

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

STATE OF FLORIDA and the  
FLORIDA DEPARTMENT OF STATE,

*Plaintiffs,*

v.

Case No. 24-cv-509

The DEPARTMENT OF HOMELAND  
SECURITY; and ALEJANDRO  
MAYORKAS, in his official capacity  
as Secretary of the United States  
Department of Homeland Security,

*Defendants.*

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**COMPLAINT FOR  
PERMANENT INJUNCTIVE RELIEF**

1. Since taking office, the Biden-Harris Administration has “effectively turned the Southwest Border into a meaningless line in the sand and little more than a speedbump for aliens flooding into the country.” *Florida v. United States*, 660 F. Supp. 3d 1239, 1249 (N.D. Fla. 2023).

2. While estimates vary on the impact of the border crisis, there are at a minimum millions of new unauthorized aliens present in our country.

3. States have limited power to enforce federal law and deport these individuals when the federal government cannot or will not do so. *See Arizona v. United States*, 567 U.S. 387, 401–02 (2012) (observing that “a *single* sovereign” is “responsible

for maintaining a comprehensive and unified system to keep track of aliens within the Nation’s borders” (emphasis added)). But States can at a minimum ensure state laws are followed, including laws prohibiting non-citizens from voting in Florida elections. *See* Art. VI, § 2, Fla. Const.; *see also* Matthew Tragesser, *Illegal Aliens Are Still Voting in Our Elections*, Heritage Found. (July 10, 2024) (providing examples of non-citizen voting).<sup>1</sup>

4. As part of preventing voter fraud, including non-citizen voting, the State of Florida has an obligation to maintain accurate and current voter registration records. *See* § 98.075(1), Fla. Stat.

5. And as part of “the prerogatives and responsibilities of the States and the National Government vis-à-vis one another,” *Bond v. United States*, 564 U.S. 211, 221 (2011), the federal government has an obligation to cooperate with the States in ensuring only citizens vote in their elections.

6. That cooperation mandate is based in two provisions of federal law. First, 8 U.S.C. § 1373(c) requires the federal government to “respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency. . . .” Second, 8 U.S.C. § 1644 states that “no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from [federal

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<sup>1</sup> Available at <https://www.heritage.org/election-integrity/commentary/illegal-aliens-are-still-voting-our-elections>.

immigration authorities] information regarding the immigration status, lawful or unlawful, of an alien in the United States.”

7. Because the federal government is refusing to comply with these obligations and frustrating Florida’s ability to maintain the integrity of its elections, Florida files this suit.

### **PARTIES**

8. Plaintiff State of Florida is a sovereign State and has the authority and responsibility to protect its public fisc and the health, safety, and welfare of its citizens. As the State’s Chief Legal Officer, Attorney General Ashley Moody is authorized to represent the interests of the State in civil suits. *See* § 16.01(4), (5), Fla. Stat.

9. Plaintiff, the Florida Department of State (FDOS), is an agency of the State of Florida.<sup>2</sup> *See* § 20.10, Fla. Stat. FDOS has responsibility under both state and federal law to ensure that Florida’s voter registration rolls are current and accurate. *See* § 98.075(1), Fla. Stat. (providing that FDOS “shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records”); § 98.093(1), Fla. Stat. (requiring FDOS to access information from state and federal officials “[i]n order to identify ineligible registered voters and maintain accurate and current voter registration records in the statewide voter registration system”); 52 U.S.C. § 21083(a)(1)(A)(4) (requiring states to “ensure that voter registration records in the State are accurate and updated regularly”).

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<sup>2</sup> Plaintiffs, State of Florida and the Florida Department of State, are collectively referred throughout as “Florida.”

10. Defendant Department of Homeland Security (DHS) is an agency of the United States Government. DHS is responsible for providing immigration status information to States under 8 U.S.C. § 1373(c). *See also* 8 U.S.C. § 1551 note; 6 U.S.C. § 291; 6 U.S.C. § 542 note.

11. Defendant Alejandro Mayorkas is the Secretary of DHS. DHS is the federal agency principally responsible for immigration enforcement. Florida sues Secretary Mayorkas in his official capacity.

## **JURISDICTION AND VENUE**

12. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1346, 1361, and 2201–02, and 5 U.S.C. §§ 702–06.

13. The Court is authorized to award the requested declaratory and injunctive relief under 5 U.S.C. §§ 705–06, 28 U.S.C. §§ 1361 and 2201–02, the Constitution, and the Court’s equitable powers.

14. Venue lies in this district pursuant to 28 U.S.C. § 1391(e)(1) because Florida sues the federal government and the State is a resident of every judicial district in its sovereign territory, including this judicial district (and division). *Florida v. United States*, No. 3:21-cv-1066, 2022 WL 2431443, at \*2 (N.D. Fla. Jan. 18, 2022).

## **BACKGROUND**

### **Legal Background**

15. The Constitution primarily charges the States with safeguarding and administering the electoral process, subject to certain federal limits. *See, e.g., Arizona v.*

*Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 7–9 (2013) (discussing the state and federal balance struck by the Framers in the Elections Clause, U.S. Const. Art. I, § 4, cl. 1).

16. Under federal and Florida law, the State of Florida has an obligation to ensure the integrity of elections conducted within the State by maintaining accurate voter registration records. *See, e.g.*, 52 U.S.C. § 21083(a) (requiring States to maintain accurate voter registration records and make reasonable efforts to remove ineligible registrants); 52 U.S.C. § 20501(b)(4) (similar); § 98.075(1), Fla. Stat. (“The [Florida Department of State] shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records.”).

17. One facet of that duty is ensuring that ineligible voters have not registered to vote in Florida elections. *See* § 98.075, Fla. Stat. (requiring Florida supervisors of elections to remove ineligible voters from voter rolls).

18. Under Florida law, only U.S. citizens are eligible to vote in Florida elections. Art. VI, § 2, Fla. Const.; § 97.041(1)(a)(2), Fla. Stat. Federal law mirrors this limit. *See* 18 U.S.C. §§ 611, 1015.

19. As part of its duty to maintain voter registration rolls, FDOS must verify that non-citizens have not been registered to vote in Florida. *See* § 98.075(1), Fla. Stat. (providing that FDOS “shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records”); § 98.093(1), Fla. Stat. (requiring FDOS to access information from state and federal officials “[i]n order

to identify ineligible registered voters and maintain accurate and current voter registration records in the statewide voter registration system”).

20. Under Florida law, the Florida Department of Highway Safety and Motor Vehicles notifies FDOS when a person presents evidence of non-citizenship while seeking a new or renewed Florida driver’s license, Florida identification card, or other updated record. *See* § 98.093(8)(b), Fla. Stat.

21. Other state agencies also routinely report evidence of non-citizenship, such as when a person indicates non-citizen status in response to a jury notice or when a law enforcement investigation discovers that a non-citizen is registered to vote.

22. FDOS is then responsible for investigating citizenship status and reporting that information to the relevant supervisor of elections who makes a final determination about voter roll removal in accordance with procedures set by Florida law. *See* § 98.075(7), Fla. Stat.

23. While the information FDOS receives from state agencies is reasonably reliable, frequently such data is not sufficiently conclusive for FDOS to report it to a supervisor of elections.

24. Further, Florida cannot track and maintain immigration and citizenship information on its own. *See Arizona*, 567 U.S. at 401–02 (observing that “a *single* sovereign” is “responsible for maintaining a comprehensive and unified system to keep track of aliens within the Nation’s borders” (emphasis added)). That responsibility lies with the federal government, namely DHS. *See id.* (describing the federal regime of alien registration).

25. Recognizing this asymmetry in information, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208 (IIRIRA). Through IIRIRA, Congress mandated that the Immigration and Naturalization Service (INS) “shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.” 8 U.S.C. § 1373(c); *see also* 8 U.S.C. § 1644 (prohibiting any restrictions on communication between state and local governments and the INS regarding immigration status of aliens).

26. In 2003, with the creation of DHS, the INS was transferred from the Department of Justice to DHS. *See* 8 U.S.C. § 1551 note; 6 U.S.C. § 291; 6 U.S.C. § 542 note. Three DHS components, U.S. Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement, and Customs and Border Protection now perform the functions of the INS, including implementation of 8 U.S.C. § 1373(c).

