

STATE OF INDIANA

INDIANA RECOUNT COMMISSION

IN THE MATTER OF THE PRIMARY ELECTION  
FOR INDIANA STATE SENATE DISTRICT 23

PAULA K. COPENHAVER,  
Petitioner,

v.

SPENCER R. DEERY,  
Respondent.

**RESPONDENT’S MOTION IN OPPOSITION TO PETITIONER’S REQUEST FOR  
POST-ELECTION USE OF SAVE DATA**

Respondent Spencer R. Deery, by counsel, respectfully opposes any request by Petitioner to compel, direct, authorize, or rely upon a post-election search of voters through the federal Systematic Alien Verification for Entitlements (“SAVE”) program for the purpose of investigating persons who voted in the May 5, 2026 Republican Primary Election in an attempt to invalidate ballots already cast and counted.

The Commission should deny Petitioner’s request.

**INTRODUCTION**

Petitioner Paula Copenhaver has requested “that the identifying information of individuals who voted in person or via absentee or provisional ballot as reflected on the poll books and other election materials be checked against the SAVE Data currently available to the State of Indiana to identify whether any individual who voted in Senate District 23’s Republican Primary was not entitled to do so.” (Petition, p. 17, ¶ 79). Petitioner offers no evidence of any kind, whatsoever, that would support a claim that noncitizens voted in her legislative race. As Petitioner desperately scrambles for votes, she attempts yet another fishing expedition.

The “SAVE” Program is a program that is intended to provide immigration status information regarding registered voters whose information is submitted to SAVE. Secretary of

State, Diego Morales, signed a memorandum of agreement (“MOA”) with the Department of Homeland Security and U.S. Citizenship and Immigration Services (“USCIS”) (attached hereto as Exhibit A).

## **ARGUMENT**

Pursuant to IC § 3-7, Indiana law establishes specific procedures governing voter registration, voter-list maintenance, citizenship verification, challenges to voter eligibility, and election contests. Nothing in those statutory schemes authorizes a candidate to transform an election contest or recount into a post-election investigation of individual voters through a federal immigration and citizenship verification database. Nor does Indiana’s access to SAVE enlarge the statutory jurisdiction or power of the Indiana Recount Commission (“Commission”).

The proposed inquiry is particularly improper because a SAVE response generated after the election does not, without more, establish that a particular voter was not a United States citizen on the date of registration or on Election Day. Use of the system after an election to search for evidence against voters who were registered, permitted to vote, and whose ballots were accepted would bypass the statutory procedures governing voter registration and eligibility determinations and would invite a retrospective investigation based on information that was neither presented nor adjudicated when the vote was cast.

### **The Recount Commission is a Creature of Statute and May Exercise Only the Authority Conferred by the General Assembly. An Agreement Between Indiana and the Federal Government Cannot Enlarge the Recount Commission’s Statutory Jurisdiction.**

A Party seeking relief must proceed within the grounds and procedures established by the General Assembly and codified within Title 3. The existence of a federal database that may be available to an Indiana governmental official (Indiana Secretary of State) does not independently expand the Commission’s jurisdiction.

Accordingly, the threshold question is not whether SAVE exists or whether some Indiana official may have access to it. The question is whether the Indiana Election Code authorizes this Commission, in this election contest, to order or conduct a new post-election citizenship investigation of persons who already voted. Petitioner has identified no statute granting such authority. The burden is on the Petitioner, not the Respondent and certainly not the voters.

An intergovernmental (MOA) governing access to a federal database is not an amendment to the Indiana Election Code. It cannot confer upon the Indiana Recount Commission powers that the General Assembly has not granted.

Even assuming that the Indiana Secretary of State or another authorized governmental entity may submit information to SAVE for an authorized purpose, it does not follow that:

1. a private election contestant may demand a SAVE search;
2. the Recount Commission is independently authorized to access SAVE;
3. the Commission may compel an authorized SAVE user to conduct searches for purposes of private election litigation;
4. SAVE may be used as post-election discovery against persons who voted; or
5. a SAVE response constitutes conclusive evidence sufficient to invalidate a ballot.

