

United States Senate

WASHINGTON, DC 20510

September 25, 2026

The Honorable Markwayne Mullin
Secretary
Department of Homeland Security
245 Murray Lane SW
Washington D.C. 20528

Dear Secretary Mullin:

We write to warn you against continued activities at the Department of Homeland Security (DHS) that seek to undermine the Constitutional authority of both Congress and states to administer elections and defy the directions of federal courts. As Secretary of Homeland Security, you have promoted the President's conspiracy theories about our elections, pressured states to participate in illegal activities, and explicitly threatened to reduce grant funding and initiate criminal investigations for those states that do not comply with the Administration's demands.

You have been unwilling to publicly affirm that you will not send U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) personnel to the polls, despite federal law barring their presence. Most recently, you deployed Homeland Security Investigation (HSI) agents across nine states for a "coordinated criminal voter fraud surge initiative," despite the lack of verifiable evidence of widespread noncitizen voter fraud.¹ Your actions as Secretary are intentionally undermining Americans' trust in the 2026 midterm elections and appear to purposefully disenfranchise eligible voters. Taken together, these actions amount to an illegal attempt to federalize the administration of the upcoming midterm elections.

At the direction of President Trump, you have endeavored to coerce states into divulging sensitive voter roll information, raising serious concerns about how that information will be stored and used. On March 25, 2025, President Trump issued Executive Order No. 14248, which required DHS to compare state voter registration lists against federal immigration databases.² The Executive Order was followed by an overhaul of the Systematic Alien Verification for Entitlements (SAVE) program, which transformed the program from one used for individual benefits eligibility checks to a system that could carry out bulk searches of records using Social Security numbers. Since then, DHS has repeatedly pressured states to share their voter rolls and run them through the modified SAVE program, despite legal concerns and known accuracy

¹ Senate Committee on Homeland Security and Governmental Affairs, *Hearing on Nomination of the Honorable Markwayne Mullin to be Secretary, U.S. Department of Homeland Security*, 119th Cong. (Mar. 18, 2026); 18 U.S.C. § 592; *Exclusive: DHS plans to launch voter fraud investigation surge*, CNN (Aug. 31, 2026) (www.cnn.com/2026/08/31/politics/homeland-security-voter-fraud-investigations).

² Exec. Order No. 14284, 90 Fed. Reg. 14005 (Mar. 25, 2025).

issues.³ You have exerted this pressure despite the fact that U.S. Citizenship and Immigration Services (USCIS), which administers the SAVE program, has acknowledged that its results can be inaccurate. Additionally, the Social Security Administration (SSA) has acknowledged that its citizenship data for naturalized citizens – which is used by the SAVE program – is incomplete and unreliable.⁴ Even though the Supreme Court has allowed you to use the SAVE program for now, we remind you of the requirement of the National Voter Registration Act, 52 U. S. C. §20507(c)(2)(A) that bars any systematic removal of ineligible voters within 90 days of Election Day.⁵

On July 17, 2026, you claimed, without evidence, that 250,000 non-citizens were registered to vote in four states.⁶ This claim has been refuted by states and even by other administration officials.⁷ For example, you claimed that around 16,000 noncitizens illegally registered to vote in Nevada, but later, other DHS officials alleged the number was only 185.⁸ A subsequent review by Nevada state officials found all 185 individuals were U.S. citizens.⁹ These states did not agree to give you their sensitive state voter roll information and judges in each state dismissed the Department of Justice's efforts to access that information.¹⁰ Moreover, elections experts have challenged the legitimacy of these numbers. Considering the inaccuracies in SSA's citizenship categorizations and the questions surrounding how you obtained the voter roll information needed to analyze this data, we cannot trust the numbers as reported.

Further, under your leadership, the Federal Emergency Management Agency (FEMA) recently added new terms and conditions to fiscal year (FY) 2025 and 2026 Urban Area Security Initiative and State Homeland Security Grant Program awards. These are grants provided to

³ USCIS: USCIS Enhances Voter Verification Systems (Nov. 3, 2025) (<https://www.uscis.gov/newsroom/news-releases/uscis-enhances-voter-verification-systems>).

⁴ Department of Homeland Security, *Privacy Impact Assessment for the Systematic Alien Verification for Entitlements (SAVE) Program* (DHS/USCIS/PIA-006(d)) (Oct. 2025) (www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf); *League of Women Voters v. U.S. Department of Homeland Security*, No. 25-3501 (D.D.C. June 22, 2026) (order granting plaintiffs' motion for summary judgment); *League of Women Voters et al. v. U.S. Department of Homeland Security et al.*, No. 26-5243 (D.C. Cir. Sept. 4, 2026) (order denying emergency motion for stay pending appeal)..

⁵ *Department of Homeland Security v. League of Women Voters*, No. 26A308, 609 U.S. ____ (Sept. 25, 2026) (per curiam) (www.supremecourt.gov/opinions/25pdf/26a308_pok0.pdf); National Voter Registration Act of 1993, 52 U.S.C. § 20507(c)(2)(A).

⁶ Department of Homeland Security, *DHS Secretary Markwayne Mullin Sends Letters to Secretaries of State Warning About Non-Citizens on Voter Rolls* (July 17, 2026) (www.dhs.gov/news/2026/07/17/dhs-secretary-markwayne-mullin-sends-letters-secretaries-state-warning-about-non).

⁷ *DHS acknowledges the noncitizen numbers it touted on voter rolls were inflated*, NPR (Aug. 25, 2026) (www.npr.org/2026/08/25/nx-s1-5940807/noncitizen-voters-trump-nevada-call); *From 16,000 to 185 to Zero: Trump's Claims of Illegal Voting in Nevada Fizzle*, The New York Times (Sept. 24, 2026) (www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html).

⁸ *Id.*

⁹ *From 16,000 to 185 to Zero: Trump's Claims of Illegal Voting in Nevada Fizzle*, The New York Times (Sept. 24, 2026) (www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html).

¹⁰ *United States v. Weber*, No. 2:25-cv-09149, Slip Op. (C.D. Cal. Jan. 15, 2026); *United States v. Aguilar*, No. 2:25-cv-02581, Slip Op. (D. Nev. Aug. 14, 2025); *United States v. Caldwell*, No. 3:26-cv-02025, Slip Op. (D.N.J. July 29, 2026); *United States v. Commonwealth of Pennsylvania*, No. 2:25-cv-01481, Slip Op. (W.D. Pa. June 27, 2026).

states to help them protect their communities from terrorism and other hazards. In the FY 2025 Notice of Funding Opportunity (NOFO), FEMA mandated that 3% of the target allocations for these grants be spent on enhancing election security, including critical activities like hardening election locations.¹¹ Now, after FY25 agreements have already been signed, this Administration is threatening to withhold a percentage of the funding hostage if recipients do not meet these new, specious requirements, despite serious legal and implementation concerns.¹² FEMA also added requirements to the recently released FY26 Homeland Security Grant Program NOFO, conditioning 20% of the full amount of the grants on states' compliance with election requirements that states have contested in litigation.¹³ DHS's continued interference with FEMA's grants puts FEMA's mission at risk, slows down the administration of grants, and ultimately hurts communities.

Now, a federal whistleblower has alleged that, at the direction of DHS and USCIS leadership, the component's Fraud Detection and National Security Directorate staff may have violated laws and DHS policies in furtherance of a new "Unlawful Voter Initiative." According to the whistleblower, USCIS staff were given a list of names and told to use sensitive personally identifiable information to impersonate voters and access state voter registration websites to verify individuals' immigration and voter registration statuses. Equipped with incomplete and unverifiable data compiled with "supplemental magic," USCIS staff are allegedly being directed to create law enforcement records on individuals, including U.S. citizens, for possible referral to HSI for further investigation. If true, this is just another alarming effort by the Department to use data that USCIS materials admit may be inaccurate, coupled with questionable means to potentially disenfranchise voters.¹⁴

The 2026 midterm elections are already underway. Your unsubstantiated allegations of noncitizen voter fraud, public recitation of unreliable data, and unwarranted conditioning of continued grant funding for state election security measures on compliance with politically motivated requests for voter data appear to be calculated efforts to undermine confidence in our elections and risks wrongly disenfranchising voters.

¹¹ Department of Homeland Security, *Notice of Funding Opportunity FY25 Homeland Security Grant Program*

¹² These new requirements included certifying that all voting systems have transitioned to Voluntary Voting System Guidelines (VMSG) 2.0 certified systems and forcing states to use SAVE to process their full state voter rolls and verify that all of their poll workers are citizens – despite the fact that many states have made it clear that they are barred under state law from sharing this kind of data with the federal government. FEMA has since changed some of the requirements for FY25 and FY26, including rolling back the requirement for states to upgrade to VMSG 2.0 certified systems and making other requirements vaguer and more ambiguous. The NOFO also requires states to attest to implementation of Executive Order No. 14248, the core provisions of which have been enjoined in court. On a briefing with congressional staff on July 1, FEMA and DHS staff admitted multiple times that they were unsure how the FY25 requirements could be implemented considering the significant burden on states, recent court decisions enjoining the use of the SAVE program and implementation of the President's elections executive orders, and the subsequent roll back of the SAVE program.

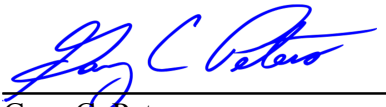
¹³ *Complaint, State of Illinois et al. v. Federal Emergency Management Agency et al., D.R.I. (July 23, 2026) (agportal-s3bucket.s3.us-west2.amazonaws.com/Federal%20Litigation/20260723%20FEMA%20DHS%20Complaint.pdf).*

¹⁴ *Senate Whistleblower Letter to DHS and USCIS* (Sept. 13, 2026) (www.democrats.senate.gov/imo/media/doc/091326_-_senate_whistleblower_letter_dhs_uscis_combined_signedpdf.pdf).

We are deeply troubled by the actions that you, DHS, and the Trump Administration have taken. As such, we demand that you immediately cease the aforementioned activities and provide us with all information underpinning the allegations made in your July 17, 2026, letter regarding non-citizens registered to vote, rescind Information Bulletin Nos. 569 and 569(a), release all withheld funds to the states without further delay, and provide information about the “Unlawful Voter Initiative.”

Thank you for your prompt attention and cooperation in this matter.

Sincerely,



Gary C. Peters
United States Senator



Alex Padilla
United States Senator



Richard J. Durbin
United States Senator



Charles E. Schumer
United States Senator



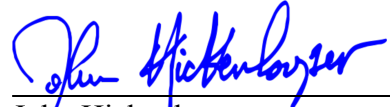
Margaret Wood Hassan
United States Senator



Richard Blumenthal
United States Senator



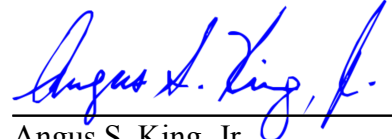
Bernard Sanders
United States Senator



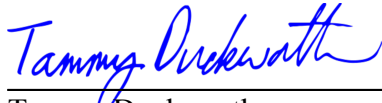
John Hickenlooper
United States Senator



Andy Kim
United States Senator



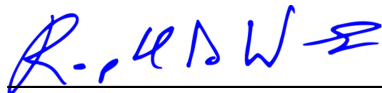
Angus S. King, Jr.
United States Senator



Tammy Duckworth
United States Senator



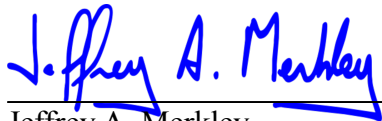
Chris Van Hollen
United States Senator



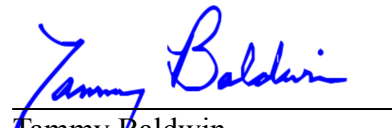
Raphael Warnock
United States Senator



Angela D. Alsobrooks
United States Senator



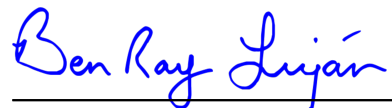
Jeffrey A. Merkley
United States Senator



Tammy Baldwin
United States Senator



John Fetterman
United States Senator



Ben Ray Lujan
United States Senator



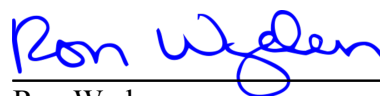
Christopher A. Coons
United States Senator



Tim Kaine
United States Senator



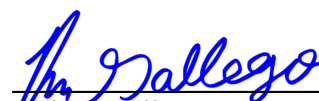
Mark R. Warner
United States Senator



Ron Wyden
United States Senator



Adam B. Schiff
United States Senator



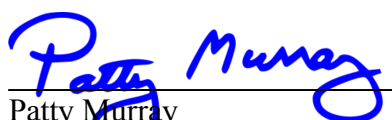
Ruben Gallego
United States Senator



Jacky Rosen
U.S. Senator



Elissa Slotkin
United States Senator



Patty Murray
United States Senator



Lisa Blunt Rochester
United States Senator



Mark Kelly
United States Senator



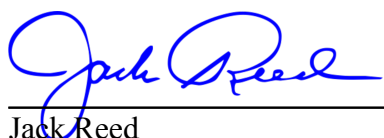
Amy Klobuchar
United States Senator



Elizabeth Warren
United States Senator



Catherine Cortez Masto
United States Senator



Jack Reed

United States Senator



Martin Heinrich

United States Senator