### **Factual Background**

27. The primary way DHS seeks to comply with § 1373(c) is through a program created by USCIS called the Systematic Alien Verification for Entitlements (SAVE) program. *See* 76 Fed. Reg. 58,525, 58,526 (Sept. 21, 2011) (noting that the SAVE program “include[s] the implementation of [8 U.S.C. § 1373(c)]”); *see also* Immigration Reform and Control Act, Pub. L. 99-603 (1986) (requiring the INS to establish a system to make immigration status information available to state agencies).

28. SAVE is an “online service for [government agencies] to verify immigration status.”<sup>3</sup>

29. The SAVE program is available to federal, state, and local benefit-issuing agencies, including state or local governments, who upon request “use SAVE for any legal purpose, such as credentials, background investigations, and voter registration.” 76 Fed. Reg. at 58,527.

30. Initially, the federal government refused to make the SAVE program available to the State of Florida to protect the integrity of its elections. In 2012, however, FDOS sued DHS to compel it to grant FDOS access to the SAVE program to verify voter immigration status. *See* Compl., Doc. 1, *Fla. Dep’t of State v. DHS*, No. 1:12-cv-960 (D.D.C. June 11, 2012).

31. As a result of that lawsuit, FDOS and DHS entered into a memorandum of agreement (the MOA) that allowed FDOS to access the SAVE program to verify citizenship and immigration status information for persons on Florida’s voter registration rolls. Ex. 1.

32. SAVE is a useful but inadequate tool that the State of Florida now uses to protect the integrity of its elections, with notable limitations.

33. To conduct a SAVE inquiry, a state agency must submit both biographic information and a unique immigration identifier from the person in question.<sup>4</sup> A

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<sup>3</sup> <https://www.uscis.gov/save>.

<sup>4</sup> Verification Process, SAVE, U.S. Citizenship & Immigration Servs. (July 29, 2024), <https://www.uscis.gov/save/about-save/save-verification-process>.



unique immigration identifier may include a USCIS/Alien remigration number (A-number), an arrival/departure record number (Form I-94), a student exchange ID number, a naturalization or citizenship certificate number, or another identifier assigned to an alien by the federal government.<sup>5</sup> But, “SAVE cannot verify a benefit applicant’s status using a Social Security Number, driver’s license number, U.S. Passport number, foreign passport number, Consular Report of Birth Abroad or other non-DHS documentation.”<sup>6</sup>

34. Thus, in situations where a state agency does not have a unique immigration identifier for an individual, it cannot conduct a SAVE inquiry.

35. In the months preceding the filing of this complaint, FDOS identified a number of individuals<sup>7</sup> for whom FDOS had evidence of non-citizenship but could not run a search on the SAVE database because FDOS does not have unique immigration identifiers for these individuals. All of the individuals identified by FDOS are currently registered to vote in Florida.

36. On September 10, 2024, FDOS sent a letter to Tammy Meckley, Associate Director, Immigration Records and Identity Services Directorate, U.S.

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Florida law restricts the personal information FDOS may publicly disclose regarding these individuals. *See* § 97.0585(1), Fla. Stat. Should it be necessary to the resolution of this case, Florida is willing to file redacted information in an amended complaint or to provide the information to Defendants and the Court under a protective order.

Citizenship and Immigration Services, requesting verification of citizenship status for several identified individuals. Ex. 2.<sup>8</sup>

37. On October 10, 2024, FDOS received a response from Ur Jaddou, Director of USCIS. Ex. 3. In that letter, USCIS denied FDOS's request for further information about the specific individuals in question and refused to offer any means of identifying immigration status beyond the SAVE program. Ex. 3 at 2–3.

38. Separately, FDOS officials attempted to submit inquiries regarding these individuals to the Immigration Records & Identity Services division of USCIS. Ex. 4 at 2. A USCIS official confirmed that there is no other method of verifying the immigration or citizenship status of an individual available to state agencies apart from SAVE. Ex. 4 at 2. The USCIS official also verified that SAVE cannot verify status without at least one enumerator from a U.S. issued immigration document. Ex. 4 at 2.

39. Since then, FDOS has identified several more individuals for whom it cannot conduct a SAVE inquiry due to a lack of unique immigration identifier.

40. Thus, Florida has identified a subset of individuals for whom it cannot verify citizenship or immigration status through SAVE and for whom DHS refuses to verify citizenship or immigration status through other means. And even assuming Florida were able to verify citizenship or immigration status without DHS cooperation, such efforts would certainly expend significant state resources.

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<sup>8</sup> A September 9, 2024 version of this letter contained a minor error. Florida attaches the corrected version as its exhibit.

41. On information and belief, Defendants have readily accessible information apart from the SAVE program that is responsive to Florida’s inquiries. Defendants are obligated under 8 U.S.C. § 1373(c) to provide that information to Florida.

42. Without further information from DHS, Florida is unable to fulfill its statutory duties to ensure the integrity of its elections and maintain accurate voter registration records. Florida’s inability to carry out its statutory obligations inflicts sovereign injury upon the state. *See Abbott v. Perez*, 585 U.S. 579, 602 n.17 (2018) (“[T]he inability to enforce its duly enacted plans clearly inflicts irreparable harm on the State.”); *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J., in chambers) (“[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” (quotation omitted)), *quoted with approval*, *Alabama v. U.S. Sec’y of Educ.*, No. 24-12444, 2024 WL 3981994, at \*7 (11th Cir. Aug. 22, 2024).

## **CLAIMS**

### **COUNT 1**

#### **Agency action unlawfully withheld or unreasonably delayed**

43. Florida repeats and incorporates by reference ¶¶ 1–42.

44. Under the Administrative Procedure Act (APA), a court shall “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1). The

APA further requires that an agency “proceed to conclude a matter presented to it” within “a reasonable time.” 5 U.S.C. § 555(b).

45. Under 8 U.S.C. § 1373(c), Defendants are required to “respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual . . . by providing the requested verification or status information.”

46. Defendants’ failure to timely provide information in response to FDOS’s inquiry to verify or ascertain the citizenship or immigration status of the individuals within its jurisdiction for verification of voter eligibility amounts to agency action unreasonably delayed or unlawfully withheld within the meaning of 5 U.S.C. § 706.

## **COUNT 2**

### **Mandamus**

47. Florida repeats and incorporates by reference ¶¶ 1–42.

48. Under the Mandamus Act, the court may “compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361.

49. Defendants owe Florida a clear nondiscretionary duty to respond to the State’s inquiry to verify or ascertain the citizenship or immigration status of individuals within its jurisdiction for a purpose authorized by law. *See* 8 U.S.C. § 1373(c).

50. As a direct and proximate cause of Defendants' failure to provide access, Florida has been irreparably harmed and continues to suffer ongoing irreparable harm.

51. Because Florida has "a clear right to the relief sought," Defendants have "a clear duty to act," and "no other adequate remedy is available,"<sup>9</sup> mandamus relief is warranted. *See Cash v. Barnhart*, 327 F.3d 1252, 1258 (11th Cir. 2003); *see also Heckler v. Ringer*, 466 U.S. 602, 616 (1984) (holding that the "common-law writ of mandamus, as codified in 28 U.S.C. § 1361," is appropriate where plaintiff "has exhausted all other avenues of relief" and "the defendant owes him a clear nondiscretionary duty").

52. A writ of mandamus should issue compelling Defendants to provide verification of the citizenship or immigration status of individuals identified in FDOS's September 10, 2024 letter, Ex. 2, pursuant to 8 U.S.C. § 1373(c).

### **COUNT 3**

#### **Agency action not in accordance with law and in excess of authority in violation of the APA**

53. Florida repeats and incorporates by reference ¶¶ 1–42.

54. Under the APA, a court shall hold unlawful and set aside agency action—including the "failure to act"—when it is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right" or is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. §§ 551(13), 701(b)(2), 706(2)(A), (C).

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<sup>9</sup> Florida agrees that complete relief under Count 1 would obviate the need for mandamus relief.

