



# OFFICE OF THE MINNESOTA SECRETARY OF STATE

August 27, 2025

## ISSUE BRIEF:

### Safeguard American Voter Eligibility Act (SAVE Act) as introduced

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- I. The SAVE Act is a series of amendments to the National Voter Registration Act of 1993 (NVRA). Minnesota has historically been exempt from this Act because Minnesota already allowed election day registration when the Act went into effect. 52 U.S.C. § 20503(b).
- II. Section 2(f) of the Save Act modifies Minnesota' NVRA exemption by requiring Minnesota to take the following steps:
  - a. It prohibits Minnesota from registering any person to vote unless they provided documentary proof of U.S. citizenship at the time of registration.
    - i. Documentary proof includes a: (1) REAL ID identification card that indicates the applicant is a citizenship (an option not available in most states); (2) U.S. passport; (3) military identification card and documentation showing place of birth; (4) any federal, state, or tribal government issued photo identification showing place of birth (not available in many states); and (5) any federal, state, or tribal government issued photo identification along with a government issued birth certificate, extract from a United States Hospital record of birth, adoption decree showing place of birth, consular report of birth abroad of a U.S. citizen, naturalization certification, or "American Indian Card issued by the Department of Homeland Security with the classification 'KIC.'"
      1. Any proof of citizenship would need to reflect the registrant's current name. This means, for example, that if the registrant changed their name after marriage, they could no longer use their birth certificate as proof of citizenship.
      2. There are also significant costs to obtain many of these documents.
    - ii. This requirement would apply to all new registrations and re-registrations that occur after the Act goes into effect. This means anytime a person has to re-register (including because they moved), they would need to find and produce this proof.
  - b. It requires people who cannot provide proof of citizenship be able to register to vote by signing a sworn declaration and submitting other evidence of citizenship.
    - i. Election officials would, however, need to sign a sworn affidavit stating the person is an eligible voter anytime they register a person to vote using this process.

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- ii. There is some concern that the affidavit requirement would deter officials from registering people to vote through this process because the affidavit could expose the official to civil or criminal penalties.
  - c. It requires Minnesota take ongoing steps to remove noncitizens from voter rolls, either by verifying voter information through the SAVE Database, the Social Security Number Verification System, or through a state agency that issues state IDs and driver's licenses, provided the state agency confirms the citizenship status of applicants. The federal government is required to take steps to assist in the data sharing required under this section.
    - i. These systems, particularly the SAVE Database currently come with many challenges. The required identifying information is limited and often requires ID numbers that are not regularly collected during the voter registration process. In addition, the SAVE database as currently.
    - ii. 21 GOP Secretaries of State sent a letter to Secretary Noem detailing these challenges.
  - d. It also makes Minnesota subject to the NVRA public records disclosure program, which requires that all records related to the accuracy of official lists of eligible voters be made public. This would include Minnesota's voter registration list.
    - i. Under current Minnesota law, only registered Minnesota voters may access Minnesota's public information list, which is limited to a voter's name, address, year of birth, and voting history.
    - ii. Those who access the public information list may only use this information for purposes related to elections, political activities, and law enforcement. They are also prohibited from sharing the information with other people or from posting the information on the internet.
    - iii. Under the SAVE Act, Minnesota would be required to make nearly all aspects of its state voter registration list public to any person, including whether a person's eligibility to vote has been challenged or the political party any person selected when voting in a presidential nomination primary. There would also be no restrictions on how this information could be shared or published.
  - e. Finally, the SAVE would go into effect on the day it is signed. This would pose substantial logistical challenges for Minnesota, as it would need to amend voter registration processes immediately. In addition, it is highly unlikely the federal government would be prepared to provide the type of support necessary to allow Minnesota to verify citizenship status of registrants, as contemplated by the Act.
- III. The SAVE Act also imposes additional requirements on other states. As currently drafted, those requirements would not apply to Minnesota, though it is possible the Act could be amended or the federal government could take a different interpretation. Those include:
- a. A requirement that any person registering to vote by mail or in person provide the documentary proof of citizenship in person.
  - b. A civil cause of action that would allow any person to bring a lawsuit against an election official for failing to comply with the SAVE Act; and
  - c. Criminal penalties for election officials who register a person to vote who does not provide documentary proof of citizenship.