

# THE BIDEN-HARRIS BORDER CRISIS: NONCITIZEN VOTING

---

## HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION AND  
LIMITED GOVERNMENT

OF THE

COMMITTEE ON THE JUDICIARY  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

TUESDAY, SEPTEMBER 10, 2024

**Serial No. 118-96**

Printed for the use of the Committee on the Judiciary



Available via: <http://judiciary.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2024

56-763

## COMMITTEE ON THE JUDICIARY

JIM JORDAN, Ohio, *Chair*

DARRELL ISSA, California	JERROLD NADLER, New York, <i>Ranking Member</i>
MATT GAETZ, Florida	ZOE LOFGREN, California
ANDY BIGGS, Arizona	STEVE COHEN, Tennessee
TOM McCLINTOCK, California	HENRY C. "HANK" JOHNSON, JR., Georgia
TOM TIFFANY, Wisconsin	ADAM SCHIFF, California
THOMAS MASSIE, Kentucky	J. LUIS CORREA, California
CHIP ROY, Texas	ERIC SWALWELL, California
DAN BISHOP, North Carolina	TED LIEU, California
VICTORIA SPARTZ, Indiana	PRAMILA JAYAPAL, Washington
SCOTT FITZGERALD, Wisconsin	MARY GAY SCANLON, Pennsylvania
CLIFF BENTZ, Oregon	JOE NEGUSE, Colorado
BEN CLINE, Virginia	LUCY McBATH, Georgia
KELLY ARMSTRONG, North Dakota	MADELEINE DEAN, Pennsylvania
LANCE GOODEN, Texas	VERONICA ESCOBAR, Texas
JEFF VAN DREW, New Jersey	DEBORAH ROSS, North Carolina
TROY NEHLS, Texas	CORI BUSH, Missouri
BARRY MOORE, Alabama	GLENN IVEY, Maryland
KEVIN KILEY, California	BECCA BALINT, Vermont
HARRIET HAGEMAN, Wyoming	Vacancy
NATHANIEL MORAN, Texas	
LAUREL LEE, Florida	
WESLEY HUNT, Texas	
RUSSELL FRY, South Carolina	
MICHAEL A. RULLI, Ohio	

---

## SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

CHIP ROY, Texas, *Chair*

TOM McCLINTOCK, California	MARY GAY SCANLON, Pennsylvania,
DAN BISHOP, North Carolina	<i>Ranking Member</i>
KEVIN KILEY, California	STEVE COHEN, Tennessee
HARRIET HAGEMAN, Wyoming	VERONICA ESCOBAR, Texas
WESLEY HUNT, Texas	CORI BUSH, Missouri
RUSSELL FRY, South Carolina	BECCA BALINT, Vermont
KELLY ARMSTRONG, North Dakota	Vacancy

CHRISTOPHER HIXON, *Majority Staff Director*  
AARON HILLER, *Minority Staff Director & Chief of Staff*

# C O N T E N T S

TUESDAY, SEPTEMBER 10, 2024

## OPENING STATEMENTS

	Page
The Honorable Chip Roy, Chair of the Subcommittee on the Constitution and Limited Government from the State of Texas .....	1
The Honorable Mary Gay Scanlon, Ranking Member of the Subcommittee on the Constitution and Limited Government from the State of Pennsylvania .....	3
The Honorable Jerrold Nadler, Ranking Member of the Committee on the Judiciary from the State of New York .....	6

## WITNESSES

Cord Byrd, Secretary of State, Florida Department of State	
Oral Testimony .....	9
Prepared Testimony .....	12
Rosemary Jenks, Immigration Accountability Project	
Oral Testimony .....	14
Prepared Testimony .....	16
Cleta Mitchell, Founder, Election Integrity Network	
Oral Testimony .....	23
Prepared Testimony .....	25
Andrea E. Senteno, Regional Counsel, Mexican American Legal Defense and Educational Fund (MALDEF)	
Oral Testimony .....	37
Prepared Testimony .....	39