55. Defendants’ decision to use only the SAVE program to respond to inquiries under § 1373(c)—even though they possess additional information not available through that program—is contrary to their statutory obligations.

56. Section 1373(c) requires Defendants to “respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual . . . *by providing the requested verification or status information.*” 8 U.S.C. § 1373(c) (emphasis added); *see also* 8 U.S.C. § 1644 (prohibiting any restrictions on communication between state and local governments and DHS regarding immigration status of aliens).

57. These requirements apply to Florida’s request to verify immigration or citizenship status of a person who cannot be verified through the SAVE program. Defendants’ decision to limit their responses to inquiries that can be made via the SAVE program violates § 1373(c).

#### **COUNT 4**

##### **Declaratory Judgment**

58. Florida repeats and incorporates by reference ¶¶ 1–42.

59. Under the Declaratory Judgment Act, the court “may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought.” 28 U.S.C. § 2201(a).

60. Section 1373(c) states that Defendants “shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the

agency for any purpose authorized by law, by providing the requested verification or status information.” 8 U.S.C. § 1373(c).

61. When a state agency requests verification of an individual’s citizenship or immigration status because the State cannot conduct a SAVE inquiry or a SAVE inquiry is inconclusive, Defendants owe a nondiscretionary duty to respond to that inquiry with any and all reasonably available information in Defendants’ custody under § 1373(c).

62. Because Defendants have received an inquiry from Florida to verify or ascertain the citizenship or immigration status of individuals within its jurisdiction for a purpose authorized by law, Florida is entitled to a declaration that Defendants must “respond” to the inquiry “by providing the requested verification or status information.” 8 U.S.C. § 1373(c).

### **PRAYER FOR RELIEF**

For these reasons, Florida asks the Court to enter judgment in favor of the Florida and award the following relief:

- a) An order holding unlawful Defendants’ failure to provide Florida with a response to its inquiry to verify or ascertain the citizenship or immigration status of individuals within its jurisdiction for a purpose authorized by law, 8 U.S.C. § 1373(c), and compelling Defendants to provide a response;
- b) A declaration that Florida is entitled to a response to its inquiries under 8 U.S.C. § 1373(c);

- c) Permanent injunctive relief, or the issuance of a writ of mandamus, ordering Defendants and their officers, employees, and agents to respond to inquiries made by Florida under 8 U.S.C. § 1373(c);
- d) An award of Florida's costs and reasonable attorneys' fees, as appropriate; and
- e) An award of any further relief to Florida that this Court deems, just, proper, and equitable.

Respectfully submitted,

ASHLEY MOODY  
ATTORNEY GENERAL

John Guard (FBN 374600)  
CHIEF DEPUTY ATTORNEY GENERAL

/s/ James Percival  
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# EXHIBIT 1

**MEMORANDUM OF AGREEMENT**

**BETWEEN THE DEPARTMENT OF HOMELAND SECURITY,  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES,  
AND  
FLORIDA DEPARTMENT OF STATE/DIVISION OF ELECTIONS  
STATE OR LOCAL GOVERNMENT AGENCY**

**I. PARTIES.**

The parties to this Memorandum of Agreement (MOA) are the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), and the **Florida Department of State/Division of Elections (User Agency)**. User Agency includes Florida county registrars responsible for maintaining voting rolls.

**II. AUTHORITY.**

The authorities governing this MOA include, but are not limited to, the following:

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.

Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended.

Privacy Act, 5 U.S.C. § 552a, as amended.

The Inter-Governmental Cooperation Act, 31 U.S.C. § 6501, et seq., as amended.

The National Voter Registration Act, 42 U.S.C. § 1973gg et seq., as amended

Help America Vote Act, 42 U.S.C. § 15301 et seq. as amended.

Voting Rights Act, 42 U.S.C. § 1973 et seq., as amended.

Civil Rights Act, 42 U.S.C. §§ 1971, 1974, as amended.

Fla. Stat. §§ 97.012, 98.035, 98.075, 98.081(2), and 98.093, as amended.

Pursuant to the requirements of OMB Circular A-97, which establishes the President's guidelines for implementing the Intergovernmental Cooperation Act, 31 U.S.C. Section 6501, et seq., as amended, the User Agency certifies that it cannot procure

the immigration status verification services requested pursuant to this MOA reasonably and expeditiously through ordinary business channels.

### **III. PURPOSE.**

The purpose of this MOA is to establish the terms and conditions governing the participation of the User Agency in the DHS-USCIS Systematic Alien Verification for Entitlements (SAVE) Program for the purpose of verifying citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen registrants (registrants) on the User Agency's Voter Registration Rolls (benefit). The limited data will be provided to the User Agency by an:

- 1) Initial response (initial verification) by SAVE to an on-line inquiry by the User Agency; and
- 2) Additional verification procedures where applicable; or
- 3) A response to a properly submitted Form G-845.

### **IV. RESPONSIBILITIES.**

#### **A. DHS-USCIS agrees to:**

- (1) Maintain and make available to the User Agency in limited part and manner determined by DHS-USCIS after consultation with the User Agency, an immigration and naturalized or derived citizenship status information verification system under the SAVE Program known as the Verification Information System (VIS).
- (2) Respond through VIS to properly submitted verification requests from the User Agency by providing the limited information noted in point (1) of **PURPOSE** immediately above;
- (3) Process and respond to properly submitted additional verification requests submitted by the User Agency through VIS or on Form G-845. Response time may vary, depending on DHS-USCIS workload, resources available to process additional verification requests, and the registrant's specific circumstances;
- (4) Provide to the User Agency operating instructions necessary to use VIS so that the User Agency can designate Users within the agency;
- (5) Provide to the User Agency SAVE Program point of contact information for questions or problems regarding the User Agency's participation in SAVE;
- (6) Provide access to training and information regarding the laws, policies, and procedures that govern verifying, safeguarding, using, maintaining, and disclosing certain citizenship and immigration status information;

(7) Provide the User Agency access to Form G-845, and other forms and/or supplements as appropriate, which may be reproduced and/or computer generated without prior DHS-USCIS approval;

(8) Recover no more than its actual costs. The total estimated cost of the agreement is specified on the attached USCIS Anticipated Collections from Non-Federal Sources Addendum. The User Agency certifies that it has obligated at least the amount specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum to pay for its SAVE usage. DHS-USCIS shall notify the User Agency's designated Point of Contact (POC) in writing when the amount paid plus what is owed for unpaid usage equals 80 percent of the estimated total costs. DHS-USCIS will not provide services that would result in the amount paid plus the amount owed for unpaid usage exceeding the amount specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum. In this instance, DHS-USCIS will be excused from further performance of the work unless and until the User Agency's authorized official increases estimated total cost of this agreement by modification pursuant to provision VIII of this MOA;

(9) Submit invoices to the User Agency's payment office at the address specified on the USCIS Anticipated Collections from Non-Federal Sources Addendum, with a copy furnished to the POC. DHS-USCIS may submit invoices when the work is completed or as otherwise authorized. The High Level Identifier, tax identification number, and associated dollar amounts will be referenced on all invoices; and

(10) Promptly initiate year-end and closeout adjustments once final costs are known.

**B. User Agency agrees to:**

(1) System Use.

