

To: Partners
From: Democracy Forward Foundation, Democracy 2025, CREW, Fair Elections Center, EPIC, and League of Women Voters
Re: Explainer: Litigation re: DHS's Unreliable Modified SAVE System
Date: Updated September 29, 2026

UPDATE: On September 25, 2026, the Supreme Court [issued](#) a 6-3 decision granting the government's request for a stay of the district court decision, which had blocked use of the modified SAVE system. As a result, states may use the modified SAVE system while litigation is ongoing. However, the National Voter Registration Act prohibits mass voter purges during the 90-day "quiet" period before a federal election, and the Supreme Court confirmed that this "moratorium" prohibits using SAVE for mass voter purges ahead of the midterms. See more details on the decision and this litigation more generally below.

Overview

- In March 2025, President Trump issued an [Executive Order](#) that led multiple agencies to combine unreliable data – housed across the executive branch and designed for a different purpose – into one database and encourage states to use that information to potentially purge voter rolls.
- In June 2026, a federal court [held](#) that the Trump-Vance administration's effort to use this unreliable tool for voter purges is unlawful. In *League of Women Voters v. Department of Homeland Security* (1:25-cv-03501, DDC), the district court vacated and set aside the Trump-Vance administration's 2025 overhaul of the Systematic Alien Verification for Entitlements (SAVE) database system, holding that the U.S. Department of Homeland Security (DHS) and the Social Security Administration (SSA) violated the Social Security Act, the Privacy Act, and the Administrative Procedure Act (APA) by expanding and using that database in that manner.
- On September 4, 2026, the U.S. Court of Appeals for the D.C. Circuit [denied](#) the administration's request to stay the decision.
- On September 8, the government sought an emergency stay of the district court's order pending appeal. On September 25, the U.S. Supreme Court granted the government's stay application.
- At the same time, a different federal district court ordered that four states (Florida, Ohio, Iowa, and Indiana) continue to have access to that modified SAVE database.
- On September 25, 2026, the Supreme Court [issued](#) a 6-3 decision granting the government's request for a stay of the district court decision, which blocked use of the modified SAVE system.

Background

- In 1986, Congress created the Systematic Alien Verification for Entitlements (SAVE) system for the limited purpose of verifying whether noncitizens were eligible for government benefits. DHS administers the [system](#), and it is used by federal, state, and county agencies across the country for employment verification.

- In March 2025, President Trump issued an [Executive Order](#), entitled “Preserving and Protecting the Integrity of American Elections,” directing federal agencies to facilitate state efforts to verify the citizenship of registered voters using federal databases.
- To implement the Executive Order, DHS, SSA, and the so-called Department of Government Efficiency (DOGE), significantly expanded SAVE beyond its intended purpose. The government acknowledged that the data incorporated into SAVE was incomplete and unreliable. The 2025 overhaul included:
 - Giving the SAVE system access to records of U.S.-born citizens for the first time;
 - Permitting SAVE users to conduct searches of the database using Social Security Numbers (SSNs);
 - Giving the SAVE system access to SSA’s citizenship records, U.S. Department of State passport data, and state driver’s license data;
 - Creating a bulk search feature, allowing users to search data for more than one individual at a time; and
 - Making SAVE free for users.
- The expanded SAVE system creates significant privacy and security risks by consolidating sensitive personal information from multiple federal agencies into a single database. It also enables states to submit entire voter registration rolls for citizenship verification using data the government knew to be incomplete and unreliable, increasing the risk that eligible voters would be wrongly identified as noncitizens and removed from the voter rolls.

League of Women Voters v. Department of Homeland Security (LWV v. DHS)

- The League of Women Voters (LWV), LWV of Louisiana, LWV Education Fund of Louisiana, LWV of Texas, LWV of Virginia, and the Electronic Privacy Information Center (EPIC) – represented by Citizens for Responsibility and Ethics (CREW), Democracy Forward Foundation, and Fair Elections Center – [filed](#) suit challenging the changes to SAVE.
- Plaintiffs argued that the agencies violated numerous federal laws, including exceeding their statutory authority, unlawfully disclosing personal information, violating the Privacy Act and Social Security Act, and failing to comply with the APA.
- Plaintiffs also argued that the expanded system relies on incomplete and inaccurate citizenship data – particularly SSA records that do not reliably reflect the naturalization of U.S. citizens – creating a substantial risk that eligible voters would be wrongly flagged as noncitizens and removed from the voter rolls.

