



January 22, 2026

*Via email and U.S. Mail*

Frank LaRose  
Ohio Secretary of State  
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Columbus, OH 43215  
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**Re: Compliance with the National Voter Registration Act**

Dear Secretary LaRose:

We are writing on behalf of the League of Women Voters of Ohio and the Council on American-Islamic Relations (CAIR)-Northern Ohio, as well as their members, and other persons and organizations similarly situated, regarding violations of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20501, *et seq.* This letter serves as written notice pursuant to 52 U.S.C. § 20510(b) that Sections 3503.201 and 3503.152 in Ohio Senate Bill 293 (“SB 293”) violate Section 8 of the NVRA.

SB 293 directs the Secretary of State, at least once each month, to check and compare state voter registration data with the records of the state Bureau of Motor Vehicles (“BMV”) and the federal Systematic Alien Verification for Entitlements (“SAVE”) system to identify potential non-citizens for removal from the voter registration list. *See* SB 293, § 3503.152. The Secretary of State must “[s]end a report to each board of elections of each person in the county who,” based only on the cross-check with the SAVE system and BMV database, the Secretary determines “is not a United States citizen.” *Id.* § 3503.152(B)(1).

Under SB 293, if a board of elections receives a report indicating that an elector in its county is not a United States citizen, the board must “promptly. . . cancel the person’s voter registration in accordance with section 3503.21 of the Revised Code.” *Id.* § 3503.152(B)(1). The Secretary of State must then “[d]irect the election integrity unit to conduct a further investigation regarding each such person under section 3501.055 of the Revised Code.” *Id.* § 3503.152(B)(2). This section does not require that a voter be notified before their voter registration is canceled under this protocol; instead, under a separate provision, notification occurs only after the cancellation. *Id.* § 3503.21(F)(1). Nothing in SB 293 restricts these checks or the subsequent removals during the 90 days before a federal election.

As a result, any registered voter flagged under SB 293’s citizenship-check requirements—who previously could cast a regular ballot—will now have their registration canceled without prior notice, including within 90 days of a federal election. In practice, this

poses significant risks for naturalized U.S. citizens and other eligible Ohioans who may be erroneously flagged, including individuals who have changed their names.

Beyond the lack of timing limitations or sufficient protections for registered voters, neither Ohio's BMV data nor the federal SAVE database is sufficiently accurate or current for the purpose of the citizenship checks mandated by SB 293. As of 2022, approximately 4% of Ohio's registered voters were naturalized citizens, and between 2016 and 2020, over 60,000 Ohioans became naturalized.<sup>1</sup> This trend continued in fiscal year 2022, when more than 16,000 Ohioans naturalized.<sup>2</sup> Under Ohio law, legal permanent residents may obtain driver's licenses or state IDs, yet these licenses or IDs need only be renewed either every four or every eight years, depending on the individual's age and the renewal period selected. *See* Ohio Rev. Code § 4507.09. This means that many individuals receive a driver's license or state ID as a legal permanent resident and subsequently naturalize, but their driver's license or state ID does not necessarily reflect their citizenship until after they renew their identification years later. As a result, the BMV database may list a non-citizen status even if the person naturalized years earlier.

The federal SAVE system raises substantial risks of disenfranchisement due to inaccurate data matching or stale data. Just last year, for example, the U.S. Department of Homeland Security disclosed that there was a risk that through SAVE, "U.S. Citizenship and Immigration Services [(“USCIS”)] may share inaccurate information with registered agencies, which could in turn impact a registered user agency's eligibility determination for an individual . . . due to misspelling of names, transposed numbers, or incomplete information"—a risk that it could only partially mitigate.<sup>3</sup> In addition, to the extent that Social Security Administration (“SSA”) databases are now sharing information with SAVE,<sup>4</sup> this likely only reflects a person's citizenship status when they apply for a social security number and does not automatically update a person's citizenship at any subsequent point.<sup>5</sup>

SB 293 also requires the Secretary of State to use the statewide voter registration database, along with BMV and SSA records, to systematically identify voter registration records

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<sup>1</sup> Nat'l P'ship for New Ams., et al., New American Voters in Ohio: Building the Electoral Power of Naturalized Voters (Sept. 2022), <https://partnershipfornewamericans.org/wp-content/uploads/2022/09/OH-NAV-State-Report-Final-92022.pdf>.

<sup>2</sup> Nick Evans, *Ohio Sec. of State LaRose's Noncitizen Voter Registration Audit Sweeps In Naturalized Citizens*, Ohio Cap. J. (Aug. 6, 2024), <https://ohiocapitaljournal.com/2024/08/06/ohio-sec-of-state-laroses-noncitizen-voter-registration-audit-sweeps-in-naturalized-citizens/>.

<sup>3</sup> U.S. Dep't of Homeland Security, Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program at 20 (Oct. 31, 2025), <https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf>.

<sup>4</sup> Press Release, U.S. Citizenship & 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>5</sup> U.S. Soc. Sec. Admin., EN-05-10002, Your Social Security Number and Card at 7 (2025), [www.ssa.gov/pubs/EN-05-10002.pdf](https://www.ssa.gov/pubs/EN-05-10002.pdf) (“If your immigration status changed or you became a U.S. citizen, you should tell us so we can update your records. To have your immigration status or citizenship updated in our records, you need to show documents that prove your new immigration status or citizenship.”).

in which the elector’s date of birth, Ohio driver’s license or state ID number, or the last four digits of their social security number does not match the corresponding BMV or SSA records. *See* SB 293, § 3503.151(E). The county board of elections must then “send the elector a confirmation notice” and “mark the elector’s registration record, the official registration list, and the poll list or signature pollbook to indicate that the elector must vote by provisional ballot.” *Id.* § 3503.201(A)(1).