Each of those propositions requires an independent source of legal authority. Petitioner cannot supply that authority merely by pointing to the existence of a federal database or Indiana's ability to access it.

Additionally, even *assuming arguendo* that the Commission should order a SAVE review of the district's voters, Petitioner has presented no legal basis that would allow the information garnered from the SAVE data to be shared with the Commission. The SAVE data results are highly protected and the MOA contains no provision that would allow that information to be released to the Indiana Recount Commission outside of the provisions of federal law. (Ex. A, p. 5).

Further, as the Commission is not a signatory to the MOA, it cannot issue an order that SAVE review the voter data of all voters who participated in the district election. SAVE is under no obligation to respond to a request from the Indiana Recount Commission.

**Indiana's Statutory Citizenship-Verification and Voter-List-Maintenance Procedures are Distinct From an Election Contest and Recount. Petitioner Seeks to Use a Voter-Registration Verification Tool as a Retrospective Election-Contest and Recount Investigatory Device.**

Indiana law separately regulates voter registration and voter-list maintenance under IC § 3-7. Those statutes establish the governmental officials and agencies responsible for maintaining registration records and the procedures by which questions concerning voter eligibility and citizenship are addressed. SAVE is a federal verification system. Indiana's authority to use SAVE for voter-registration or voter-list-maintenance purposes does not convert SAVE into a general discovery tool available to a private contestant in a post-election proceeding. The distinction is fundamental.

A voter-registration or voter-list-maintenance proceeding concerns whether an individual is eligible to be registered and what action election officials may take concerning that individual's registration record under procedures prescribed by law. An election contest and recount concern a completed election and are governed by separate statutory framework.

Petitioner's proposal would collapse those distinct statutory systems. It would take a tool made available for governmental verification and voter-registration administration and use it retrospectively to investigate selected individuals because they exercised the right to vote in an election that has already occurred. Nothing in Indiana's voter-registration statutes provides that the existence of SAVE access creates a new ground for an election contest or authorizes the Commission to conduct post-election voter-list maintenance within a contest or recount proceeding.

On July 7, 2025, Secretary Morales stated very clearly that "[t]his federal tool will be used to verify the citizenship status of individuals on Indiana's voter rolls ensuring that only eligible U.S. citizens are registered to vote in Indiana." <https://events.in.gov/event/indiana-secretary-of-state-diego-morales-signs-agreement-with-department-of-homeland-security-to-identify-noncitizens-on-indiana-voter-rolls> (Last visited July 16, 2026). At no time has Secretary Morales indicated that highly confidential voter data would be utilized as a discovery tool in an election contest.

The MOA signed by Secretary Morales states:

The purpose of this MOA is to establish the terms and conditions for the User Agency's participation in SAVE to verify the U.S. citizenship and immigration status information of registrants and registered voters within User Agency's jurisdiction for **voter registration and voter list maintenance (benefit) in the State of Indiana.**

(Ex. A, p. 2) (emphasis in original). Specifically, the MOA is intended to allow Indiana the ability to determine whether individuals are entitled to the benefit of being registered as a voter and voter list maintenance. In other words, SAVE is intended to assist Indiana in determining whether the benefit should be granted to the individual given his/her immigration/citizenship status. *See*, p.p. 1-2, <https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf> **Benefit eligibility** (Last visited July 16, 2026).

