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LWV LEAGUE OF
WOMEN VOTERS

To: Partners
From: Democracy Forward Foundation, Democracy 2025, CREW, Fair Elections Center, EPIC, and League of Women Voters
Re: Fact Sheet: 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.

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.
- In March 2025, President Trump issued an [Executive Order](#) directing federal agencies to facilitate state efforts to verify the citizenship of registered voters using federal databases.
- To implement the Executive Order, DHS, the Social Security Administration (SSA), and the Department of Government Efficiency significantly expanded SAVE by: 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, 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 the SAVE system free for users.
- The expanded SAVE system creates significant privacy and security risks by consolidating sensitive personal information from multiple federal agencies that the government knew to be incomplete and unreliable, and enabling states to run their voter registration rolls through that database for citizenship verification and voter purging.

Litigation

- 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) [filed](#) suit in federal court in D.C. challenging the changes to the SAVE system. The plaintiffs are represented by Citizens for Responsibility and Ethics (CREW), Democracy Forward Foundation, and Fair Elections Center.
- Plaintiffs argued that, in modifying the SAVE system, the agencies violated numerous federal laws and created a substantial risk that eligible voters would be wrongly flagged as noncitizens and removed from the voter rolls.

- On June 22, 2026, a district court in D.C. granted summary judgment to the plaintiffs and [held](#) that the SAVE system expansion was unlawful, finding that the administration:
 - Violated the Social Security Act by improperly disclosing SSA records to DHS and SAVE system 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 Administrative Procedure Act (APA) because the agencies acted arbitrarily and capriciously and exceeded their statutory authority by implementing the overhaul without congressional authorization.
- The administration appealed the decision, and asked both the district court and the appellate court to stay the decision while litigation is ongoing. Both the [district court](#) and the appellate court [denied](#) the stay request. The district court explained that defendants not only engaged in “gamesmanship” and “mischaracterized” the court’s reasoning in seeking to block its decision, but also that the entire situation is “self-inflicted,” and defendants’ litigation tactics “make a mockery of separation of powers.”
- The administration asked the Supreme Court to stay the decision.
- **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 use the modified SAVE system to conduct voter registration verification and potentially remove eligible voters from the rolls.
- Importantly, 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 expanded 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. That order applies only to the plaintiff states: Florida, Ohio, Iowa, and Indiana.

What Does This All Mean for Voters?

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- 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 is available [here](#).

Other resources available to partners include:

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

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