(a) Provide to the SAVE Program the information the SAVE Program requires to respond to User Agency requests for verification of immigration or naturalized or derived citizenship status information, including (1) information from the registrant's immigration or DHS citizenship documentation, i.e., Alien Registration, Naturalization Certificate or Certificate of Citizenship number, for initial automated verification, (2) additional information obtained from the alien's immigration or DHS citizenship documentation for automated additional verification, and (3) completed Forms G-845 and other documents and information required for manual additional verification. Institute additional verification for any registrant whose naturalized or derived citizenship status cannot be verified after conducting the automated initial verification. If SAVE is unable to verify the registrant as a naturalized or derived citizen after conducting the second step additional verification, the User Agency will contact the registrant to obtain proof of citizenship in accordance with the provisions of this MOA. For manual only verification, ensure that Forms G-845 and other documents and information required for manual verification are provided;

(b) Ensure that, prior to using VIS, all Users performing verification procedures complete SAVE required training including: reading the SAVE Program Guide, taking the latest version of Web tutorial(s) and maintaining a working knowledge of requirements contained therein and in this MOA as updated;

(c) Ensure that User Agency representatives are provided with and maintain User Ids only while they have a need to perform verification procedures;

(d) Ensure all Users performing verification procedures comply with all requirements contained in the SAVE Program Guide, web-based tutorial, and this MOA, and updates to these requirements;

(e) Ensure that all Users performing verification procedures have contact information for the SAVE Program and SAVE Monitoring and Compliance;

(f) Ensure all Users perform any additional verification procedures the SAVE Program requires and/or the registrant requests after the User Agency initiates a request for verification;

(g) Use any information provided by DHS-USCIS under this MOA solely for the purpose of determining the eligibility of persons applying for the benefit issued by the User Agency and limit use of such information in accordance with this and all other provisions of this MOA;

(h) Comply with the requirements of the Federal Information Security Management Act (FISMA (PL-107-347), Title III, Section 301) and OMB guidance as applicable to electronic storage, transport of records between agencies, and the internal processing of records received by either agency under the terms of this MOA;

(i) Safeguard such information and access methods to ensure that it is not used for any other purpose than described in this MOA and protect its confidentiality, including ensuring that it is not disclosed to any unauthorized person(s) without the prior written consent of DHS-USCIS;<sup>1</sup>

(j) Comply with the Privacy Act, 5 U.S.C. Section 552a, and other applicable laws, regulations, and policies, including but not limited to all OMB and DHS privacy guidance, in conducting verification procedures pursuant to this MOA, and in safeguarding, maintaining, and disclosing any data provided or received pursuant to the MOA;

(k) Comply with federal laws prohibiting discrimination against registrants and discriminatory use of the SAVE Program based upon the national origin, color, race,

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<sup>1</sup> Each registrant seeking access to information regarding himself/herself may do so by submitting a written signed request to DHS-USCIS. Instructions for submitting such requests may be found on the Freedom of Information/Privacy Act page of [www.uscis.gov](http://www.uscis.gov).

gender, religion, or disability of the registrant, including but not limited to the National Voter Registration Act, 42 U.S.C. 1973gg et seq., as amended; the Help America Vote Act, 42 U.S.C. 15301 et seq., as amended; the Voting Rights Act, 42 U.S.C. 1973 et seq., as amended; and the Civil Rights Act, 42 U.S.C. 1971, 1974, as amended;

(l) Create standardized correspondence to request that a registrant provide a Naturalization Certificate or Certificate of Citizenship to complete SAVE verification and submit that correspondence to SAVE for approval prior to use with registrants;

(m) Provide all registrants who do not verify as a citizen under the terms of the MOA with adequate written notice that their citizenship could not be verified and the information necessary to contact DHS-USCIS (see attachment 1: Fact Sheet, which is subject to revision and reposting on the SAVE Website and Online Resources) so that such individuals may obtain a copy of their Naturalization Certificate or Certificate of Citizenship or correct their records in a timely manner, if necessary;

(n) Provide all registrants who are not verified as citizens based solely or in part on the SAVE response with the opportunity to use the User Agency's existing process to appeal the denial and to contact DHS-USCIS to correct their records prior to a final decision, if necessary; and

(o) Refrain from using SAVE, or assisting any person or entity, to comply with the employment eligibility verification requirements of section 274A of the Immigration and Nationality Act, 8 U.S.C. Section 1324a.

**(2) Monitoring and Compliance.**

(a) Provide the SAVE Program and SAVE Monitoring and Compliance with the current e-mail, U.S postal service address, physical address, name and telephone number of the User Agency authorized representative for any notifications, questions or problems that may arise in connection with the User Agency's participation in SAVE and with notification of changes in the benefit offered by the User Agency;

(b) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe a violation of this MOA has occurred;

(c) Notify the SAVE Program and SAVE Monitoring and Compliance immediately whenever there is reason to believe an information breach has occurred as a result of User Agency action or inaction pursuant to Office of Management and Budget (OMB) Memorandum M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information";

(d) Allow SAVE Monitoring and Compliance to monitor and review all records and documents related to the use, abuse, misuse, fraudulent use or improper use of SAVE by the User Agency, including, but not limited to original registrant consent documents required by the Privacy Act, 5 U.S.C. Section 552a or other applicable authority;

(e) Allow SAVE Monitoring and Compliance to conduct desk audits and/or site visits to review User Agency's compliance with this MOA and all other SAVE-related policy, procedures, guidance and law applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA;

(f) Allow SAVE Monitoring and Compliance to perform audits of User Agency's User Ids use and access, SAVE Training Records, SAVE financial records, SAVE biographical information, system profiles and usage patterns and other relevant data;

(g) Allow SAVE Monitoring and Compliance to interview any and all User Agency SAVE system users and any and all contact persons or other personnel within the User Agency regarding any and all questions or problems which may arise in connection with the User Agency's participation in SAVE;

(h) Allow SAVE Monitoring and Compliance to monitor system access and usage and to assist SAVE users as necessary to ensure compliance with the terms of this MOA and the SAVE Program requirements by its authorized agents or designees; and

(i) Take corrective measures in a timely manner to address all lawful requirements and recommendations on every written finding including but not limited to those of SAVE Monitoring and Compliance regarding waste, fraud, and abuse, and discrimination or any misuse of the system, non-compliance with the terms, conditions and safeguards of this MOA, SAVE Program procedures or other applicable law, regulation or policy.

(3) Reimbursement.

(a) Pay the transaction prices provided in the attached current standard billing rates, which along with methods of payment are subject to change upon prior written notification to the User Agency. Each year, the User Agency will obligate funds sufficient to reimburse DHS-USCIS under a current appropriation upon execution of the attached USCIS Anticipated Collections from Non-Federal Sources Addendum;

(b) Pay in full within 30 days of the invoice date. The User Agency will pay any applicable sales, use, excise, and like taxes, where required by law, that are stated on each invoice. Regardless of payment type, the User Agency will clearly indicate the High Level Identifier with remittance;

(c) If the User Agency pre-pays for its usage, it shall submit the entire committed amount before being allowed access to VIS; and

(d) Promptly discuss and resolve issues and questions with DHS-USCIS regarding payments. Delinquent payments shall be handled in accordance with the Debt Collection and Improvement Act of 1996, 31 U.S.C. Section 3701. Interest on all unpaid balances shall be charged at the rate of the current value of funds to the United States Treasury effective on the date of the invoice. The rate is the Treasury tax and loan rate. It is

published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Handling charges will accrue at monthly rates of \$5.00 for each of the first two months of delinquency and \$10.00 for each month thereafter. In addition to interest and handling charges, if DHS-USCIS does not receive payment within 90 days of the invoice, 6% per annum additional interest will be assessed. Charges will be computed from the date of the invoice and will accrue monthly with the applicable interest and handling charges. In the case of any late payment, the amount received will be applied in this sequence: (1) to any accrued penalty and handling charges; (2) to any accrued interest; and (3) to outstanding principal. Failure to make timely payment may result in termination of services.

#### V. POINTS OF CONTACT.

USCIS SAVE Program MS 2620, U.S. Citizenship and Immigration Services,  
Department of Homeland Security, Washington, DC 20529-2620, (888) 464-4218,  
Attn: SAVE Operations. E-mail: [SAVEregistration@dhs.gov](mailto:SAVEregistration@dhs.gov).

USCIS SAVE Monitoring and Compliance MS 2640, U.S. Citizenship and Immigration  
Services, Department of Homeland Security, Washington, DC 20529-2640,  
(888) 464-4218. E-mail: [SAVE.monitoring@dhs.gov](mailto:SAVE.monitoring@dhs.gov).