Pursuant to the MOA, the only use of the information that can be made is to verify "U.S. citizenship information and immigration status information of registrants and registered voters within User Agency's jurisdiction for determining eligibility for voter registration and to vote in Indiana, and limit use of such information in accordance with this and all over provisions of this MOA." (Ex. A, p. 5). The fact that Petitioner's request is not for purposes of voter roll maintenance or to determine whether an individual is eligible to be registered as a voter is reflected in the petition. Petitioner states very clearly that the purpose of the order she is seeking is related to the recount so as to "not count[ ] any votes . . . which were cast by individuals not qualified to vote in the Primary Election." (Petition, p. 17, ¶ 80). As such use is not allowed by the MOA, the Commission should not order a SAVE review of all voters from the legislative district.

Petitioner's proposed procedure would reverse the ordinary statutory sequence. Petitioner did not specifically identify particular voters as noncitizens nor plead specific facts establishing their ineligibility, a later request to search SAVE demonstrates the speculative nature of the Petitioner's claim. The proposed search is an attempt to discover whether an otherwise unknown factual basis for challenging votes might exist. The Petitioner is required to prove the grounds for an election contest or recount, not to use governmental databases to search for

additional claims after the election and after expiration of the statutory contest and recount deadlines.

Petitioner now seeks, after the election, to submit voters' personal information to a federal database, obtain new information that did not form the basis of any pre-election or Election Day eligibility determination, and use that newly generated information to attack ballots already cast and counted. That is not a recount, contest or anything allowable within the statutes governing either, nor is it ordinary voter-list maintenance. This is a new post-election investigation designed to generate evidence *after* the election in an effort to alter the result of the completed election.

If the General Assembly intended to authorize such a procedure, it could have expressly provided for post-election SAVE searches in the recount and contest statutes. It did not.

And finally, there is a charge for each voter whose information is submitted to SAVE. The taxpayers of Indiana should not be expected to foot the bill for Petitioner's fishing expedition. If, for some reason, the Commission decides to issue a discovery order to the Department of Homeland Security and USCIS to provide the Commission with the information sought and if, for some reason, the federal government should decide to provide this information outside the parameters of the MOA and contrary to federal law, then at the very least, Petitioner should be required to pay the Commission the cost of such a search in advance. (*See*, Ex. A, p. 3)

And even if the SAVE data was to be released to the Commission for review and its determination as to whether the voter was eligible to vote, any such voters *must* be given the opportunity to appeal the denial and "to contact DHS-USCIS to correct their immigration records" prior to a final decision, if necessary. (Ex. A, p. 6.)

## **CONCLUSION**

The Commission does not have statutory authority to authorize use of SAVE data. The Petitioner wants to use a voter-registration and citizenship-verification system retrospectively to investigate persons, who already voted, in an attempt to generate new evidence, create confusion or use as a distraction, after the election. The Indiana Election Code does not authorize that authority. It should be important to note that use of SAVE data by States is currently being

litigated in two separate federal courts which have issued differing opinions regarding the legality of its use.

On the basis of the foregoing, the Commission should deny the request by Petitioner Copenhaver that the confidential voting information of the residents she seeks to represent be reviewed by the SAVE database for the self-serving purpose of promoting her own election. To the extent Petitioner relies upon Indiana's agreement with the Department of Homeland Security or USCIS concerning access to SAVE, that reliance is misplaced.

Respondent therefore respectfully requests that the Indiana Recount Commission:

- (1) deny any request to compel, direct, authorize, or conduct post-election SAVE searches of persons who voted in the May 5, 2026 Republican Primary Election;
- (2) prohibit the use of SAVE as an exploratory post-election discovery mechanism to identify potential new grounds for challenging voters or ballots;
- (3) grant all other just and proper relief.

Respectfully submitted,

*Samantha DeWester*

**Samantha E. DeWester, #26806-49**

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# EXHIBIT A



## **MEMORANDUM OF AGREEMENT**

**BETWEEN THE DEPARTMENT OF HOMELAND SECURITY,  
U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
AND  
INDIANA SECRETARY OF STATE  
REGARDING PARTICIPATION IN THE SAVE PROGRAM FOR  
VOTER REGISTRATION AND VOTER LIST MAINTENANCE PURPOSES**

### **I. PARTIES.**

The parties to this Systematic Alien Verification for Entitlements (SAVE) Memorandum of Agreement (MOA) are the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), and the Indiana Secretary of State (User Agency).

