

July 1, 2026

Via email and U.S. Mail

Scott Schwab
Kansas Secretary of State
Docking State Office Building
915 SW Harrison Street
Topeka, KS 66612
kssos@ks.gov
sos@ks.gov

Re: Compliance with the National Voter Registration Act

Dear Secretary Schwab:

We are writing on behalf of the League of Women Voters of Kansas, as well as its 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 the following provisions of Kansas state law, including provisions enacted during the 2026 Legislative Session through Kansas House Bill 2437 (“HB 2437”), violate or may violate Sections 6 and 8 of the NVRA.¹

Citizenship Check Provisions

HB 2437 includes a new requirement that the secretary of state “shall [c]onduct two checks each calendar year to compare the statewide voter registration system against SAVE,” or the Systematic Alien Verification for Entitlements system administered by the U.S. Department of Homeland Security. HB 2437, § 2(a) (the “SAVE Citizenship Check” provision or “Section 2(a) of HB 2437”); *see also* § 1(b)(1).² The secretary of state shall also “ensure that one check is completed not later than 180 days before a regularly scheduled federal general election,” and “transmit any potential noncitizen matches to the appropriate county election official for immediate review.” *Id.* § 2(a)(2)–(3). County election officials shall then notify these voters “pursuant to the [NVRA] requirements before any voter registration cancellation occurs,” “place the voter[s] in challenged or pending verification status until resolution” and “require confirmation of the identified voter[s]’ citizenship status,” and “remove from the voter rolls any individual who is confirmed to be ineligible.” *Id.* § 2(b)(1)–(4).

¹ Kansas is a state subject to the requirements of the NVRA. *See The National Voter Registration Act of 1993 (NVRA), Questions and Answers: 2. What States are covered by the NVRA’s requirements?*, U.S. Dep’t of Just., <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> [<https://perma.cc/AL3Z-36ZC>] (last updated Nov. 1, 2024).

² HB 2437 also includes a provision stipulating that “[i]f at any time SAVE ceases to allow for batch uploads or provide database searches by driver’s license number or social security number, the secretary of state shall publish a notice of such change in the Kansas register,” and “[u]pon publication of such notice,” Section 2(a) of HB 2437 and other related provisions “shall have no force and effect.” HB 2437, § 6.

HB 2437 also updated the provision requiring the secretary of state to conduct citizenship checks of voters based on information from the director of the Kansas Division of Vehicles (“DOV”) (the “DOV Citizenship Check” provision or “Section 10(a) of HB 2437”). *Id.* § 10(a); formerly K.S.A. § 25-2324. Under HB 2437, these checks shall be conducted “[e]very quarter,” when the director of the DOV shall provide lists of “all permanent and temporary driver’s licenses issued to noncitizens” to the secretary of state, which include voter data such as “all available addresses.” *Id.* § 10(a). The secretary of state shall then “compare such lists with the voter registration rolls and, after an investigation, direct the county election officer to remove within five business days any names of noncitizens that appear on the voter rolls.” *Id.* County election officers shall also “notify any person removed from the voter registration rolls that the person may be reinstated . . . by providing proof of their citizenship.” *Id.*

Other Removal Provisions

HB 2437 adds a new requirement that, “[e]very quarter,” the director of the DOV “shall provide a list of all permanent and temporary driver’s licenses issued to persons who have subsequently been issued a driver’s license by another jurisdiction to” the secretary of state, who shall then “compare such lists with the voter registration rolls, and, after an investigation that indicates that the voter may no longer intend to be a registered voter in Kansas,” shall “direct the county election officer to send a confirmation notice to both the registrant’s address on the voter registration rolls and to the current address on the new driver’s license.” HB 2437, § 10(b). If, “[w]ithin 45 days after sending the confirmation notice,” the “registrant does not respond or confirms their intent to no longer be registered to vote in Kansas, the county election officer shall remove” these registrants “within five business days” (the removal provision for “Purported Driver’s License in Other State” or “Section 10(b) of HB 2437”). *Id.* County election officers shall also “notify any person removed” that “such person may be reinstated on the voter registration rolls by providing proof of residency in this state.” *Id.*

HB 2437 also includes a previous statutory provision stating that a “registrant shall not be removed from the registration list on the ground that the registrant has changed residence” except in certain circumstances. HB 2437, § 9(d); K.S.A. § 25-2316c(d). Such exceptions include when the registrant “[c]onfirms in writing that the registrant has moved outside the county in which the registrant is registered, or registers to vote in any other jurisdiction” (“Section 9(d)(1) of HB 2437”). HB 2437, § 9(d)(1); K.S.A. § 25-2316c(d)(1). Similarly, another exception in this section requires that, “[w]henever the county election officer receives from any other election officer a notice of registration of a voter in a different place than that shown in the records of the county election officer,” the county election officer “shall remove the name of the voter from the registration book and party affiliation list.” HB 2437, § 9(b); K.S.A. § 25-2316c(b) (“Section 9(b) of HB 2437,” and together with Section 9(d)(1) of HB 2437, the removal provisions for “Purported Voter Registration in Other Place”).