#### USER AGENCY

Maria I. Matthews, Esq.  
Chief, Bureau of Voter Registration Services  
Florida Department of State  
R.A. Gray Building  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6200  
850.245.6520 (direct line)  
Cellphone: 850.443.7730  
Fax Number: 850.245.6291  
E-mail: [maria.matthews@dos.myflorida.com](mailto:maria.matthews@dos.myflorida.com)

#### VI. OTHER PROVISIONS.

(A) MOA Responsibilities. Only authorized employees, agents, or designees of DHS-USCIS and the User Agency will carry out the requirements of this MOA. In carrying out these responsibilities, they will operate within the scope of applicable regulations, specifically delegated authorities, the program authorities and funding limitations and terms and conditions of this MOA.

(B) Determining Benefit Eligibility. This MOA is limited to the provision of verification services. DHS-USCIS will verify limited citizenship and immigration status information, but will not recommend to the User Agency whether to issue the benefit. The DHS-USCIS response is not intended to be, and should not be construed as, an opinion on the



part of DHS-USCIS or the United States regarding any right or benefit under any program administered by the User Agency. The User Agency has the responsibility to determine the registrant's eligibility for the benefit.

(C) Criminal Penalties.

(1) DHS-USCIS reserves the right to use information from the User Agency for any purpose permitted by law, including, but not limited to, the prosecution of violations of Federal administrative or criminal law.

(2) The User Agency acknowledges that the information it receives from DHS-USCIS is governed by the Privacy Act, 5 U.S.C. Section 552a(i)(1), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOA may be subject to criminal penalties.

(D) Third Party Liability.

(1) Each party to this MOA shall be solely responsible for its own defense against any claim or action by third parties arising out of or related to the execution and/or performance of this MOA, whether civil or criminal, and retain responsibility for the payment of any corresponding liability.

(2) Nothing in this MOA is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees or the User Agency.

(E) Disputes. Disagreements on the interpretation of the provisions of this MOA that cannot be resolved between the DHS-USCIS program office and the User Agency point of contact should be provided in writing to the authorized officials at both agencies for resolution. If settlement cannot be reached at this level, the disagreement will be elevated to the next level in accordance with DHS-USCIS procedures for final resolution.

(F) Conflicts. This MOA, its attachments and addenda constitute the full MOA on this subject between DHS-USCIS and the User Agency. Any inconsistency or conflict between or among the provisions of this MOA, will be resolved in the following order of precedence: (1) this MOA and (2) other documents incorporated by reference in this MOA, i.e., the USCIS Anticipated Collections from Non-Federal Sources Addendum, and standard billing rates.

(G) Severability. Nothing in this MOA is intended to conflict with current law or regulation or the directives of DHS, DHS-USCIS, or the User Agency. If a term of this MOA is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOA shall remain in full force and effect. In the event of a conflict that prevents either party from fulfilling its obligations, this MOA may be immediately canceled without providing the 30 day notice period referenced in Section IX.

(H) Assignment. The User Agency may not assign this MOA, nor may it assign any of its rights or obligations under this MOA. To the extent allowable by law, this MOA shall inure to the benefit of, and be binding upon, any successors to DHS-USCIS and the User Agency without restriction.

(I) Waiver. No waiver by either party of any breach of any provision of this MOA shall constitute a waiver of any other breach. Failure of either party to enforce at any time, or from time to time, any provision of this MOA shall not be construed to be a waiver thereof.

(J) Compliance with Other Laws. Nothing in this MOA is intended or should be construed to limit or affect the duties, responsibilities, and rights of the User Agency under the National Voter Registration Act, 42 U.S.C. 1973gg et seq., as amended; the Help America Vote Act, 42 U.S.C. 15301 et seq., as amended; the Voting Rights Act, 42 U.S.C. 1973 et seq., as amended; and the Civil Rights Act, 42 U.S.C. 1971, 1974, as amended.

#### **VII. EFFECTIVE DATE.**

This MOA shall be effective when the DHS-USCIS authorized official and User Agency authorized official have both signed the MOA. This MOA shall continue in effect unless modified or terminated in accordance with the provisions of this MOA.

#### **VIII. MODIFICATION.**

(A) This MOA is subject to periodic review by DHS-USCIS, its authorized agents or designees, and, if necessary, periodic modification and/or renewal to assure compliance with current law, policy, and standard operating procedure(s). This MOA and the attached USCIS Anticipated Collections from Non-Federal Sources Addendum constitute the complete MOA between the parties for its stated purpose, and no modification or addition will be valid unless entered into by mutual consent of both parties evidenced in writing and signed by both parties and appended to this agreement; and

(B) The User Agency may accomplish a unilateral administrative modification to add funds to the MOA, and either party may accomplish a unilateral administrative modification to change POC information. A written bilateral modification (i.e., agreed to and signed by authorized officials of both parties) is required to change any other term of this MOA.

#### **IX. TERMINATION.**

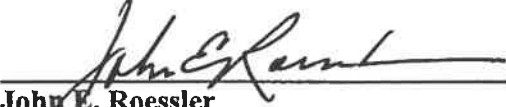
Either party may terminate this MOA at any time by providing 30 days written notice of intent. DHS-USCIS, when feasible, will consult with the User Agency and attempt to reconcile issues before terminating this MOA. Notwithstanding any other provision in the MOA, DHS-USCIS may suspend or terminate this MOA without prior notice if


deemed necessary because of a requirement of law or policy, upon a determination by DHS-USCIS that there has been a breach of system integrity or security by the User Agency or a failure by the User Agency to comply with established procedures or legal requirements, including but not limited to failure to pay.

Written notices shall be sent to the addresses of the POCs listed herein and shall be effective upon receipt. Either party may change its POC by written notice to the other party.

The foregoing, in conjunction with the referenced and incorporated attachments, constitutes the full agreement on this subject between DHS-USCIS and the User Agency. This MOA supersedes all previous agreements governing the provision of verification services. Those agreements are explicitly acknowledged to be null and void.

The undersigned represent that they are authorized to enter into this MOA on behalf of DHS-USCIS and the User Agency, respectively.

  
\_\_\_\_\_  
**John E. Roessler**  
**Chief, SAVE Program**  
**U.S. Citizenship and Immigration Services**  
**Department of Homeland Security**

  
\_\_\_\_\_  
**Maria J. Matthews, Esq.**  
**Chief, Bureau of Voter**  
**Registration Services**  
**Florida Department of State**

14 Aug 2012  
Date

14 Aug 2012  
Date

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration  
Services  
Verification Division  
Washington, DC 20024



U.S. Citizenship  
and Immigration  
Services

# Fact Sheet

## Information for Registrants: Verification of Citizenship Status and How to Obtain Your Document or Correct Your Record with USCIS

Many federal, state and local agencies verify the immigration or citizenship status of benefit applicants to ensure that only qualified aliens or naturalized and derived citizens receive benefits. These agencies verify immigration or citizenship status by using the Systematic Alien Verification for Entitlements (SAVE) Program of the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

The voter registration agency in your state has submitted information to the SAVE Program for verification of your citizenship. Because the SAVE Program cannot confirm your citizenship status based upon information provided by the agency, you must be given an opportunity by the voter registration agency to provide the correct documentation or correct your records with USCIS and/or appeal the denial of your voter registration. Please note that there are a number of reasons why the SAVE Program may not be able to verify your citizenship, e.g., the SAVE Program can only verify naturalized or derived citizens, to the extent that a derived citizen received an official determination on citizenship by USCIS. The inability of the SAVE Program to verify your citizenship does not necessarily mean that you are not a citizen of the United States and are ineligible to vote.

If you need a replacement of your Naturalization Certificate or Certificate of Citizenship or believe that the SAVE Program response to the voter registration agency did not provide accurate information about your citizenship status and you need to make corrections to your citizenship record, please contact USCIS by using one of the following methods:

1. **File a Form N-565 to obtain a replacement of your Naturalization Certificate or Certificate of Citizenship.** The Form N-565 and instructions for filing can be found at: <http://www.uscis.gov/files/form/n-565.pdf> and <http://www.uscis.gov/files/form/n-565instr.pdf>
2. **Schedule an appointment for an in-person interview at a local USCIS office to correct your record.** You may schedule an appointment at a local USCIS office at the InfoPass website, <http://infopass.uscis.gov>, or by calling the National Customer Service Center, 1-800-375-5283. Scheduling an appointment is the fastest way to correct your records. We recommend that you bring to your appointment this Fact Sheet, documentation evidencing your citizenship status, and any information provided by the voter registration agency concerning why your citizenship status could not be verified.