### **II. AUTHORITY.**

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

- Immigration Reform and Control Act of 1986, Pub. L. No. 99-603, 100 Stat. 3359, as amended.
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.
- Section 642 of Div. C, Title VI of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009, as amended (8 U.S.C. §1373(c)).
- The Privacy Act of 1974, 5 U.S.C. § 552a, as amended.
- The Inter-Governmental Cooperation Act, 31 U.S.C. § 6501, et seq., as amended.
- The Federal Information Security Management Act of 2014 (Pub. L. 113-283), as amended.
- National Voter Registration Act of 1993, 52 U.S.C. § 20501, Pub. L. No. 103-31, 107 Stat. 77, as amended.
- Help America Vote Act of 2002, 52 U.S.C. § 20901, Pub. L. No. 107-252, § 303, 116 Stat. 1666, as amended.

Additionally, the authorities governing this MOA that are specific to this User Agency's request to use SAVE, include but are not limited to the following:

- Indiana Constitution, Article 2, Section 2, as amended.
- Indiana Code §§ 3-6-3.7-1, 3-7-13-1, 3-7-26.3-11, 3-7-26.3-37, 3-7-38.2-7.3, and 3-7-38.2-16, as amended.



Pursuant to the requirements of the Office of Management and Budget (OMB) Circular A-97, which establishes the President's guidelines for implementing the Intergovernmental Cooperation Act, 31 U.S.C. § 6501, et seq., as amended, the User Agency certifies that it cannot procure the U.S. citizenship information and immigration status information 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 for the User Agency's participation in SAVE to verify the U.S. citizenship and immigration status information of registrants and registered voters within User Agency's jurisdiction for **voter registration and voter list maintenance** (benefit) in the State of Indiana.<sup>1</sup>

SAVE verifies User Agency-provided information against DHS-accessed records, including immigration, naturalization and acquired citizenship records using an immigration enumerator issued by DHS (immigration enumerator) or other government issued enumerator(s) permitted by SAVE. SAVE may only be able to verify acquired U.S. citizens in certain situations.<sup>2</sup>

SAVE will provide information to the User Agency by:

- 1) Initial response (initial verification) to an on-line inquiry by the User Agency; and
- 2) Additional verification procedures, where applicable.

### IV. RESPONSIBILITIES.

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

- (1) Provide to the User Agency, in a manner determined by DHS-USCIS, an immigration status and U.S. citizenship information verification process under SAVE;
- (2) Respond to properly submitted verification requests from the User Agency by providing the limited information noted in the **PURPOSE** section above, i.e., a verification case number and U.S. citizenship or immigration status, if any;

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<sup>1</sup> "Participation" in SAVE is as described in the DHS/USCIS/SAVE Privacy Impact Assessment - 006. See [Systematic Alien Verification for Entitlements \(SAVE\) Program | Homeland Security \(dhs.gov\)](#).

<sup>2</sup> "Acquired citizenship" is defined as citizenship conveyed to children through the naturalization of parents or, under certain circumstances, at birth to foreign-born children of U.S. citizens, provided certain conditions are met. SAVE is only able to verify information that relates to information found in the databases accessed by the system. Accordingly, if the User Agency provides an immigration enumerator for an individual with acquired citizenship who has not applied for a Certificate of Citizenship with USCIS, the agency may not have that individual's citizenship information available in the databases accessed, and SAVE may not be able to confirm that individual's acquired citizenship.



- (3) Process and respond to properly submitted additional verification requests<sup>3</sup> from the User Agency. Response time to additional verification requests may vary depending upon DHS-USCIS workload, available resources, and the registrant's or registered voter's specific circumstances;
- (4) Provide to the User Agency operating instructions necessary for the User Agency to designate users within the purview of the User Agency;
- (5) Provide to the User Agency SAVE 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 additional verification processes, with requirements identified by SAVE;
- (8) Recover no more than its actual costs. SAVE transaction charges are found on the SAVE website. SAVE transaction charges and methods of payment are subject to change upon prior written notification to the User Agency;
- (9) Bill and collect reimbursements for transaction fees, if any, charged by SAVE for access and usage by submitting invoices to the User Agency's payment office at the address specified in writing by the User Agency, with a copy furnished to the User Agency POC. DHS-USCIS may submit invoices when the work is completed or as otherwise authorized. The User Agency's 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 for any final costs once known.

**B. User Agency agrees to:**

(1) SAVE System Use.

(a) Provide the necessary information in the manner SAVE requires to respond to User Agency requests for verification of immigration status or U.S. citizenship information. The following information from the applicant is required to create and submit a request for initial automated verification:

- First name and last name;
- Date of birth; and
- At least one of the following:

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<sup>3</sup> "Additional verification" is as described in the DHS/USCIS/SAVE Privacy Impact Assessment - 006. See [Systematic Alien Verification for Entitlements \(SAVE\) Program | Homeland Security \(dhs.gov\)](#).



- A DHS issued citizenship or immigration enumerator (for example, A-Number/USCIS Number, Certificate of Naturalization Number, Certificate of Citizenship Number, I-94 Number, Card Number / I-797 Receipt Number, or SEVIS ID); or
- Other government issued enumerator permitted by SAVE.

SAVE may modify requirements for SAVE cases and will provide written notification (e.g., by e-mail or update to SAVE website) to User Agency of any changes. Only enumerators accepted in SAVE can be submitted for verification.

Cases submitted for additional verification may require different enumerators than what the User Agency used to create the SAVE case and submit for initial verification. User Agency will only submit requests for additional verification using enumerators permitted by SAVE. Additional information obtained from the applicant's immigration or citizenship documentation may be required for additional verification. Scanned documents and other electronically submitted information may also be required for additional verification.

User Agency must request additional verification when required by SAVE for any registrant or registered voter that does not verify as a U.S. citizen on initial verification, including in all cases where the User Agency receives any SAVE response other than that of U.S. citizen. If the User Agency does not request additional verification or SAVE does not verify the registrant or registered voter as a U.S. citizen after conducting additional verification, the User Agency must contact the registrant or registered voter to obtain proof of U.S. citizenship, if necessary under the circumstances to fulfill the purpose of this MOA and in accordance with the provisions of this MOA and Federal and State law.

User Agency consents to electronic-only submission of all verification requests and additional information, including all information submitted for SAVE additional verification. SAVE will reject non-electronic (i.e., paper or fax) verification requests and information submissions.

(b) Ensure and report to DHS-USCIS that, before using SAVE and whenever subsequently required by DHS-USCIS (e.g., for SAVE system enhancements), all users performing verification procedures complete SAVE-required training, including: reviewing the SAVE Program Guide, taking the latest version of SAVE tutorial(s), and maintaining a working knowledge of requirements contained therein and in this MOA, as updated. These instructional materials will address the policies and procedures governing use of the program, including (1) program access, (2) verification procedures, (3) disclosure of information and privacy protections, (4) non-discrimination requirements, and (5) records correction procedures for registrants and registered voters;

(c) Ensure users are provided with, maintain, and use SAVE User IDs and access SAVE only while they need to perform verification procedures and promptly terminate user access when requested by SAVE, or if the user separates from the User Agency or otherwise no longer needs SAVE access;



- (d) Ensure all users performing verification procedures only use SAVE with respect to verification of registrant or registered voter U.S. citizenship information or immigration status information for the specified benefit and comply with all other requirements contained in the SAVE Program Guide and other SAVE guidance, the SAVE tutorial, and this MOA, and updates to these requirements;
- (e) Ensure that all Users performing verification procedures have contact information for SAVE and DHS-USCIS;
- (f) Ensure all users perform any additional verification procedures SAVE requires and/or the registrant or registered voter requests after the User Agency initiates a verification request. User Agency cannot deny a benefit based on a SAVE response where additional action is required of the User Agency by SAVE or additional verification is requested by the applicant but has not been completed;
- (g) Use any information provided by DHS-USCIS under this MOA solely for lawful purposes, namely the purpose above of verifying U.S. citizenship information and immigration status information of registrants and registered voters within User Agency's jurisdiction for determining eligibility for voter registration and to vote in Indiana, 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 Modernization Act of 2014 (Pub. L. No. 113-283, as amended) and OMB guidance as applicable to access, electronic storage, transport of records between agencies, and the internal processing of records received by either agency under the terms of this MOA;
- (i) Maintain physical, administrative, and technical safeguards for SAVE 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>4</sup>
- (j) Comply with the Privacy Act of 1974, 5 U.S.C. § 552a, as amended, 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. Information shared as a result of this MOA shall be considered DHS-USCIS information. Responses to third party requests for such information should be consistent with federal law and DHS policy, including but not limited to the provisions of the Freedom of Information Act, 5 U.S.C. § 552;
- (k) Comply with federal laws prohibiting discrimination against registrants or registered voters and discriminatory use of SAVE based upon the national origin, color, race, sex, religion, age, or

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<sup>4</sup> Each registrant or registered voter seeking access to information regarding themselves 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).



disability of the registrant or registered voter, including but not limited to the National Voter Registration Act, 52 U.S.C. § 20501 et seq., as amended; the Help America Vote Act, 52 U.S.C. § 20901, as amended; the Voting Rights Act, 52 U.S.C. § 10301 et seq., as amended; and the Civil Rights Act, 52 U.S.C. § 10101 et seq., as amended. In accordance with the Rehabilitation Act of 1973, as amended, and related agency implementing regulations, User Agency will provide reasonable modifications for individuals with disabilities to ensure effective communication;

(l) Comply with the requirements of Executive Order 13166 (“Improving Access to Services for Persons with Limited English Proficiency,” 65 Fed. Reg. 50,121 (Aug. 16, 2000)), to take reasonable steps to provide limited English proficiency (LEP) persons interacting with their respective agency with meaningful access to federally conducted programs and activities, including services and benefits, in accordance with LEP guidance set forth by the U.S. Department of Justice and any other applicable authorities;

(m) Provide written notice to registrants and registered voters that any information they provide may be subject to verification. User Agency will inform in writing each registrant or registered voter covered by this Agreement that their citizenship or immigration status may be verified against federal records;

(n) Provide all registrants or registered voters who are not verified as U.S. 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 immigration records prior to a final decision, if necessary. (Information for how to contact DHS to correct immigration records is available in the SAVE Records Fast Facts for Benefit Applicants on the SAVE and USCIS websites.) Benefit applicants may need to correct their records with other government agencies depending on the error;

(o) Provide or cause to be provided to all individuals with respect to whom User Agency or another agency intends to deny registration or proceed with any removal from a voter roll or other action removing or limiting the right to vote, or with civil or criminal enforcement action, because or based in whole or in part upon any information received pursuant to this MOA, with any right to notice and hearing or other due process available under State or other applicable law;

(p) 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. § 1324a.

(2) Account Compliance.

(a) Provide DHS-USCIS 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 use of SAVE by the User Agency;



- (b) Notify DHS-USCIS immediately whenever there is reason to believe a violation of this MOA has occurred;
- (c) Notify DHS-USCIS immediately whenever there is reason to believe a breach of personally identifiable information has occurred as a result of User Agency action or inaction pursuant to OMB Memorandum M-17-12, "Preparing for and Responding to a Breach of Personally Identifiable Information" or successor guidance;
- (d) Allow DHS-USCIS 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 or registered voter consent documents required by the Privacy Act, 5 U.S.C. § 552a or other applicable authority;
- (e) Allow DHS-USCIS to conduct desk audits and/or site visits to review User Agency's compliance with this MOA and all other SAVE-related policies, procedures, guidance and laws applicable to conducting verification and safeguarding, maintaining, and disclosing any data provided or received pursuant to this MOA;
- (f) Allow DHS-USCIS 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 DHS-USCIS 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 DHS-USCIS to monitor system access and usage and to assist SAVE users as necessary to ensure compliance with the terms of this MOA and SAVE 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 DHS-USCIS regarding waste, fraud, and abuse, and discrimination or any unauthorized use or misuse of the SAVE system or SAVE data, non-compliance with the terms, conditions and safeguards of this MOA, SAVE procedures or other applicable law, regulation or policy.

(3) Reimbursement.

- (a) The User Agency certifies that, each fiscal year, it will obligate funds sufficient to reimburse DHS-USCIS under a current appropriation for the coming year for any anticipated charges.
- (b) Pay the transaction charges reflected on the SAVE website, which along with methods of payment are subject to change upon prior written notification to the User Agency.



(c) Pay in full the amount due, if any, 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 User Agency High Level Identifier with remittance; 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. § 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 timely pay may result in suspension or termination of services.

## **V. POINTS OF CONTACT.**

### **USCIS SAVE**

U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Attn: SAVE Operations  
5900 Capital Gateway Drive, Mail Stop 2620  
Camp Springs, MD 20588-0009  
Phone: (877) 469-2563      E-mail: [SAVE.help@uscis.dhs.gov](mailto:SAVE.help@uscis.dhs.gov)

### **USER AGENCY**

Office of the Indiana Secretary of State  
Jerry Bonnet  
Deputy Secretary of State and General Counsel  
200 W Washington St, R. 201  
Indianapolis, IN 46204  
Phone: (317) 232-6534      E-mail: [jbonnet@sos.in.gov](mailto:jbonnet@sos.in.gov)

## **VI. OTHER PROVISIONS.**

A. **MOA Responsibilities.** Consistent with applicable laws, regulations, and policies, and the availability of User Agency resources, User Agency will commit personnel and resources sufficient to support this MOA. 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. The User Agency will also ensure that all local officials responsible for voter registration use information obtained from SAVE and provided by the User Agency in accordance with the 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 or registered voter'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 of 1974, 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 SAVE 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 constitutes 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 (e.g., transaction charges).



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, 52 U.S.C. § 20501 et seq., as amended; the Help America Vote Act, 52 U.S.C. § 20901 et seq., as amended; the Voting Rights Act, 52 U.S.C. § 10301 et seq., as amended; the Civil Rights Act, 52 U.S.C. § 10101 et seq., as amended; and all applicable state law.

## **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 until and 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 constitutes 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.

B. DHS-USCIS may accomplish unilateral administrative modifications to revise transaction charges and methods of payment, effective upon prior written notification to the User Agency. 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 and User Agency, when feasible, will consult with the other party and attempt to reconcile issues before terminating this MOA. Notwithstanding any other provision in the MOA, DHS-USCIS may suspend or terminate this MOA, and thereby the Agency's use of SAVE for voter registration and voter list maintenance purposes, 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 incorporated references, 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 related to voter registration and voter list maintenance. 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.

**BRIAN J  
BRODERICK**

Digitally signed by  
BRIAN J BRODERICK  
Date: 2025.07.08  
10:33:51 -04'00'

**Brian J. Broderick**  
**(Acting) Chief, Verification Division**  
**U.S. Citizenship and Immigration Services**  
**Department of Homeland Security**

\_\_\_\_\_  
Date

**Diego Morales**  
**Indiana Secretary of State**  
**Office of the Indiana Secretary of State**

**01 JUL 25**  
\_\_\_\_\_  
Date