

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

U.S. CITIZENSHIP AND IMMIGRATION
SERVICES, *et al.*,

Defendants.

Case No. 8:26-cv-03457-PX

DECLARATION OF ANTHONY NEL

I, Anthony Nel, declare as follows:

1. I am over 18 years old and a member of the Electronic Privacy Information Center (“EPIC”). The statements made in this declaration are based on my personal knowledge, information, and belief. I submit this declaration in support of Plaintiff’s motion for partial summary judgment.

Background

2. I have been a United States citizen since 2013.
3. I was born in Port Elizabeth (Gqeberha), South Africa, in 1996. I immigrated to the United States with my parents in 2004, when I was eight years old.
4. I was issued a Social Security Number (“SSN”) and card in 2012, when I was fifteen years old. When I applied for an SSN, I was a lawful permanent resident.
5. My parents became naturalized U.S. citizens in March 2013, when I was sixteen years old. I automatically became a U.S. citizen when my parents naturalized.
6. I was issued a U.S. passport, confirming my U.S. citizenship, on July 17, 2013.

7. To my knowledge, the Department of Homeland Security (“DHS”) has never issued me a Certificate of Citizenship, nor have I applied for one.

8. After becoming a U.S. citizen, I knew I would be entitled to vote when I turned 18 and felt that it was important to vote because it is a fundamental right of U.S. citizenship.

9. After turning 18, I registered to vote and began voting in state and federal elections in Texas. I first voted in the 2016 election and have voted eight times since then.

10. I currently live in and am registered to vote in Texas. I have not been disqualified from voting due to a felony conviction or a judgment of legal incompetence.

11. I voted in the March primary and intend to vote in the November midterm elections in Texas this year.

12. I became an EPIC member because I am concerned about protecting privacy, freedom of expression, and democratic values in the information age.

DHS’s Expanded SAVE System Led to the Cancellation of My Voter Registration and Other Burdens on My Voting Rights

13. After voting in the November 2025 election (during the early voting period), I received a letter from the Denton County Voter Registrar, dated October 21, 2025, titled “Notice to Registered Voter for Proof of Citizenship (USCIS Verification).” A true and correct copy of the letter and accompanying envelope, with certain private information redacted, is attached hereto as Exhibit A.

14. The letter states in part that a “comparison of the information in your voter registration records with the United States Citizenship and Immigration Services SAVE records show that you were not a United States citizen at the time of the comparative process.” It then instructs: “[t]o maintain your active voter registration status, please provide proof that you are a United States citizen.” The letter lists several types of documents that will be accepted as proof of

U.S. citizenship, and notes that copies of the documents can be delivered by hand, mail, fax, email, or any other method of transmission.

15. The letter further states: “Please provide proof of U.S. citizenship within (30) days from the date of this letter. If we do not receive a response from you within thirty (30) days, your voter registration will be cancelled.”

16. The exterior of the envelope in which the letter was enclosed had no markings indicating it was official election mail or that the enclosed letter had any bearing on my voter registration.

17. Upon reading the October 21 letter, I was shocked to learn that DHS’s SAVE system indicated I was not a U.S. citizen. As stated above, I have been a citizen with a U.S. passport since 2013. I was worried that the letter was part of a voter suppression effort to discourage Texans from exercising their right to vote, which I found deeply troubling as an ardent supporter of voting rights. I was also worried about the steps that I needed to take to ensure my voter registration would not be wrongly cancelled ahead of the approaching March 2026 primary election.

18. Of the documents sufficient to prove citizenship listed in the letter, the only document I have is a U.S. passport. However, my passport expired on July 17, 2023. Due primarily to the threat of my voter registration being cancelled unless I provided proof of citizenship, I applied to renew my passport and obtained a renewed passport on December 10, 2025.

19. While awaiting my renewed passport, I was worried that my voter registration would be cancelled improperly on the grounds that I am not a U.S. citizen, even though I am a citizen. So I began regularly using Denton County’s online voter lookup system to check my voter registration status.

20. In early December 2025, I checked Denton County’s voter lookup system and saw

that it no longer listed me as a registered voter.

21. On December 3, 2025, I emailed the Denton County Voter Registrar asking why my voter registration was cancelled.

22. On December 4, 2025, the Denton County Elections Administrator responded by email that my “name appeared on a list of potential non-citizens that was sent to us from the Secretary of State’s office. On 10/22/2025 we mailed a letter to you asking for proof of citizenship. ... When you did not reply to the letter within the 30-day period, your registration was cancelled. ... If you can provide proof of citizenship with one of the documents listed in the letter, we can reinstate your registration. You can email documentation to this address.”

23. I responded by email the same day, noting I am a U.S. citizen and that I intended to provide my passport in person prior to the March primary election. I also requested a copy of my voter history for Denton County, which a county employee provided. My voter history showed that my voter registration had changed on November 24, 2025, which I understood to mean it was cancelled on that date.

24. Although Denton County stated I could send documentary proof of my citizenship by email, mail, or fax, I am not comfortable doing so due to the data security and privacy risks of sending pictures of my sensitive personal documents, including my passport, by email or other unsecure methods of communication. Absent a reliable method of secure transmission, I am only comfortable providing this documentation in person.

