



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 31, 2012

Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

As Florida's Secretary of State and Chief Elections Officer, I have a duty under both state and federal laws to ensure that Florida's voter registration rolls are current and accurate. If my department receives credible and reliable information that ineligible voters are registered to vote, we must take the appropriate actions to ensure the integrity of Florida's voter rolls.

As you may be aware, my department has received credible and reliable information from the Florida Department of Highway Safety and Motor Vehicles (DHSMV) indicating non-citizens may be registered to vote in Florida. While processing this new information, it became clear that our department's ability to validate a person's legal status as up-to-date was limited. To the best of our knowledge, the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) Program has the information we need, and by federal law, we are entitled to request and receive legal status information from the federal government.

Federal law expressly requires your agency to respond to state inquiries seeking to verify or ascertain the citizenship or immigration status of any individual within its jurisdiction for any purpose authorized by law. (8 U.S.C. s. 1373(c)). Additionally, DHS has recently stated that the SAVE database could be used for voter registration purposes. See, e.g., 76 Fed. Reg. 58525, 58527 (September 21, 2011). Yet after nine months of requests, we have not been granted access to that information or any other available DHS database.

Our state partner, the Florida Department of Highway Safety and Motor Vehicles (DHSMV), has access to the SAVE database and explored the possibility of using SAVE to update their information about the potential non-citizens, which would have given us the confirmation we need to identify ineligible voters. However, the agreement between your agency and DHSMV does not allow DHSMV to continually update their records, leaving my department, again, without a means to obtain directly or indirectly the information we need and are entitled to receive.



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As I have already stated, I have a duty to ensure Florida's voter registration rolls are current and accurate. I hope you will understand the importance of making sure the vote of an eligible voter is not diminished by the vote of an ineligible voter and provide my department the access it needs to the SAVE database.

I will make time in my schedule to meet with you at your office at your earliest convenience. Until that time, I will be available, as will my staff, to discuss this issue with you further.

Thank you for your understanding of the importance of our elections process.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Detzner". The signature is written in a cursive, slightly slanted style.

Ken Detzner, Secretary
Florida Department of State