The elector may only avoid a requirement to vote by provisional ballot by responding to the confirmation notice and providing “the necessary information or documentation” to correct any mismatch *before* their next appearance to vote. *Id.* § 3503.201(B)(2). SB 293 places no restriction on conducting these systematic checks within the 90 days before a federal election.

As discussed further below, these removal provisions violate Section 8 of the NVRA.

## **I. Requirements and Violations of Section 8 of the NVRA**

### **A. Section 8(b)**

Section 8(b) of the NVRA, 52 U.S.C. § 20507(b), requires that “[a]ny State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office . . . shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” This provision protects against list maintenance programs that discriminate against, among others, naturalized citizens, including through matching names against the SAVE database. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 714–15 (9th Cir. 2025).

Naturalized citizens—who were previously ineligible but later gained voting rights by virtue of becoming U.S. citizens—face heightened risks of “having their valid voter registrations cancelled if the databases [such as SAVE] have not been kept up to date.” *See id.* at 705. Thus, list maintenance programs that use databases with stale citizenship data like the BMV database and SAVE for citizenship checks violate Section 8(b) because such checks disproportionately and unfairly target and will “have a discriminatory impact on naturalized citizens.” *Id.* at 714–15 (quotations omitted).

Here, SB 293 requires the Secretary of State to compare the statewide voter registration database with BMV and SAVE records to verify registrants’ citizenship and alert the respective board of elections and election integrity unit of each individual flagged through this process. *See* SB 293, § 3503.152(A)(2), (B)(1)–(2). This system similarly targets naturalized citizens—a group that will then face disproportionate disenfranchisement and burdens from this unfair targeting—and therefore violates Section 8(b) of the NVRA.

### **B. Section 8(c)**

Section 8(c) of the NVRA, 52 U.S.C. § 20507(c), establishes a temporary “quiet period” for systematic voter list maintenance during the 90 days immediately preceding federal elections, “when the risk of dis[en]franchising eligible voters is the greatest.” *Arcia v. Fla. Sec’y of State*,

772 F.3d 1335, 1346 (11th Cir. 2014). This period is critical because “[e]ligible voters removed days or weeks before Election Day will likely not be able to correct the State’s errors in time to vote.” *Id.* Accordingly, while voter list maintenance is generally allowed year-round, Section 8(c) pauses “any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters” during the 90 days before a federal primary or general election. 52 U.S.C. § 20507(c)(2)(A). The statute provides only limited exceptions, including removals by the registrant or based on death, criminal conviction, mental incapacity, or correction of registration records on an individual basis. 52 U.S.C. § 20507(c)(2)(B).

Here, SB 293 requires the Secretary of State to conduct regular, systematic citizenship list maintenance and “promptly” remove voters whom a comparison with the SAVE or BMV database indicate may be non-citizens *at least* once each month throughout the year, including during this quiet period. *See* SB 293, § 3503.152(A), (B)(1). It also requires the Secretary of State to systematically compare the statewide voter registration database with BMV and SSA records to identify mismatches, triggering confirmation notice, verification, and provisional ballot procedures—all without any provision limiting those checks in the 90 days before a federal election. *Id.* §§ 3503.151(E), 3503.201(A)–(B).

In analyzing Section 8(c) of the NVRA, courts have recognized that, while systematic list maintenance is prohibited during the quiet period, states may still remove registrants based on “individualized information.” *Arcia*, 772 F.3d at 1348. “A non-systematic or ‘individualized’ removal program relies on ‘individualized information or investigation’ to determine” voter ineligibility. *Mi Familia Vota*, 129 F.4th at 716 (quoting *Arcia*, 772 F.3d at 1344). By contrast, a systematic removal program may involve “cancelling batches of registrations based on a set procedure such as ‘us[ing] a mass computerized data-matching process to compare the voter rolls with other state and federal databases, followed by the mailing of notices.’” *Id.*

Here, SB 293’s regular citizenship check program exhibits all the hallmarks of the “systematic” list maintenance barred under Section 8(c). Like the programs in *Arcia* and *Mi Familia Vota*, SB 293 directs the Secretary of State to use ““a mass computerized data-matching process to compare the voter rolls with other state and federal databases””—specifically, the Ohio BMV database and federal SAVE system—““followed by the mailing of notices.”” *See Mi Familia Vota*, 129 F.4th at 716 (quoting *Arcia*, 772 F.3d at 1344); *see also id.* at 717 (rejecting the argument that providing “a person with mail notice and opportunity to respond” rendered a program individualized). SB 293 goes further than the program invalidated in *Mi Familia Vota* because it does not even require prior notice to voters when their registration is canceled.

Thus, any such list maintenance activity under SB 293—including removals of registered voters pursuant to its citizenship checks—occurring after February 4, 2026, and before the May 5, 2026 federal primary election, and those occurring after August 5, 2026, and before the November 3, 2026 federal general election, will violate Section 8(c) of the NVRA.

## II. Conclusion

As Secretary of State of Ohio, you are the State’s “chief election officer,” Ohio Rev. Code § 3501.04, and, as such, are responsible for ensuring Ohio’s compliance with the NVRA. *See* 52

U.S.C. § 20509. This letter constitutes notice pursuant to 52 U.S.C. § 20510(b) that the aforementioned voter registration and voter list maintenance provisions in Ohio SB 293 would violate Section 8 of the NVRA.

As you know, the next election for federal offices will occur on May 5, 2026, which is less than 120 days away. If the violations identified above are not corrected within 20 days, the undersigned may seek declaratory and injunctive relief to remedy these violations. *See* 52 U.S.C. § 20510(b) (“If the violation is not corrected . . . within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action . . . ”). Thank you for your attention to this matter.

Sincerely,

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