Rev. Ver. July 23, 2012

**3. Submit a request in writing to correct your record.** If you know the information that needs to be corrected in your record, you may submit a request to correct your records to the Freedom of Information Act/Privacy Act (FOIA/PA) Office at the following address:

Privacy Act Amendment  
U.S. Citizenship and Immigration Services  
National Records Center  
FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

**We recommend that you include the following information in your submission, if available:**

- State that you are being denied voter benefits
- Information that is inaccurate
- Proposed change(s) to the record
- Date and place of birth
- A return address
- Copies of your immigration or DHS citizenship documents
- Reason it is inaccurate
- A-File number and/or the full name
- Notarized signature of the registrant
- Other information to assist locating the record

If you do not know the information you need to correct, you may submit a written request to obtain your records by submitting Form G-639, *FOIA/PA Request*. This form is available from the nearest USCIS office or online at <http://www.uscis.gov/files/form/g-639.pdf>. You should use the address specified above, but mark the envelope "*Privacy Act Request*" rather than "*Privacy Act Amendment*."

# EXHIBIT 2



FLORIDA DEPARTMENT of STATE

RON DESANTIS  
Governor

CORD BYRD  
Secretary of State

September 10, 2024

Tammy Meckley  
Associate Director  
Immigration Records and Identity Services Directorate  
U.S. Citizenship and Immigration Services  
5900 Capital Gateway Drive  
Camp Springs, MD 20746

*Via E-MAIL & U.S. MAIL*

***Re: Demand for Information under 8 U.S.C. § 1373 and 8 U.S.C. § 1644 (\*corrected version - correcting typographical error as to the number of exhibits\*)***

Dear Associate Director Meckley:

Noncitizens cannot vote in Florida elections. *See* Fla. Const., art. VI, § II; § 97.041(1)(a)2., Fla. Stat. Those who do expose themselves to criminal liability.<sup>1</sup> Accurate and up-to-date voter registration rolls help ensure that noncitizens cannot vote and do not violate Florida law. *See* Fla. Stat. § 98.0575(6). And, under both Florida and federal law, the Florida Department of State (“FDOS”) is responsible for maintaining these accurate and up-to-date rolls.<sup>2</sup> *See, e.g.*, 42 U.S.C. § 15483(a) (requiring Department to “ensure that voter registration records” “are accurate and are updated regularly”); 42 U.S.C. § 1973gg(b)(4) (establishing procedures to “protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records.”); Fla. Stat. § 98.075(1) (“The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records.”).

FDOS must also take affirmative steps to “remove registrants who are ineligible to vote.” 42 U.S.C. § 15483(a); *see also* Fla. Stat. § 98.075(4)-(6). Any credible and reliable information of

<sup>1</sup> <https://www.fdle.state.fl.us/News/2024/April/FDLE-arrests-non-citizen-felon-for-voter-fraud>  
<https://www.fdle.state.fl.us/News/2022/October/FDLE-arrests-Jamaican-citizen-for-voting-in-U-S-el>  
*See, e.g.*, 18 U.S.C. § 611; 18 U.S.C. § 911; 18 U.S.C. § 1015(f); 52 U.S.C. § 21144(b); § 104.15, Fla. Stat.; § 104.011(1), (2), Fla. Stat.

<sup>2</sup> In Florida we take this responsibility seriously. Due to recent updates to our voter list maintenance laws, in the last month alone, nearly 26,000 individuals have been removed from Florida voter rolls for ineligibility (e.g., adjudication of mental incapacity without voting rights restored, felony conviction without voting rights restored, death, not a U.S. citizen, did not list a valid Florida residence, determined to be fictitious person), voter request, duplicate record, moved out of state, etc.



ineligibility obtained by FDOS triggers a notice of removal and opportunity for a hearing and can result in a “final determination that a voter is ineligible to vote.”<sup>3</sup> Fla. Stat. § 98.075(7). To perform its responsibilities and ensure accurate voter rolls, FDOS must have access to up-to-date citizenship information that can only be obtained from the federal government.

To that end, 8 U.S.C. § 1373 and 8 U.S.C. § 1644 provide a mechanism for FDOS to obtain pertinent information from your office. Section 1373 states:

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the [Department of Homeland Security] (“DHS”) information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

8 U.S.C. § 1373(a). It goes on to say that “[DHS] *shall* respond to an inquiry by a federal, state, or local government agency seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.” *Id.* § 1373(c) (emphasis added). Section 1644 reaffirms FDOS’s right to obtain citizenship-related information from your office, as does the United States Supreme Court. *See Arizona v. United States*, 567 U.S. 387 (2012) (“Congress has obligated [DHS] to respond to any request made by state officials for verification of a person’s citizenship or immigration status.”); *Chamber of Commerce of United States v. Whiting*, 563 U.S. 582 (2011) (“[Section 1373(c)] requires the Federal Government to ‘verify or ascertain’ an individual’s ‘citizenship or immigration status’ in response to a state request.”).

Indeed, FDOS’s successful federal lawsuit in 2012 against your office reaffirmed FDOS’s right to pertinent, citizenship-related information.<sup>4</sup> More specifically, that case resulted in FDOS obtaining access to the Systematic Alien Verification for Entitlements Program or SAVE database. *See Exhibit 1* (Memorandum of Agreement for SAVE).

Although the SAVE database can be helpful,<sup>5</sup> it is nevertheless insufficient. The database requires FDOS to have at least one of the following, specific numeric identifiers: “Alien/USCIS Number (A-Number),” “Form I-94, Arrival/Departure Record Number,” “Student and Exchange Visitor Information System (SEVIS) ID number,” “Naturalization/Citizenship Certificate Number,” “Card/I-797 Receipt Number,” “VISA Number,” or “Foreign Passport Number (if entered along with a U.S. immigration enumerator).”<sup>6</sup> Florida does not always have access to this information.

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<sup>3</sup> The individual also has a right to appeal a determination of ineligibility pursuant to § 98.0755, Fla. Stat.

<sup>4</sup> <https://dos.fl.gov/communications/press-releases/2012/florida-department-of-state-receives-commitment-from-us-department-of-homeland-security-to-provide-access-to-citizenship-database/>

<sup>5</sup> Last month FDOS sent 144 individualized non-citizen files to local Supervisors of Elections for removal from the state voter roll. The SAVE database confirmed that all 144 individuals were non-citizens, validating the state’s information. Upon receipt of the state’s non-citizen removal file, the Supervisor of Election must begin, within 7 days, the list maintenance process outlined in § 98.075(7), Fla. Stat.

<sup>6</sup> *Tutorial: Introduction to SAVE and the Verification Process for SAVE Users*, DEPARTMENT OF HOMELAND SECURITY. ET AL (Mar. 2024) (available at <https://tinyurl.com/msek795k>).

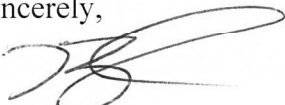
Under Florida law, the Florida Department of Highway Safety and Motor Vehicles (“DHSMV”) notifies FDOS of persons who self-identified as non-U.S. citizens upon being issued a new or renewed Florida driver’s license,<sup>7</sup> Florida identification card, or updated DHSMV record. *See* § 98.093(8)(b), Fla. Stat. This information is highly credible but in some instances lacks the kind of identifiers needed to obtain confirmation through the SAVE database.

I thus include as **Exhibit 2-9**, the names of specific individuals for whom FDOS has information of non-citizenship but for whom FDOS cannot run a search on the SAVE database. All 8 of these individuals are currently on Florida’s voter rolls. For these eight individuals, pursuant to 8 U.S.C. § 1373 and 8 U.S.C. § 1644, I ask for verification of citizenship status **within fourteen days of your receipt of this letter**.

FDOS understands that your office has the ability to determine an individual’s immigration or citizenship status very quickly and without the numeric-identifiers required by the SAVE database. We further understand that the Person Centric Query System allows for verification of immigration or citizenship status with a very limited amount of basic information such as name, date of birth, and address. For each of the eight individuals included in Exhibits 2-9, I have provided you the name, date of birth, address, and any other identifiers or pertinent information FDOS has in its possession.

