



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: County Clerk/Elections

Subject: Presentation on the SAVE Act

Meeting Date: April 8, 2025

Formal Title: Consider presentation on Federal Bill H.R. 22/S128, SAVE Act, and its impact on voter eligibility and implications for departmental administration, and take related actions

Recommended Actions

1. Receive presentation on the status and impacts of Federal Bill H.R. 22/S128, also cited as the Safeguard American Voter Eligibility (SAVE) Act; and
2. Approve the County Clerk's drafted letter opposing the proposed bill including signatures from County elected officials and direct its submission to all members of congress.

Executive Summary

The United States House of Representatives has proposed Bill H.R. 22, and the United States Senate has proposed Bill S128, also cited as the Safeguard American Voter Eligibility (SAVE) Act, which intends to amend the National Voter Registration Act of 1993 to require proof of United States citizenship for an individual to register to vote in elections for federal office, and for other purposes. In addition, this legislation requires all voter registration to occur in-person rather than online, by mail, or at the Department of Motor Vehicles. While the focus of the SAVE Act is to ensure only citizens register to vote in elections, the passing of this bill will also disenfranchise eligible voters who have undergone legal name changes, have disabilities, and/or live in rural areas among others. The County Clerk recommends opposing this legislation accordingly.

Discussion

In January 2025, Congress introduced the SAVE Act in response to the perceived threat of noncitizens voting in federal elections. Studies show that noncitizens rarely vote and severe penalties for noncitizens who illegally try to vote already exist. The SAVE Act proposes unnecessary barriers that could significantly impede voter registration and disenfranchise millions of eligible voters.

Impacts on Eligible Voters

If the SAVE Act passes, eligible voters would be required to prove their citizenship status by presenting documentation in-person when registering to vote or updating their voter registration information. Acceptable documents include a U.S. passport, a birth certificate, or naturalization certificate, in combination with a government-issued photo ID. Many eligible voters do not possess these documents and if they do, they could still face challenges if the information on the documents does not match.

According to the SAVE Act, the name on the citizenship document must match the name on the ID. This requirement would prevent eligible voters who do not possess these documents from registering to vote, such as the unhoused population, people who have lost documents due to natural disasters, low-income households, and incarcerated individuals, among others. Additionally, women who have taken their spouse's last names, citizens who have had legal name changes, and transgender

individuals who do not possess documents reflecting their preferred name would be impacted by the passing of the SAVE Act.

Currently, voters have many options to register to vote or update their voter registration information. Voter registration can take place online, by mail, at the Department of Motor Vehicles, and in-person. The SAVE Act proposes to eliminate online and mail-in registration options, necessitating all voters to appear in-person at designated offices with acceptable documents when registering to vote, updating residential and mailing addresses, or updating party preference. This change could disproportionately affect rural residents, people with disabilities, military and overseas voters, individuals with limited access to transportation, and incarcerated individuals. Additionally, many out-of-county and out-of-state University of California of Santa Cruz (UCSC) students would face challenges if they do not possess the necessary documents when registering to vote in Santa Cruz. UCSC students make up roughly eighty-five percent (85%) of same-day voter registrations in Santa Cruz County.

Administrative and Legal Implications

The Elections Office quickly processes and verifies eligibility for new voter registrations and updates that we receive online and by mail, enabling the Office to provide the voter with an update on voter status within five (5) business days as required by the California Code of Regulations, Title 2, Sections 19061 and 19062. Implementing the SAVE Act would call for substantial administrative adjustments. The office would need to revise procedures, conduct comprehensive staff training to handle the new documentation requirements effectively, and hire additional staff. Eligible voters would very likely still see long lines at election offices, especially during elections when most voter registration requests come in.

The Elections Office is staffed by permanent employees, extra help staff, and election workers who volunteer their time and are all considered election officials. As written, the SAVE Act imposes criminal penalties, including imprisonment of up to five years, for officials who register applicants without the mandated documentation, regardless of whether this was done inadvertently, or if the registered voter is a citizen. This provision could decrease civic participation and discourage individuals from serving as election workers due to fear of legal repercussions.

Status of the SAVE Act and Recommendations

As of March 24, 2025, the SAVE Act has been reintroduced in the U.S. House of Representatives and is under consideration. The Act's passage could disenfranchise millions of eligible voters by imposing stringent documentation and in-person registration requirements. To respond to these changes, the County Clerk recommends that the Board direct the County Clerk to draft a letter to all members of Congress, expressing opposition to the proposed bills. This recommendation is in alignment with the County's Equity Statement and resolutions recently adopted to make the county a safe place for the LGBTQIA+ community.

Note: On March 25, 2025, while this memo was being developed and reviewed before its approval for the agenda, President Trump issued Executive Order (EO) 14248, titled "[Preserving and Protecting the Integrity of American Elections](#)." Like the SAVE Act, the EO requires proof of citizenship for voter registration but also mandates that all mail-in ballots must be received by Election Day and that any ballots received after Election Day will not be counted, regardless of the postmarked date; and authorizes federal oversight by the Department of Government Efficiency (DOGE) and the Department of

Homeland Security. While it is a similar but separate action by the federal government as the SAVE Act, this EO could further disenfranchise eligible voters and has raised concerns about federal involvement in state-run election processes. As of March 31, 2025, at least two lawsuits have been filed to challenge the order.

Financial Impact

Financial impacts with the passing of the SAVE Act are currently unknown.

Strategic Initiatives

Equity Framework - Communications & Education
Strategic Plan – Operational Excellence

Submitted By:

Tricia Webber, County Clerk

Recommended By:

Carlos J. Palacios, County Administrative Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) contributed to the development of this agenda item.