Online Voter Registration Provision

HB 2437 also establishes a new requirement limiting Kansas’s acceptance of online voter registration applications. Specifically, “[a]ny person registering to vote in this state using a website shall only use a website that has the .gov domain as part of such website’s uniform

resource locator or has been approved to accept and transmit electronic voter registration applications by the secretary of state” (the “Online Registration Limitation” provision or “Section 8 of HB 2437”). HB 2437, § 8(a). Thus, county election officials “shall not accept any electronic voter registration application that has been accepted by or transmitted from any website that does not satisfy” these requirements. *Id.* HB 2437 also includes additional requirements that must be met for a website without a .gov domain to be eligible for approval by the secretary of state, including, among other things, encryption and other transmission standards. *Id.* § 8(b). HB 2437 also criminalizes the “operat[ion of] a voter registration website that is not in compliance with this section, which would now be classified as “a class A nonperson misdemeanor.” *Id.* § 8(c).

Confidentiality Provision

HB 2437 includes a new provision stating that “[a]ll information obtained by the secretary of state pursuant to subsection (j) [of this statute] shall be confidential and shall not be disclosed pursuant to the [Kansas Open Records Act] and amendments thereto,” with only an exception for disclosure to county election officers (the “Confidentiality” provision or “Section 9(k) of HB 2437”). HB 2437, § 9(k).

The referenced subsection, Section (j), requires that in order “[t]o ensure effective and continuous maintenance of voter registration records through the use of all available and reliable sources of information,” the secretary of state shall obtain certain information at prescribed intervals and provide such information to appropriate county election officers, including “the results of any duplicate voter registration checks performed on state voter registration records”; a list from the director of the DOV “of all changes in residency for the immediately preceding quarter”; and, at the secretary of state’s discretion, information about “[a]ny change of residency information provided by a state or federal agency” and “comparisons of voter registration records held and maintained by other jurisdictions.” HB 2437, § 9(j)(1)–(3).

I. Requirements and Violations of Sections 6 and 8 of the NVRA

A. Section 6 – Federal Voter Registration Form

Section 6 of the NVRA (codified at 52 U.S.C. § 20505) requires that states “shall accept and use the mail voter registration application form prescribed . . . pursuant to section 20508(a)(2) of this title for the registration of voters in elections for Federal office.” 52 U.S.C. § 20505(a)(1). Because this voter registration form must be accepted by all NVRA-covered states for registration to vote in federal elections, it is sometimes referred to as the “Federal Form.”

Here, HB 2437 limits which types of online voter registration forms can be “accepted and used” in Kansas. By requiring that electronic voter registration applications can only be from websites with a .gov domain or otherwise specifying additional prerequisites in order to first be “approved to accept and transmit electronic voter registration applications” by the secretary of state, Section 8 of HB 2437 constrains and limits non-governmental entities, including individuals and organizations focused on voter registration and civic engagement in Kansas, from engaging in effective online voter registration, including through use of the Federal Form.

See HB 2437, § 8(a); 52 U.S.C. § 20505(a)(1). Indeed, HB 2437 is explicit in broadly prohibiting Kansas from “accepting and using” voter registration forms that do not meet its requirements, including the Federal Form. See HB 2437, § 8(a) (“County election officials shall not *accept* any electronic voter registration application that has been accepted by or transmitted from any website that does not satisfy [the requirements in Section 8 of HB 2437].”) (emphasis added). It even goes further by criminalizing such civic engagement activity. See *id.* § 8(c).

Courts, including the Tenth Circuit, have recognized that while states have discretion to adopt their own voter registration forms, they must still additionally “accept and use” the Federal Form. See, e.g., *Fish v. Kobach*, 840 F.3d 710, 721 (10th Cir. 2016) (recognizing that, while states are “permitted to create their own mail-in forms” as well, “they must nevertheless accept and use the Federal Form”). By curtailing the use of the Federal Form, the Online Registration Limitation in Section 8 of HB 2437 would thus violate Section 6 of the NVRA. Indeed, limiting the acceptance of online voter registration forms to only those from websites with a .gov domain or those otherwise approved by the secretary of state contravenes the purpose of Section 6 of the NVRA, which expressly provides that “[t]he chief State election official of a State shall make the [Federal Form] available for distribution through governmental *and private entities, with particular emphasis on making them available for organized voter registration programs.*” 52 U.S.C. § 20505(b) (emphasis added).

