



October 11, 2024

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20746

Dear Ms. Jaddou:

The Offices of the Indiana Attorney General and Secretary of State request the assistance of the United States Citizenship and Immigration Services (“USCIS”) in verifying the citizenship status of certain individuals registered to vote in Indiana. As voters in our state cast their ballots in the coming weeks in important federal, state, and local races, it is essential that they do so with confidence in the integrity of our elections. It is beyond question that states have a compelling “interest in protecting the integrity and reliability of the electoral process.” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008). “[P]reventing voter fraud” and thereby ensuring “public confidence in the integrity of the electoral process,” are priorities that should be pursued vigorously at all levels of government in our country. *Id.* at 197. They are essential to the proper functioning of our constitutional Republic. One of the chief ways that we can pursue these goals is by confirming that every person registered to vote in Indiana is a U.S. citizen. Therefore, we ask, pursuant to 8 U.S.C. § 1373, that USCIS verify the citizenship status of the individuals registered to vote in Indiana who are identified in Attachments A, B, and C of this letter.

As the Attorney General and Secretary of State of Indiana, we are tasked in various ways with safeguarding the lawful and orderly administration of Indiana elections. *See, e.g.*, Ind. Code § 3-6-4.1-22; Ind. Code § 3-6-3.7-1; Ind. Code § 3-7-26.3-10. Ensuring that our elections are conducted in accordance with state law means, among other things, keeping ineligible voters off our state’s voter rolls. *See* Ind. Code § 3-14-2-10. We take that responsibility seriously.

Under federal law, it is “unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, [or] Member of the House of Representatives.” 18 U.S.C. § 611(a). Federal voter registration laws require the form for federal elections to state “each eligibility requirement (including citizenship).” 52 U.S.C. § 20504(c)(2)(C)(i). Likewise, falsely claiming to be a citizen to register to vote or to vote in a federal, state, or local election constitutes a federal felony punishable by up to five years in prison. *See* 18 U.S.C. § 1015(f).

Similarly, Indiana law prohibits non-citizens from voting. Ind. Code § 3-7-13-1. Our State Constitution expressly reserves the franchise to citizens. *See, e.g.*, Ind. Const. Art. 2, § 2(a) (“A citizen of the United States, who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.” (emphasis added)). And Indiana statutes governing voter registration make clear that a person must be a “United States citizen” to register to vote. Ind. Code § 3-7-13-1. Attempting to register or assisting someone else to register to vote when the registrant is not an eligible voter are crimes under Indiana law. *See* Ind. Code § 3-14-2-1 & 2.

In addition, Indiana is obligated by federal law to “perform list maintenance” on its statewide voter registration list—including removing voters “who are not eligible to vote” from the voting rolls. 52 U.S.C. § 21083(a)(2)(A) & (B). Indiana law also requires Indiana election officials to take steps to verify the residency and citizenship of registered voters. *See* Ind. Code § 3-7-38.2-16; Ind. Code § 3-7-38.2-7.3. State election officials are further directed to remove ineligible voters from the voter rolls under various circumstances. *See, e.g.*, Ind. Code § 3-7-46-1; Ind. Code § 3-7-45-1; Ind. Code § 3-7-38.2-1.

Under current law, there is no single method for verifying to a reasonable degree of certainty the citizenship of all Indiana voters. We therefore seek to utilize all tools at our disposal to verify voters’ citizenship and help ensure the integrity of our state’s voter registration system. One of those tools is provided by federal law, which requires USCIS to “respond to an inquiry by a . . . State . . . government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.” 8 U.S.C. § 1373(c). Federal law also prohibits USCIS from “in any way restrict[ing], any government entity or official from . . . receiving from [USCIS] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” *Id.* § 1373(a). That means USCIS cannot restrict its own officers and employees from responding to our request for citizenship verification. Information provided by USCIS in response to this inquiry can then be used by Indiana state and local officials to remove ineligible voters from our voter rolls. *See Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 15 (2013) (explaining that states may “deny[] registration based on information in their possession establishing the applicant’s ineligibility” (quotations omitted)).

Accordingly, we formally request that USCIS fulfil its obligations under 8 U.S.C. § 1373(c) and verify the citizenship of the individuals identified in the attachments to this letter. The attached lists of registered voters include all voters currently registered in Indiana who completed their registration without submitting a state-issued form of identification. *See* Ind. Code §§ 3-7-33-4.7. Although possession of a state-issued identification does not demonstrate that a person is a citizen, the fact that a person obtained such identification provides some assurance that their citizenship or immigration status may have been previously confirmed by a state official. *See* Ind. Code § 9-24-

11-5(c) (requiring the Indiana Bureau of Motor Vehicles to issue temporary identifications to an individual who has temporary lawful status.”).

For each individual for whom we seek verification, we have provided the name and date of birth. That information is sufficient to allow USCIS to verify these individuals’ citizenship status through use of USCIS’s Person Centric Query Service. In total, we seek citizenship verification for 585,774 individuals. We have separated the individuals who are the subject of our request into three categories: (1) registered Indiana voters who registered without providing a driver’s license number or social security number (Attachment A); (2) registered Indiana voters located overseas (Attachment B); and (3) registered Indiana voters who registered to vote without providing a driver’s license number (Attachment C). We request that USCIS provide us with verification of the citizenship statuses of these individuals in this order priority—first providing verification for the individuals in Attachment A, followed by verification of the statuses of the individuals’ listed in Attachments B and C.

The last day to register to vote in Indiana was October 7. Election Day is a little over three weeks away. We are thus at a critical juncture in this election cycle when verifying the integrity of Indiana’s voter rolls is of acute importance. Because “the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights,” Hoosiers deserve to know that only eligible voters will be participating in our elections, and that their votes will not be diluted or distorted by ballots cast by non-citizens. *Reynolds v. Sims*, 377 U.S. 533, 562 (1964). We ask that you assist us, as you are required to do by law, in giving the citizens of our state that assurance.

Thank you for your prompt attention to this important request.

Sincerely,



Todd Rokita
Indiana Attorney General



Diego Morales
Indiana Secretary of State