25. Later in December, I received another letter from the Denton County Voter Registrar, postmarked December 3, 2025, titled “Notice of Cancellation.” A true and correct copy of the letter and accompanying envelope, with certain private information redacted, is attached hereto as Exhibit B.

26. The letter states that my voter registration was cancelled on December 1, 2025, for “[f]ailure to respond to Notice for Proof of Citizenship,” and that I could request a hearing on the cancellation.

27. On or about December 16, 2025, I received my renewed passport.

28. On or about February 2, 2026, I provided the Denton County Voter Registrar with a copy of my renewed passport in person, and on March 3, 2026, I received verification that my voter registration was reinstated..

Defendants are Collecting, Repurposing, and Disclosing My Personal Data Without My Consent and Causing Me Distress

29. After my voter registration was cancelled, I learned more about DHS’s SAVE system and Texas’s use of the system to conduct citizenship checks of registered voters. I also learned more about DHS’s subsequent decision to consolidate and repurpose Social Security numbers and citizenship data to construct state citizenship lists, and I learned that DHS will imminently disclose that citizenship data and those state citizenship lists to each state and the District of Columbia (if it has not done so already).

30. I learned that, in 2025, DHS expanded the SAVE system by allowing bulk searches of Americans’ personal data housed at the Social Security Administration (“SSA”), using only a name, date of birth, and SSN.¹ I also learned that the Texas Secretary of State had announced in a press release on October 20, 2025, that her office had used this new functionality to run Texas’s entire voter registration list with more than 18 million voters through the expanded SAVE system, that they identified “2,724 potential noncitizens” who were registered to vote in Texas, and that they referred those individuals to Texas counties (including Denton County) to determine their

¹U.S. Citizenship & Immigration Servs., *USCIS Enhances Voter Verification Systems* (Nov. 3, 2025), <https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet>.

eligibility to vote.² The Secretary further stated that once the counties complete this process, “individuals who are deemed noncitizens that voted in a Texas election will be referred to the Office of the Attorney General” for investigation.

31. Based on the Texas Secretary of State’s October 20 press release and the October 21 letter I received from Denton County, it is my understanding that I am one of the “2,724 potential noncitizens” identified through DHS’s expanded SAVE system based in part on SSA data.

32. It is my understanding that, as part of the process of bulk uploading Texas’s entire voter registration list into SAVE, the Texas Secretary of State disclosed, at a minimum, my name, date of birth, and full nine-digit SSN to DHS. It is my understanding that after the Texas Secretary of State uploaded my voter registration information into DHS’s SAVE system, DHS disclosed that information to SSA so that SSA could match it against its own records about me.

33. It is my understanding that, based on the SAVE search of my personal information run by the Texas Secretary of State, SSA returned a response to DHS that included my SSN, name, date of birth, an indicator of my citizenship status, and other information that SSA collected when I applied for a Social Security card in 2012. It is my understanding that my personal SSA data will be retained in DHS’s SAVE system for at least 10 years.

34. It is my understanding that DHS is now creating a portal through which state election officials will be able and encouraged to download personal data concerning my and others’ citizenship status.

35. It is my understanding that SSA is disclosing personal data to DHS for states to access through this portal, including my SSN and other personal information.

² Tex. Sec’y of State, *Texas Completes Citizenship Verifications in the SAVE Database* (Oct. 20, 2025), <https://www.sos.state.tx.us/about/newsreleases/2025/102025.shtml>.

36. It is my understanding that the Department of State (“DOS”) is disclosing personal data to DHS for states to access through this portal, including my own personal information.

37. It is my understanding that DHS is also creating consolidated lists of citizens and residents of each state based on this personal data obtained from SSA and DOS and on DHS’s own records.

38. It is my understanding that DHS intends to provide states access to this portal and these consolidated state citizenship lists as soon as September 4 for use in the November 2026 election.

39. I have not consented to, and do not consent to, SSA disclosing my personal information from SSA records to DHS or any other federal, state, or local agency to construct state citizenship lists, to run citizenship checks for voter list maintenance, or for any other purpose. I expected that data to remain private within SSA and be used only for purposes consistent with why SSA collected the data, such as to determine eligibility for SSA benefits or authorization to work in the U.S. I never expected my personal SSA information to be disclosed to DHS or any other federal, state, or local agency for use in a massive national citizenship database, for the construction of state citizenship lists, or for voter eligibility checks.

40. I am particularly concerned about DHS’s reliance on my SSA citizenship data because I have personally confirmed that the data is inaccurate and out of date. In December 2025, I called SSA and was informed by an SSA employee that I am (incorrectly) listed as a non-citizen in SSA’s records. That was not surprising to me because the only prior time I had interacted with SSA was when I obtained a Social Security card in 2012, before I became a U.S. citizen. To my knowledge, there is no requirement for me to update my citizenship status with SSA, and I have not done so.

41. I have not consented to, and do not consent to, DOS disclosing my personal information to DHS or any other federal, state, or local agency to construct state citizenship lists, to run citizenship checks for voter list maintenance, or for any other purpose. I expected that data to remain private within DOS and be used only for purposes consistent with why DOS collected the data. I never expected my personal information held by DOS to be disclosed to DHS or any other federal, state, or local agency for use in a massive national citizenship database, for the construction of state citizenship lists, or for voter eligibility checks.

42. I have not consented to, and do not consent to, DHS collecting my personal information or disclosing it to any other federal, state, or local agency as part of the dissemination of state citizenship lists, to run citizenship checks for voter list maintenance, or for any other purpose. To the extent that DHS has nevertheless obtained my personal information, I expect that data to remain private within DHS and be used only for purposes consistent with the lawful purpose for which it was collected, if any. I never expected my personal information held by DHS to be disclosed to any other federal, state, or local agency as part of a massive national citizenship database, for the construction of state citizenship lists, or for voter eligibility checks.

43. I am distressed and highly offended by the fact that the government has repurposed my sensitive personal data without my consent to determine my citizenship and eligibility to vote, when the information is not suitable for that purpose and was never intended to be used in that way.

44. It is my understanding, based on the Texas Secretary of State's October 20, 2025 press release and Denton County's October 21, 2025 letter to me, that SAVE could not confirm my U.S. citizenship due to outdated, inaccurate SSA citizenship data queried by SAVE using my SSN, as well as SAVE's new functionality allowing bulk queries of state voter rolls. As a result,

my understanding is that SAVE returned my case to the Secretary to seek documentary proof of citizenship directly from me. This led to Denton County demanding that I provide documentary proof of citizenship within 30 days and then, when I was unable to do so, cancelling my voter registration. Absent the SAVE expansion and its new bulk search-by-SSN functionality, it is my understanding that these events would not have occurred and my voter registration would not have been cancelled.

45. Because Denton County cancelled my voter registration for lack of proof of citizenship, I felt pressured to provide proof of citizenship not only to ensure I could exercise my right to vote in the March 2026 primary election and future elections, but also to avoid the possibility that the Texas Secretary of State will, consistent with the process outlined in her October 20, 2025 press release, refer me to the Texas Attorney General for (unwarranted) investigation based on my prior voting, even though I did so lawfully as a U.S. citizen.

46. I am also worried that, even if I provide Denton County with documentary proof of citizenship and my voter registration is reinstated, DHS will continue to wrongly identify me as a non-citizen based on faulty underlying data, and that I will again be forced to prove my citizenship status in order to retain my voter registration. Being caught in such a cycle, with my voting rights on the line, is distressing to me.

47. As long as Texas continues to rely on the unreliable citizenship data furnished by DHS, I will feel compelled to continue regularly checking my voter registration status to ensure it is not wrongly cancelled again.

48. The privacy of my personal information is very important to me. From a young age, my parents instilled in me the importance of protecting the confidentiality of my SSN, and so I have always treated my Social Security card as an ultra sensitive document. Moreover, because I

pay taxes and plan to retire and receive Social Security benefits in the future, SSA has personal information about me that I consider highly sensitive. I have trusted SSA and other federal agencies to keep my information private and only use it for lawful purposes. I understood federal agencies to be bound by laws that would keep them from disclosing my personal information to other agencies and entities for completely unrelated purposes. I did not consent to them sharing this highly sensitive information with other agencies for unlawful or undisclosed purposes.

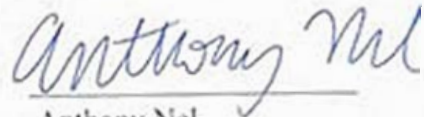
49. I am disturbed, uneasy, anxious, frustrated, and highly offended that the government has violated my trust by collecting, disclosing, matching, and repurposing my personal information without my consent in an effort to create a national database of U.S. citizens and state citizenship lists. I am also worried that DHS may be seeking to create a new, comprehensive list of U.S. citizens who were born abroad in order to target, surveil, or simply make life harder for foreign-born American citizens. This makes me feel like I am living in a surveillance state where government actors can access my most private information at will. I expected the United States to respect all of its citizens' privacy, but instead I am opposing government efforts to create a centralized profile on me, including my sensitive information, for a national citizenship database and state citizenship lists.

50. Because DHS has enabled my sensitive personal information to be moved across multiple federal, state, and local agencies, I am also deeply worried that my data will be stored or transferred in an unsecured manner, exposing me to a data breach and identity theft and fraud. I am especially concerned about the unsecured storage or transfer of files containing my full name, date of birth, and SSN, because the exposure of those three data elements in tandem creates a heightened risk of identity theft and fraud.

51. It is extremely concerning that so many people across all levels of government have

access to my personal data without my consent. I am skeptical of any unauthorized national database, but especially one that contains my private data and lets government officials access and utilize it in a way that can be used against me and others similarly situated.

I declare under penalty of perjury as prescribed in 28 U.S.C. § 1746 that the foregoing is true and correct.


Anthony Nel

Executed on September 3, 2026, in Texas.