B. Section 8 – Voter List Maintenance

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.” 52 U.S.C. § 20507(b). This provision protects against state list maintenance programs or activities that discriminate against, among others, naturalized citizens, including programs that utilize the federal SAVE system for list maintenance. See, e.g., *Mi Familia Vota v. Fontes*, 129 F.4th 691, 714–15 (9th Cir. 2025).

Unlike native-born U.S. citizens, 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” with their citizenship status. See *id.* at 705. Thus, list maintenance programs that perform citizenship checks using systems and databases with stale citizenship data, like SAVE and the DOV database, would likely violate Section 8(b) because such checks disproportionately target and will “have a discriminatory impact on naturalized citizens.” *Id.* at 714–15 (quotations omitted).

Similarly, HB 2437 includes provisions requiring the secretary of state to compare the statewide voter registration list with information from SAVE and DOV records to check registrants’ citizenship for voter list maintenance. See HB 2437, §§ 2(a)–(b), 10(a). This program similarly targets naturalized citizens—a group that will then likely face disproportionate

disenfranchisement and burdens as a result—and Sections 2(a) and 10(a) of HB 2437 would therefore violate Section 8(b) of the NVRA.³

Section 8(c)

Section 8(c) of the NVRA (codified at 52 U.S.C. § 20507(c)) establishes a temporary “quiet period” for voter list maintenance during the 90 days immediately preceding federal elections, 52 U.S.C. § 20507(c)(2), “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 quiet 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 programs are 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 “at the request of the registrant” or based on “criminal conviction or mental incapacity,” death, or correction of registration records. 52 U.S.C. § 20507(c)(2)(B).

Here, HB 2437 includes provisions requiring the secretary of state and county election officers to conduct regular list maintenance and removals based on comparison with data from SAVE and the DOV. Although the SAVE Citizenship Check provision specifies that one of the two yearly checks “is completed not later than 180 days before a regularly scheduled federal general election,” HB 2437, § 2(a)(2), and could be implemented to avoid conducting list maintenance during the 90-day “quiet period,” if, in practice, any such list maintenance activity were to be conducted during the 90 days before a federal primary or general election, this would violate Section 8(c) of the NVRA. *See* 52 U.S.C. § 20507(c)(2).

The DOV Citizenship Check provision, which requires more frequent citizenship checks—“[e]very quarter”—would also violate Section 8(c) of the NVRA if any such list maintenance activity were to be conducted during the 90-day quiet period before a federal primary or general election.

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 v. Fla. Sec’y of State*, 772 F.3d 1335, 1348 (11th Cir. 2014). “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, the regular citizenship check program described in HB 2437 exhibits all the hallmarks of the “systematic” list maintenance barred under Section 8(c). Like the programs in *Arcia* and *Mi Familia Vota*, the SAVE Citizenship Check and DOV Citizenship Check provisions

³ This assumes that Section 2(a) of HB 2437 remains in effect. *But see* HB 2437, § 6.

would also “use[] a mass computerized data-matching process to compare the voter rolls with other state and federal databases”—specifically, data from the Kansas DOV database and the 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). The DOV Citizenship Check provision even 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, for example, any such list maintenance activity—including any removals of registered voters pursuant to the SAVE and DOV Citizenship Check provisions, Sections 2(a) and 10(b) of HB 2437—occurring after May 6, 2026 and before the August 4, 2026 federal primary election, and occurring after August 5, 2026 and before the November 3, 2026 federal general election, would violate Section 8(c) of the NVRA.⁴

Section 8(d)

Section 8(d) of the NVRA, 52 U.S.C. § 20507(d), provides a safeguard against erroneous cancellations of voter registrations based on a purported change in residence. Section 8(d) generally prohibits the immediate removal of registrants from the voter rolls “on the ground that the registrant has changed residence,” and instead requires a notice and waiting period designed to “protect against wrongful disenfranchisement.” *Common Cause Ind. v. Lawson*, 327 F. Supp. 3d 1139, 1142, 1148 (S.D. Ind. 2018), *aff’d*, 937 F.3d 944 (7th Cir. 2019) (citing 52 U.S.C. § 20507(d)(1)).

Specifically, this process requires providing notice (in the form of a “postage prepaid and pre-addressed return card, sent by forwardable mail,” on which registrants can confirm their address) and a waiting period (spanning two federal general elections from the date of notice) during which registrants have the chance to either respond to the notice or appear to vote before their registrations are canceled. 52 U.S.C. § 20507(d). During the waiting period, for registrants who have not responded, an additional step of an “affirmation or confirmation of the registrant’s address may be required before the registrant is permitted to vote” again. See *id.* The only exception to this notice and waiting period requirement in Section 8 is in instances where “the registrant . . . confirms in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered.” *Id.* In other words, absent written confirmation *from the registrant*, the registrar cannot remove that registrant from the rolls without first completing the notice and waiting period process.

Some of the language in Sections 9(d)(1) and 9(b) of HB 2437, the removal provisions for Purported Voter Registration in Other Place, tracks the language of Section 8(d) of the NVRA, but Kansas adds an exception not present in the NVRA: allowing for removal where the registrant purportedly “registers to vote in any other jurisdiction,” and similarly requiring removal based on receipt “from any other election officer a notice of registration of a voter in a different place.” HB 2437, §§ 9(d)(1), (b); K.S.A. §§ 25-2316c(d)(1), (b). As courts have recognized, Section 8(d)(1) of the NVRA “is clear enough,” providing that a state may not remove voters from the rolls “without either (1) receiving a direct communication from the voter

⁴ This assumes that Section 2(a) of HB 2437 remains in effect. *But see* HB 2437, § 6.

that she wishes to be removed or (2) going through the NVRA-prescribed process of (a) notifying the voter, (b) giving her an opportunity to respond, and (c) then waiting two inactive election cycles before removing her.” *League of Women Voters of Ind., Inc. v. Sullivan*, 5 F.4th 714, 723 (7th Cir. 2021). “Any state law that fails to follow that prescription cannot stand,” *id.*, and Sections 9(d)(1) and 9(b) of HB 2437 thus violate Section 8(d) of the NVRA. Indeed, disposing of both the required confirmation in writing from the registrant herself and the NVRA’s notice and waiting period process would introduce additional risk of erroneous cancellation of eligible voters, including based on errors in matching registrants with registrants on other jurisdictions’ voter rolls.

Section 10(b) of HB 2437 also allows for removals of registrants, without confirmation in writing from the registrants themselves, based on the receipt of third-party information. *See* HB 2437, § 10(b). Section 10(b) of HB 2437 then provides for a notice and waiting period process distinct from that outlined in the NVRA: allowing removals to begin after only a 45-day notice and waiting period. *See id.* Section 10(b) of HB 2437 considers information about the purported issuance of a driver’s license in another jurisdiction, which then leads to a comparison of voter rolls and an “investigation that indicates that the voter may no longer intend to be a registered voter in Kansas.” *Id.* Thus, though different pieces of information are considered throughout this provision, any potential removal of voters would ultimately be “on the ground that the registrant has changed residence” to another jurisdiction, *see* 52 U.S.C. § 20507(d)(1), and thus “may no longer intend to be a registered voter in Kansas,” *see* HB 2437, § 10(b). Section 10(b) of HB 2437 thus violates Section 8(d) of the NVRA, because it does not provide for the notice and waiting period process established in Section 8(d) for removals based on purported changes in residence.

Section 8(i)

Section 8(i) of the NVRA, 52 U.S.C. § 20507(i), requires “[p]ublic disclosure of voter registration activities.” Specifically:

Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

52 U.S.C. § 20507(i)(1).

Yet HB 2437’s Confidentiality provision, Section 9(k) of HB 2437, requires that “[a]ll information obtained by the secretary of state pursuant to subsection (j)” of this statute “shall be confidential and shall not be disclosed pursuant to” Kansas’s Open Records Act, with only an exception for disclosure to county election officers. HB 2437, § 9(k).

But given the extent of the information designated as confidential in HB 2437, such records would clearly fall under the scope of the disclosure provision in Section 8(i) of the

NVRA. Compare HB 2437, § 9(j) (describing list maintenance activities conducted “to ensure effective and continuous maintenance of voter registration records through the use of all available and reliable sources of information” (emphasis added)) with 52 U.S.C. § 20507(i)(1) (requiring disclosure of “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters”) (emphasis added). Thus, Section 9(k) of HB 2437 conflicts with Section 8(i) of the NVRA, and refusal to disclose such list maintenance records would violate Section 8(i) of the NVRA.

II. Conclusion

As Secretary of State of Kansas, you are the State’s “chief state election official,” K.S.A. § 25-2504, and, as such, are responsible for ensuring Kansas’s compliance with the NVRA. See 52 U.S.C. § 20509; K.S.A. § 25-2355. This letter constitutes notice pursuant to 52 U.S.C. § 20510(b) that the aforementioned provisions, as referenced in HB 2437, violate or may violate Sections 6 and 8 of the NVRA.