The immediate need for accurate citizenship information is critical as we are less than ninety days from the next general election. Given that the law is clear and USCIS’s obligations are mandatory, any delay in fulfilling FDOS’s (very reasonable) request for 8 individual determinations will undoubtedly undermine FDOS’s ability to fulfill its statutory obligations to protect the integrity of Florida’s election and maintain current and accurate voter registration rolls. We appreciate your expeditious assistance on this matter. If verification is not provided within the time requested, Florida will pursue other remedies, including potential litigation.

Sincerely,



Brad McVay  
Deputy Secretary of State  
for Legal Affairs & Election Integrity/  
Chief Legal Counsel  
Florida Department of State  
brad.mcvay@dos.fl.gov

cc:

Ur M. Jaddou, Director, U.S. Citizenship and Immigration Services  
Jennifer B. Higgins, Deputy Director, U.S. Citizenship and Immigration Services  
Felicia Escobar Carrillo, Chief of Staff, Office of the Director  
A. Ashley Tabaddor, Chief Counsel, Office of Chief Counsel

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<sup>7</sup> Florida does not allow illegal aliens to obtain driver’s licenses and does not recognize driver’s licenses issued in other states to illegal aliens. *See* § 322.033, Fla. Stat.

# EXHIBIT 3

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
*Office of the Director*  
Camp Springs, MD 20588-0009



**U.S. Citizenship  
and Immigration  
Services**

October 10, 2024

Brad McVay  
Deputy Secretary of State for Legal Affairs & Election Integrity/Chief Counsel  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399

Dear Deputy Secretary McVay:

Thank you for your September 9, 2024, letter to U.S. Citizenship and Immigration Services (USCIS) requesting verification of registered Florida voters outside of the Systematic Alien Verification for Entitlements (SAVE) program.

Federal law prohibits non-U.S. citizens from registering and voting in federal elections; violators are removable and face up to five years in prison.<sup>1</sup> The evidence is clear that these laws are working as intended—it is extremely uncommon for noncitizens to vote in Federal elections.

The SAVE program is the most secure and efficient way to reliably verify the citizenship or immigration status of those seeking benefits and licenses, including for verification regarding voter registration and/or voter list maintenance. Numerous agencies in the State of Florida currently participate in the SAVE program to verify immigration status for 35 different benefits.<sup>2</sup> As you have noted, SAVE has been used by Florida elections authorities for voter registration and/or voter list maintenance since 2012.<sup>3</sup>

Given the very serious consequences of the results produced by SAVE and its import in ensuring the right to vote for U.S. citizens, USCIS takes this process very seriously and has confidence in the SAVE program.<sup>4</sup>

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<sup>1</sup> 18 U.S.C. §§ 611, 1015; 8 U.S.C. §§ 1182(a)(6)(C)(ii), 1227(a)(3)(D), 1227(a)(6).

<sup>2</sup> This information is available to the public at <https://www.uscis.gov/save/agency-search-tool>

<sup>3</sup> In addition to Florida, Arizona, Colorado, Georgia, Idaho, Mississippi, Ohio, South Carolina, Tennessee, and Virginia use SAVE for voter registration and/or voter list maintenance purposes.

<sup>4</sup> In addition, the National Voter Registration Act (NVRA), requires covered states to complete systematic programs intended to remove the names of ineligible voters from registration lists by no later than 90 days before federal elections. 52 U.S.C. § 20507(c)(2).

Deputy Secretary Brad McVay

Page 2

We currently cannot offer an alternative process to any state. The process you referenced—using the Person Centric Query Service (PCQS) to perform voter verification—does not return a definitive answer on immigration status and thus is not appropriate for the purposes of voter registration and/or list maintenance verification.<sup>5</sup>

We appreciate your feedback and will review whether there are possible changes to our process and technology that might improve the convenience of using our systems. Likewise, we will continue to engage with and develop resources that educate elections authorities in states with an interest in using SAVE for voter registration and/or voter list maintenance.

Thank you again for your letter and interest in this issue. Should you or your staff have any other questions, please feel free to contact my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director

---

<sup>5</sup> PCQS returns aggregated results across many different immigration systems and can only perform one query at a time. Using PCQS would require manual review of the results in each case to determine immigration status, as the systems may return disparate or conflicting results. As such, PCQS is not an option for state and local agencies to use for voter verification purposes.

# EXHIBIT 4

**Matthews, Maria I.**

---

**From:** Harrop, Grenville W III <Grenville.W.Harrop@uscis.dhs.gov>  
**Sent:** Thursday, September 19, 2024 3:53 PM  
**To:** Matthews, Maria I.; SAVE-HELP  
**Subject:** Re: FL Division of Elections/Request for Information/Status Verification Office

EMAIL RECEIVED FROM EXTERNAL SOURCE

Indeed, you captured everything correctly.

Thank you,

Grenville Harrop III  
Management & Program Analyst  
Verification Division  
Immigration Records & Identity Services  
U.S. Citizenship and Immigration Services  
[Grenville.W.Harrop@uscis.dhs.gov](mailto:Grenville.W.Harrop@uscis.dhs.gov)  
716.462.2087

---

**From:** Matthews, Maria I. <Maria.Matthews@dos.fl.gov>  
**Sent:** Thursday, September 19, 2024 3:42:03 PM  
**To:** Harrop, Grenville W III <Grenville.W.Harrop@uscis.dhs.gov>; SAVE-HELP <SAVE.Help@uscis.dhs.gov>  
**Subject:** RE: FL Division of Elections/Request for Information/Status Verification Office

Thanks for taking my call Grenville. I apologize for my initial confusion as the instructions online lead me to believe that the G-845 form was still a valid form that could be submitted by mail or electronically. I was anticipating using the form for the particular scenarios in which an individual identified for voter registration purpose has no US government issued immigration number with which to verify. All that is available is a foreign passport or foreign birth certificate.

Based on our discussion, 1) the G-845 form is no longer used, 2) the current DHS SAVE program search functionality is exclusively electronic, and 3) the minimum requirement for the online program is least one enumerator from a U.S. issued immigration document (e.g., Alien / USCIS Number, Naturalization / Citizenship Number, Card Number / I-797 Receipt Number, I-94 Number, SEVIS Number, and Visa Number) to conduct a search. In other words, DHS SAVE cannot verify the status online or otherwise based on a foreign passport or foreign birth certificate alone, without at least one enumerator from a US issued immigration document.

Please let me know me if I have summarized incorrectly. Thanks again for your help.

Respectfully,

Maria Matthews, Esq.  
Division of Elections, Director  
850-245-6520 | Office Line

DEPARTMENT OF STATE | DIVISION OF ELECTIONS

R. A. Gray Building, Room 316  
500 S. Bronough Street  
Tallahassee, FL 32399-0250  
850-245-6520 | Direct Line  
850-443-7730 | Work Cell  
**866-308-6739 | Voter Assistance Hotline**  
**877-868-3737 | Voter Fraud Hotline**  
Email: [DivElections@dos.myflorida.com](mailto:DivElections@dos.myflorida.com)  
Website: [www.dos.fl.gov](http://www.dos.fl.gov)

*Important notices:*

*This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. (Esta respuesta se proporciona solo como referencia y no constituye consejo ni representación legal. Las personas interesadas deben consultar los Estatutos de la Florida y la jurisprudencia aplicable, y / o consultar a un abogado privado para saber como el ley se aplique a sus hechos or circunstancias particulares antes de sacar conclusiones legales o confiar en la información proporcionada.)*

*Written communications including email addresses to governmental agencies constitute public records and are available to the public including media upon request unless the information is subject to a specific statutory exemption. See e.g., F.S. 668.6076 (Las comunicaciones escritas, incluso las direcciones de correo electrónico, a agencias de gobierno, constituyen registros públicos y están disponibles, a pedido, para el público, incluso la prensa, a menos que la información esté sujeta a una exención legal específica. Véase por ejemplo, F.S. 668.6076)*