District Court Decision

- On June 22, 2026, the U.S. District Court for the District of Columbia [granted](#) summary judgment for the plaintiffs, vacating and setting aside the SAVE overhaul and two System of Records Notices (SORNs) issued by the government as part of the overhaul. The court held that the agencies had violated the Social Security Act, the Privacy Act, and the APA. In other words, the court held that the SAVE system expansion was unlawful.
- The court held that the administration:
 - Violated the Social Security Act by improperly disclosing SSA records to DHS and SAVE users;

- Violated the Privacy Act by allowing non-consensual disclosures of personal information and by failing to comply with the Act's notice-and-comment requirements before fundamentally changing the system; and
- Violated the APA because the agencies acted arbitrarily and capriciously and exceeded their statutory authority by implementing the overhaul without congressional authorization.
- The court concluded that the SAVE overhaul unlawfully “haphazardly combined and repurposed the private information of millions of Americans,” including citizenship data that officials knew was unreliable.
- In addition, the court ruled the federal government had “knowingly trampled on the privacy rights of American citizens in a manner that threatens the sacred right to vote” because states used the expanded system to identify and remove purported noncitizens from the voter rolls.
- The court “vacated and set aside” the overhaul, ordering that the government undo the following agency actions:
 - The SAVE “modified system” as described in DHS’s [October 2025 Notice of a Modified System of Records \(SORN\)](#) for the SAVE system of records;
 - DHS’s [October 2025 Modified SORN](#) for the SAVE system of records; and
 - SSA’s [November 2025 Modified SORN](#) for the SSA Master File of SSN Holders and SSN Applications.
- The court’s order took effect immediately.
- On June 25, 2026, the administration appealed the decision, and on July 1, 2026, filed a motion to stay the district court’s decision pending appeal.
- On July 8, 2026, the district court [denied](#) the motion for stay, concluding that the defendants “fall well short of satisfying the high burden needed for a stay pending appeal.” The court’s decision stated that the government not only engaged in “gamesmanship” and “mischaracterized” the court’s reasoning in seeking to block its decision, but the entire situation is entirely “self-inflicted,” and its litigation tactics “make a mockery of separation of powers.”

Appellate Decisions

- On July 8, 2026, the administration filed a motion in the D.C. Circuit to stay the district court’s order. On September 4, 2026, the appellate court [denied](#) the motion for stay.
- On September 8, 2026, the administration applied to the U.S. Supreme Court to stay the district court’s order.
- **On September 25, 2026, the Supreme Court [issued](#) a 6-3 decision granting the government’s request for a stay of the district court decision blocking use of the modified SAVE system.** As a result, the Trump-Vance administration may work with states to use the modified SAVE system to conduct voter registration verification and potentially remove eligible voters from the rolls while litigation is ongoing.
- **However, the National Voter Registration Act (NVRA) bans systematic citizenship checks and mass voter purges during the 90-day period before an election.** The Supreme Court decision confirmed the 90-day rule prevents the administration from using the modified SAVE system ahead of the November midterms for this purpose.

- Note that the Supreme Court's decision is an interim order, not a final ruling. Litigation on the merits continues.

Parallel Florida Case

- In parallel to the *LWV* case in D.C., there is a separate case in federal court in Florida (2:24-cv-0509, N.D. Fla.), where the States of Florida, Ohio, Iowa, and Indiana asked the court to enforce a November 2025 settlement agreement that, the states contend, requires DHS to operate the modified SAVE system.
- On July 7, 2026, the district court in Florida ruled in favor of the states and ordered DHS to restore access to the bulk-upload and SSN-search features in the SAVE system, even though it presents a conflict with the D.C. district court's order. The order applies only to the plaintiff states: Florida, Ohio, Iowa, and Indiana.
- LWV and EPIC – represented by CREW, Democracy Forward Foundation, and Fair Elections Center – intervened in the litigation and appealed the order to the Eleventh Circuit. The appeal is still pending.

What Does This All Mean for Voters?

- The Supreme Court's September 25 decision permits the Trump-Vance administration to make the modified SAVE database available for use by all states to conduct voter registration verification and potentially remove eligible voters from the rolls.
- **However, the National Voter Registration Act (NVRA) bans systematic citizenship checks and mass voter purges during the 90-day period before an election**, though it allows removals based on individualized information within this period. For three months, the district court order blocked the modified system from being used, and because of that order, we are now inside the 90-day window before Election Day. As such, the modified SAVE system may not be used for *systematic removals* before the 2026 midterm elections. The Supreme Court decision does not change the 90-day rule and confirms this limit on SAVE's use.

Note: This case is ongoing. Please check the district court docket [here](#) and the U.S. Supreme Court stay application docket [here](#) for the latest. Note that the docket for the related case in the Northern District of Florida is available [here](#), and the Eleventh Circuit docket is available [here](#).

Other resources available to partners include:

- [Democracy 2025's Election Hub](#)
- [People's Guide to Voting Rights](#)
- [Voting Toolkits](#)