As you know, the next election for federal offices in Kansas will occur on August 4, 2026. If the violations identified above are not timely corrected, the undersigned may seek declaratory or injunctive relief to remedy these violations. See 52 U.S.C. § 20510(b). Thank you for your attention to this matter.

Sincerely,

/s/Laura O’Reilly

Laura O’Reilly

ACLU OF KANSAS

PO Box 13048

Overland Park, KS 66282

(913) 490-4107

loreilly@aclukansas.org

Patricia J. Yan

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

915 15th Street NW

Washington, DC 20005

(202) 457-0800

pyan@aclu.org

Nina Nayiri McKay

Ming Cheung

Jonathan Topaz

Sophia Lin Lakin

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

125 Broad Street, 18th Floor

New York, NY 10004

(212) 549-2500
nmckay@aclu.org
mcheung@aclu.org
jtopaz@aclu.org
slakin@aclu.org

Encl: Public Records Request

Cc: Clay Barker, General Counsel
Kansas Secretary of State
clay.barker2@ks.gov

PUBLIC RECORDS REQUEST

To further understand Kansas’s voter registration roll programs and activities relating to our NVRA notice letter to the Kansas Secretary of State (“your office”) dated July 1, 2026, we, the League of Women Voters of Kansas, hereby request a copy of each of the following public records under the Kansas Open Records Act, K.S.A. § 45-215 *et seq.*, and 52 U.S.C. § 20507(i).⁵ The term “public record” shall be defined as in K.S.A. § 45-217(1)(1).

1. Copies of any and all final agreements, including all amendments and supplements thereto, between your office and the federal government, including the United States Department of Homeland Security (“DHS”) and its United States Citizenship and Immigration Services (“USCIS”) agency, regarding your office’s ability to access the federal Systematic Alien Verification for Entitlements (“SAVE”) system and/or any databases of the United States Social Security Administration (“SSA”) for purposes relating to voter registration list maintenance, and which were made, or in effect at any time, since April 2025. Here and throughout, “your office” refers to your office and any subdivisions or agents thereof.
2. Records sufficient to show which fields from the Kansas voter registration file your office has shared with or submitted to SSA or USCIS or otherwise used to make a query through the SAVE system for the purpose of checking the citizenship status of individuals for voter registration purposes at any time since April 2025.
 - a. Examples of such fields include but are not limited to: registrants’ names, addresses, dates of birth, Social Security numbers (“SSN”), the last four digits of Social Security numbers (“SSN4”), driver’s license or state identification card numbers issued by the Kansas Division of Vehicles (“DOV”), DHS enumerators (including an Alien Registration Number, Naturalization Certificate number, and Citizenship Certificate number), party affiliations, dates of voter registration or updates to voter registration, sources of voter registration, and information about voting history.
3. Records sufficient to show when and how often since April 2025 your office has shared or submitted data from the Kansas voter registration file to SSA or USCIS or otherwise used this data to make a query through the SAVE system.
 - a. Of these instances referenced above in Request 3, records sufficient to show the instances in which your office uploaded a list of multiple individuals at a time, rather than creating individual cases, such as by using the “Bulk Uploader” feature of the SAVE system.

⁵ Section 8(i) of the NVRA, entitled “Public disclosure of voter registration activities,” provides specifically that: (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom [NVRA notices] are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.
52 U.S.C. § 20507(i).

- b. Of these instances referenced above in Request 3, records sufficient to show if any passport numbers or photocopies of passports of any individuals have been shared with or submitted to USCIS or otherwise used to make a query through the SAVE system for voter registration purposes.
4. Records sufficient to show the number of reports, including but not limited to “Web Agency Audit Reports,” with responses to queries about individuals’ citizenship status for purposes of voter registration, that your office has generated through use of the SAVE system at any time since April 2025.
5. For each of the reports referenced in Request 4 above that were generated through use of the SAVE system at any time since April 2025, records sufficient to show (broken down for each report, if available):
 - a. The total number of individuals queried in each report;
 - b. For each of the following categories in each report:
 - i. Social Security number match: the number of “True” responses, as well as the number of “False” responses (including, if available, a breakdown of whether the responses were based on a query of full SSN or SSN4);
 - ii. Name match: the number of “True” responses, as well as the number of “False” responses;
 - iii. Date of birth match: the number of “True” responses, as well as the number of “False” responses;
 - iv. For each of the following “Citizenship Indicators”:
 1. The number of “U.S. Citizen” responses;
 2. The number of “Legal alien, eligible to work” responses;
 3. The number of “Legal alien, not eligible to work” responses;
 4. The number of “Other” responses;
 5. The number of “Alien student - restricted work authorized” responses; and
 6. The number of “Conditionally legalized alien” responses.
 - v. The number of “Foreign Born indicator” responses (Citizenship code is not present, but individual was foreign born);
 - vi. The number of “State/Country Code” responses;
 - vii. The number of responses for “Alien registration number”; and
 - viii. The number of Error code responses and the descriptions for any Error code responses.
6. Records sufficient to show all steps your office has taken at any time since April 2025 regarding individuals’ citizenship status for purposes of voter registration in response to any information received from USCIS, including through use of the SAVE system, or information received from SSA. This includes but is not limited to:
 - a. Templates or copies of any letters or communications your office has sent to any individuals for whom your office received a “Citizenship Indicator” response other than “U.S. Citizen,” as referenced in Request 5.b.iv above, with any appropriate redactions.
 - b. Records sufficient to show any additional steps your office has taken to communicate with any individuals for whom your office received a “Citizenship Indicator” response of “Other,” as referenced in Request 5.b.iv

above, or for which your office received no “Citizenship Indicator” response, with any appropriate redactions.

7. Records sufficient to show what types of files or other information your office has shared at any time since April 2025 with other election officials in Kansas, such as County Election Officers, based on your office’s use of the SAVE system or any information received from USCIS or SSA for voter registration purposes.
8. Copies of any and all documents your office has shared at any time since April 2025 with other election officials in Kansas, such as County Election Officers, providing guidance or instructions about any steps that should be taken relating to any information received from USCIS, including through use of the SAVE system, or information received from SSA. This includes but is not limited to any guidance or instructions about: (a) when or how to communicate with individuals for whom your office received a “Citizenship Indicator” response other than “U.S. Citizen,” including a response of “Other” or no “Citizenship Indicator” response, as referenced in Request 5.b.iv above, and (b) any changes that should be made to the voter registration status of any individuals referenced in subsection (a).
9. Records sufficient to show the number of lists your office has generated at any time since April 2025 of any individuals whose information was shared with or submitted to SSA or USCIS or otherwise used to make a query through the SAVE system for the purpose of checking the individuals’ citizenship status for voter registration purposes, but were not processed or did not return relevant responses. Additionally, please provide:
 - a. The number of individuals on each such list.
 - b. Any response or investigation your office has undertaken to follow up regarding these individuals, with such individuals or with any other individuals, offices, or agencies.
 - c. Templates or copies of any letters or communications your office has sent to these individuals, with any appropriate redactions.
 - d. Templates or copies of any letters or communications your office has sent to other individuals, offices, agencies, or any of their employees, agents, or assigns regarding these individuals, with any appropriate redactions.
 - e. Records sufficient to show if your office has added any additional information regarding these individuals to the Kansas voter registration file.
 - f. Records sufficient to show if and how often these individuals were queried additional times through the SAVE system.
10. Copies of any and all agreements, whether formal or informal, between your office and the Kansas Division of Vehicles (DOV), regarding your office’s ability to access DOV records for purposes relating to voter registration list maintenance, and which were made or in effect at any time since April 2025.
11. Records sufficient to show which fields or other information DOV has shared with or submitted to your office for the purpose of checking the citizenship status of individuals for voter registration purposes at any time since April 2025.
 - a. Examples of such fields include but are not limited to: registrants’ names, addresses, dates of birth, SSN or SSN4, driver’s license or state identification

card numbers issued by DOV, presence of a noncitizen notation on driver's licenses or state identification cards, DHS enumerators (including an Alien Registration Number, Naturalization Certificate number, and Citizenship Certificate number), and passport numbers.

12. Records sufficient to show when and how often since April 2025 your office has accessed DOV data for voter registration or list maintenance purposes.
13. Records sufficient to show the steps your office has taken at any time since April 2025 to compare information in the Kansas voter registration file with information from DOV for voter registration purposes.
14. Records sufficient to show the number of reports or other records based on comparison with DOV data regarding individuals' citizenship status for purposes of voter registration or list maintenance that your office has received or generated at any time since April 2025.
15. For each of the reports or other records using DOV data referenced in Request 14 above, records sufficient to show (broken down for each report, if available):
 - a. The total number of individuals listed in each report;
 - b. For each of the following potential fields or categories in each report, if applicable:
 - i. Social Security number match: the number of individuals for whom there was a match of the SSN or SSN4 listed in the Kansas voter file and the SSN or SSN4 listed in the DOV data, as well as the number of individuals for whom there was no match of the SSN or SSN4 (including, if available, a breakdown of whether the responses were based on an attempt to match full SSN or SSN4);
 - ii. Name match: the number of individuals for whom there was a match of the full name listed in the Kansas voter file and the full name listed in the DOV data, as well as the number of individuals for whom there was no match of the full name;
 - iii. Date of birth match: the number of individuals for whom there was a match of the date of birth listed in the Kansas voter file and the date of birth listed in the DOV data, as well as the number of individuals for whom there was no match of the date of birth;
 - iv. Address match: the number of individuals for whom there was a match of the address listed in the Kansas voter file and the address listed in the DOV data for purposes of voter registration, as well as the number of individuals for whom there was no match of the address for purposes of voter registration;
 - v. Citizenship indicator: the number of individuals for whom DOV had on file adequate proof of citizenship for voter registration purposes, as well as the number of individuals for whom DOV had on file previous documentation indicating that the individual was not a United States citizen (including, if available, a breakdown of the year when the documentation on file was submitted to DOV);
 - vi. Death indicator: the number of individuals for whom DOV had on file documentation indicating that the individual had died, as well as the

- number of individuals for whom DOV did not have on file any documentation indicating that the individual had died;
- vii. The number of error code responses and the descriptions for these error code responses, if available.
16. Records sufficient to show what steps your office has taken at any time since April 2025 regarding individuals' citizenship status for purposes of voter registration in response to any information received from DOV. This includes but is not limited to:
- a. Templates or copies of any letters or communications your office has sent to any individuals for whom your office has received a report or other information from DOV that these individuals previously provided documentation indicating they were not United States citizens, with any appropriate redactions.
 - b. Records sufficient to show any additional steps your office has taken to communicate with any individuals for whom your office received an error code response from DOV or otherwise did not receive a response regarding citizenship status, with any appropriate redactions.
17. Records sufficient to show the number of lists your office has generated at any time since April 2025 of any individuals in the Kansas voter registration file for whom there was no match with DOV data when your office compared information in the Kansas voter registration file with information from DOV for voter registration or list maintenance purposes. Additionally, please provide:
- a. The number of individuals on each such list.
 - b. Any response your office has taken to follow up regarding these individuals.
 - c. Templates or copies of any letters or communications your office has sent to these individuals, with any appropriate redactions.
 - d. Templates or copies of any letters or communications your office has sent to other individuals, offices, agencies, or any of their employees, agents, or assigns regarding these individuals, with any appropriate redactions.
 - e. Records sufficient to show if your office has added any additional information for these individuals in the Kansas voter registration file.
18. Copies of any and all final agreements, including all amendments and supplements thereto, between your office and the offices of any other States' election officials, regarding your office's ability to access voter registration information from other States for purposes relating to voter registration list maintenance, and which were made or in effect at any time since January 2025.
19. All records and communications, since January 1, 2026, relating to the implementation of the provisions of Section 2(a) of HB 2437 (requiring your office to conduct "two checks each calendar year to compare the statewide voter registration system against SAVE"), including any documents your office has shared with election officials in Kansas, such as County Election Officers, providing guidance or instructions regarding such implementation, as well as any references to the timing of conducting any upcoming such checks, any details regarding the procedures for notifying voters who are flagged for potential removal in any such checks, and any details about what constitutes adequate "confirmation" of any flagged voters citizenship status for purposes of removal.

20. All records and communications since January 1, 2025, relating to the implementation of Section 10(a) of HB 2437 (requiring your office to check and “compare [DOV lists of purported noncitizens] with the voter registration rolls” “[e]very quarter”) or the former provision that it replaced, K.S.A. § 25-2324, including any documents your office has shared with election officials in Kansas, such as County Election Officers, providing guidance or instructions regarding such implementation, as well as any references to the timing of conducting any upcoming such checks, any details regarding the procedures for notifying voters who are flagged for potential removal in any such checks, and any details regarding what kind of “investigation” must be conducted by your office prior to directing County Election Officers to remove voters from the rolls.
 - a. This also includes all records and communications relating to the provision in Section 10(a) of HB 2437 stating that County Election Officers “shall notify any person removed from the voter registration rolls that the person may be reinstated on the voter registration rolls by providing proof of their citizenship,” including any details regarding the procedures for notifying removed voters about potential reinstatement, any details about what constitutes adequate “proof of their citizenship” and the timing for providing this such proof, and how this reinstatement provision interacts with Kansas’s voter registration and provisional ballot deadlines.
21. All records and communications, since January 1, 2026, relating to the implementation of Section 10(b) of HB 2437 (requiring your office to check and “compare [DOV lists of purported driver’s licenses issued by another jurisdiction] with the voter registration rolls” “[e]very quarter”), including any documents your office has shared with election officials in Kansas, such as County Election Officers, providing guidance or instructions regarding such implementation, as well as any references to the timing of conducting any upcoming such checks, any details regarding the procedures for notifying voters who are flagged for potential removal in any such checks, and any details regarding what kind of “investigation” must be conducted by your office prior to directing County Election Officers to begin the potential removal process.
 - a. This also includes all records and communications relating to the provision in Section 10(b) of HB 2437 stating that County Election Officers “shall notify any person removed from the voter registration rolls that such person may be reinstated on the voter registration rolls by providing proof of residency in this state,” including any details regarding the procedures for notifying removed voters about potential reinstatement, any details about what constitutes adequate “proof of residency in this state” and the timing for providing such proof, and how this reinstatement provision interacts with Kansas’s voter registration and provisional ballot deadlines.
22. All records and communications, if any, since January 1, 2025, relating to the implementation of Sections 9(d)(1) and 9(b) of HB 2437, K.S.A. §§ 25-2316c(d)(1), (b) (allowing and/or requiring the removal of voters from the rolls based on purported voter registration in a different jurisdiction), including any documents your office has shared with election officials in Kansas, such as County Election Officers, providing guidance or instructions regarding such implementation, as well as any details