**From:** Harrop, Grenville W III <Grenville.W.Harrop@uscis.dhs.gov>  
**Sent:** Thursday, September 19, 2024 2:37 PM  
**To:** Matthews, Maria I. <Maria.Matthews@dos.fl.gov>; SAVE-HELP <SAVE.Help@uscis.dhs.gov>  
**Subject:** Re: FL Division of Elections/Request for Information/Status Verification Office

EMAIL RECEIVED FROM EXTERNAL SOURCE

Yes, do you have a userid, or need one created. If so I can create one with First, last name, email and phone #

Grenville Harrop III  
Management & Program Analyst  
Verification Division  
Immigration Records & Identity Services  
U.S. Citizenship and Immigration Services  
[Grenville.W.Harrop@uscis.dhs.gov](mailto:Grenville.W.Harrop@uscis.dhs.gov)  
716.462.2087

**From:** Matthews, Maria I. <Maria.Matthews@dos.fl.gov>  
**Sent:** Thursday, September 19, 2024 1:55:18 PM  
**To:** Harrop, Grenville W III <Grenville.W.Harrop@uscis.dhs.gov>; SAVE-HELP <SAVE.Help@uscis.dhs.gov>  
**Subject:** RE: FL Division of Elections/Request for Information/Status Verification Office

Thanks Grenville for quick response.

I apologize but I assume then it is not the **create new case** part that I submit this. So where exactly is it on the program? I seem to be overlooking it.



Respectfully,

Maria Matthews, Esq.  
Division of Elections, Director  
850-245-6520 | Office Line

**DEPARTMENT OF STATE | DIVISION OF ELECTIONS**

R. A. Gray Building, Room 316

500 S. Bronough Street

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Website: [www.dos.fl.gov](http://www.dos.fl.gov)

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*Written communications including email addresses to governmental agencies constitute public records and are available to the public including media upon request unless the information is subject to a specific statutory exemption. See e.g., F.S. 668.6076 (Las comunicaciones escritas, incluso las direcciones de correo electrónico, a agencias de gobierno, constituyen registros públicos y están disponibles, a pedido, para el público, incluso la prensa, a menos que la información esté sujeta a una exención legal específica. Véase por ejemplo, F.S. 668.6076)*

**From:** Harrop, Grenville W III <[Grenville.W.Harrop@uscis.dhs.gov](mailto:Grenville.W.Harrop@uscis.dhs.gov)>

**Sent:** Thursday, September 19, 2024 1:24 PM

**To:** Matthews, Maria I. <[Maria.Matthews@dos.fl.gov](mailto:Maria.Matthews@dos.fl.gov)>; SAVE-HELP <[SAVE.Help@uscis.dhs.gov](mailto:SAVE.Help@uscis.dhs.gov)>

**Subject:** Re: FL Division of Elections/Request for Information/Status Verification Office

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon Maria,

Fortunately the G-845 is completely electronic now. You would be able to verify through the SAVE system. If you have questions on how to initiate verifications do not hesitate to contact me.

Thank you,

Grenville Harrop III  
Management & Program Analyst  
Verification Division  
Immigration Records & Identity Services

U.S. Citizenship and Immigration Services  
[Grenville.W.Harrop@uscis.dhs.gov](mailto:Grenville.W.Harrop@uscis.dhs.gov)  
716.462.2087

**From:** Matthews, Maria I. <[Maria.Matthews@dos.fl.gov](mailto:Maria.Matthews@dos.fl.gov)>  
**Sent:** Thursday, September 19, 2024 1:02:19 PM  
**To:** Harrop, Grenville W III <[Grenville.W.Harrop@uscis.dhs.gov](mailto:Grenville.W.Harrop@uscis.dhs.gov)>; [SAVE.help@uscis.dhs.gov](mailto:SAVE.help@uscis.dhs.gov)  
**Subject:** FL Division of Elections/Request for Information/Status Verification Office

Hi Grenville,

I wanted to submit USCIS Form G-845 for a couple of individuals for voter registration purposes. The form instructs that I need to enter the mailing address of the Registered Agency's assigned Status Verification office and that I can find that address at [www.uscis.gov/save](http://www.uscis.gov/save). However, I can't seem to find that information on the page. What is our assigned Status Verification office and the mailing address?

Can you please assist?

Also does this mean that the G-845, Verification Requests can only be submitted by mail and to that address? If so, is it by certified mail or other specific mailing process?

If not, how can it be submitted online.

I would very much appreciate a response today at the earliest possible. Thanks.

Respectfully,

Maria Matthews, Esq.  
Division of Elections, Director  
850-245-6520 | Office Line

**DEPARTMENT OF STATE | DIVISION OF ELECTIONS**  
R. A. Gray Building, Room 316  
500 S. Bronough Street  
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**866-308-6739 | Voter Assistance Hotline**  
**877-868-3737 | Voter Fraud Hotline**  
Email: [DivElections@dos.myflorida.com](mailto:DivElections@dos.myflorida.com)  
Website: <http://www.dos.fl.gov>

*Important notices:*

*This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. (Esta respuesta se proporciona solo como referencia y no constituye consejo ni representación legal. Las personas interesadas deben consultar los Estatutos de la Florida y la jurisprudencia aplicable, y / o consultar a un abogado privado para saber como el ley se aplique a sus hechos o circunstancias particulares antes de sacar conclusiones legales o confiar en la información proporcionada.)*

*Written communications including email addresses to governmental agencies constitute public records and are available to the public including media upon request unless the information is subject to a specific statutory exemption. See e.g., F.S. 668.6076 (Las comunicaciones escritas, incluso*

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p style="text-align: center;">State of Florida and the Florida Department of State</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Escambia</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p style="text-align: center; font-size: 1.2em;">See attached</p>	<p><b>DEFENDANTS</b></p> <p style="text-align: center;">Department of Homeland Security and Alejandro Mayorkas</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
---	---

<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;"><b>PTF</b></td> <td style="width:33%; text-align: center;"><b>DEF</b></td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;"><b>PTF</b></td> <td style="width:33%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act		

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from Another District *(specify)*  
  6 Multidistrict Litigation - Transfer  
  8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
 5 USC 706; 28 usc 1361, 2201-02

Brief description of cause:  
 Administrative Procedure Act, Mandamus Act, Declaratory Judgment Act

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: 10/16/2024

SIGNATURE OF ATTORNEY OF RECORD: 

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**CIVIL COVER SHEET ATTACHMENT**

I. (c) Attorneys (Firm Name, Addresses, and Telephone Number)

John Guard (FBN 374600)  
Chief Deputy Attorney General

James H. Percival (FBN 1016188)  
Chief of Staff

Henry C. Whitaker (FBN 1031175)  
Solicitor General

Natalie P. Christmas (FBN 1019180)  
Senior Counselor to the Attorney General

Office of the Attorney General  
The Capitol, PI-01  
Tallahassee, Florida 32399-1050  
(850) 414-3300  
(850) 410-2672 (fax)  
john.guard@myfloridalegal.com  
james.percival@myfloridalegal.com  
henry.whitaker@myfloridalegal.com  
natalie.christmas@myfloridalegal.com

*Counsel for the State of Florida*

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida



STATE OF FLORIDA and the
FLORIDA DEPARTMENT OF STATE

Plaintiff(s)

v.

The DEPARTMENT OF HOMELAND SECURITY;
and ALEJANDRO MAYORKAS, in his official capacity
as Secretary of the United States Department of
Homeland Security

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) THE HONORABLE ALEJANDRO MAYORKAS
Secretary of Homeland Security
United States Department of Homeland Security
Office of the General Counsel
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528-0485

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

NATALIE P. CHRISTMAS
State of Florida
Ashley Moody, Florida Attorney General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Florida [dropdown icon]

STATE OF FLORIDA and the
FLORIDA DEPARTMENT OF STATE

Plaintiff(s)

v.

The DEPARTMENT OF HOMELAND SECURITY;
and ALEJANDRO MAYORKAS, in his official capacity
as Secretary of the United States Department of
Homeland Security

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)
Department of Homeland Secretary
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

NATALIE P. CHRISTMAS
State of Florida
Ashley Moody, Florida Attorney General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: