

¹² *Voter Lists: Registration, Confidentiality, and Voter List Maintenance*, Election Assistance Commission (Dec. 23, 2025), <https://www.eac.gov/election-officials/voter-lists-registration-confidentiality-and-voter-list-maintenance#Maintenance>.

¹⁴ *Why is voter registration data public?*, Protect Democracy (June 26, 2024), <https://protectdemocracy.org/work/why-is-voter-registration-data-public/>.

In sum, HB 2437 is a misguided effort. The reality is that election officials across the state are already incredibly effective at safeguarding our elections and ensuring that any potential fraud or threats to election security are thwarted without the addition of burdensome and unnecessary proof of citizenship requirements. The experiences of other states illustrate how poorly designed list maintenance practices could open a Pandora's Box of difficulties for Kansas—from administrative nightmares for election officials to lawsuits for unlawful discrimination brought by impacted voters. And inevitably, using inaccurate information to verify the citizenship of registered voters will limit otherwise eligible U.S. citizens of all stripes from having their voices heard in critically important local, state, and federal elections. For the foregoing reasons, we respectfully urge you to oppose HB 2437. Thank you for your consideration.

Respectfully submitted,

/s/

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