regarding the procedures for notifying voters who are flagged for potential removal, and any details regarding what kind of information or evidence may be accepted to show that a registrant has “register[ed] to vote in any other jurisdiction” under Section 9(d)(1) of HB 2437, K.S.A. § 25-2316c(d)(1), or what kind of information or evidence is included in the “notice of registration of a voter in a different place than that shown in the records of the county election officer” received “from any other election officer” that would require removal under Section 9(b) of HB 2437, K.S.A. § 25-2316c(b).

- a. This also includes all such records and communications relating to list maintenance pursuant to K.S.A. §§ 25-2316c(d)(1), (b), even if not explicitly referencing HB 2437.

23. All records and communications, since January 1, 2026, relating to the implementation of Section 8 of HB 2437 (prohibiting the acceptance of electronic voter registration applications except those using “a website that has the .gov domain” or those that have been “approved to accept and transmit electronic voter registration applications by” your office), including any documents your office has shared with election officials in Kansas, such as County Election Officers, providing guidance or instructions regarding such implementation, as well as any details regarding your office’s procedures for determining which websites may be approved under Section 8(b) of HB 2437, including how an entity can request to have its website approved under Section 8(b) of HB 2437, how your office determines whether websites meet the criteria of Section 8(b)(1)–(9) of HB 2437, whether your office has discretion regarding final approval of websites that otherwise meet the criteria of Section 8(b)(1)–(9) of HB 2437, any procedures for notifying an entity regarding the status of its request for approval under Section 8(b) of HB 2437 (including regarding any estimated timeframe for review of such request), and any procedures available for entities to appeal a decision not to approve their websites under Section 8(b).

24. All records and communications, since January 1, 2026, relating to the implementation of Section 9(k) of HB 2437 (requiring that certain information obtained or requested by your office “to ensure effective and continuous maintenance of voter registration records” be kept “confidential and shall not be disclosed pursuant to” the Kansas Open Records Act), including any documents your office has shared with election officials in Kansas, such as County Election Officers, providing guidance or instructions regarding such implementation.

If the requested records exist in electronic form, please provide them in such form. If not, please provide hard copies of the requested materials. If there is a copying or production fee that exceeds \$100, please contact me to let me know the total cost of production before proceeding. If you determine that some portions of the requested records are exempt from disclosure, we request that these portions be redacted and the remainder of the document be provided. Please provide responsive records on a rolling basis as soon as you are able to prepare them.

If you refuse to provide any of the information requested, including because of exemption from disclosure, we request that those refusals be provided to us in writing and contain specific reasons for each denial. Additionally, if specific data or documents are not available or not

available in the format requested, please provide documents that contain as much of the requested information as is available and/or the closest approximation to this information that is available. If responsive records do not exist, please so advise.

Please contact loreilly@aclukansas.org with responsive records or if you have any questions or need any information regarding this request. If you believe any of the requests to be overly broad or burdensome, please contact us at the earliest opportunity to work towards narrowing the request, identifying the most essential records requested, and/or providing a search protocol which could ease any burden. Thank you for your assistance in this matter.

Sincerely,

/s/Laura O'Reilly

Laura O'Reilly

ACLU OF KANSAS

PO Box 13048

Overland Park, KS 66282

(913) 490-4107

loreilly@aclukansas.org

Patricia J. Yan

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

915 15th Street NW

Washington, DC 20005

(202) 457-0800

pyan@aclu.org

Nina Nayiri McKay

Ming Cheung

Jonathan Topaz

Sophia Lin Lakin

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

125 Broad Street, 18th Floor

New York, NY 10004

(212) 549-2500

nmckay@aclu.org

mcheung@aclu.org

jtopaz@aclu.org

slakin@aclu.org