## LETTERS, STATEMENTS, ETC. SUBMITTED FOR THE HEARING

All materials submitted by the Subcommittee on the Constitution and Limited Government, for the record .....	61
Materials submitted by the Honorable Mary Gay Scanlon, Ranking Member of the Subcommittee on the Constitution and Limited Government from the State of Pennsylvania, for the record	
An article entitled, “Republicans Seize on False Theories About Immigrant Voting,” Sept. 5, 2024, The New York Times	
An article entitled, “Cleta Mitchell, Trump push false claims of noncitizen voting,” Mar. 13, 2024, NPR	
An article entitled, “False claims about noncitizens voting are having a real impact,” Aug. 30, 2024, NPR	
An article entitled, “Elon Musk’s misleading election claims reach millions and alarm election officials,” Sept. 10, 2024, The Washington Post	
An article entitled, “Heritage Foundation Spreads Deceptive Videos About Noncitizen Voters,” Sept. 7, 2024, The New York Times	
An article entitled, “Biden’s voter registration executive order is targeted by GOP,” Jun. 30, 2024, NPR	
A report entitled, “Noncitizen Voting: The Missing Millions,” May 5, 2017, Brennan Center for Justice	

#### IV

Page

Materials submitted by the Honorable Mary Gay Scanlon, Ranking Member of the Subcommittee on the Constitution and Limited Government from the State of Pennsylvania, for the record—Continued

An article entitled, “Top GOP lawyer decries ease of campus voting in private pitch to RNC,” Apr. 20, 2023, The Washington Post

An article entitled, “Rep. Chip Roy says election deniers and Project 2025 contributors helped draft SAVE Act,” Sept. 4, 2024, Media Matters

A document entitled, “Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507,” Sept. 2024, U.S. Department of Justice



## THE BIDEN-HARRIS BORDER CRISIS: NONCITIZEN VOTING

---

Tuesday, September 10, 2024

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The Committee met, pursuant to notice, at 3:40 p.m., in Room 2141, Rayburn House Office Building, the Hon. Chip Roy [Chair of the Subcommittee] presiding.

*Members present:* Representatives Roy, McClintock, Bishop, Kiley, Hageman, Hunt, Fry, Armstrong, Scanlon, Nadler, and Balint.

Mr. ROY. [Presiding.] The Subcommittee will come to order.

Without objection, the Chair is authorized to declare a recess at any time. We welcome everyone to today's hearing on noncitizen voting.

I will now recognize myself for an opening statement.

I thank our witnesses for being here today.

Governments derive their just powers from the consent of the governed. As Americans, we know that to be the self-evident truth listed in the Declaration of Independence. It really was something truly unique at the time and in human history.

We, as American citizens, are not ruled. We govern. The way we do that is at the ballot box. President Biden and Kamala Harris' border crisis poses a direct threat to this fundamental right, and it is intentional.

Radical progressive Democrats near universal opposition to both H.R. 2 and the SAVE Act proves that this is all by design. Now, less than two months before the 2024 election, this threat could not be more real.

Last week, I released a 36-page report detailing the scope of the border crisis. The report illustrates how the Biden-Harris open border policies are fundamentally remaking America. More specifically, it analyzes how the massive influx of illegal aliens under this administration on top of the millions of noncitizens already living in the United States could upend Federal elections for years to come.

Since President Biden and Kamala Harris took office, over 8.5 million illegal aliens have crossed the Southern border; 5.6 million illegal aliens have been released directly into the United States; al-

most two million illegal aliens that we know of have evaded Border Patrol as what are called gotaways. Taken together, at least 7.5 million illegal aliens have entered the United States since January 2021, and they are living in every corner of the country.

This year, the foreign-born population hit a record of over 50 million, 15.6 percent of the total population, the highest level in U.S. history. Conservative estimates show noncitizens make up about 30 million of that population, but it very well could be much higher.

Noncitizens will vote in the 2024 election because our system not only makes it easy to do but incentivizes doing so. The Biden-Harris Administration baselessly claims that it is extraordinarily rare for noncitizens to illegally vote in Federal elections.

A 2014 study from professors at Old Dominion University and George Mason University estimated that 6.4 percent of noncitizens, 1.2 million individuals at that time, illegally voted in the 2000 election. The study concluded that noncitizens very well may have tipped the 2008 Minnesota Senate race in Al Franken's favor and drove President Obama's victory in North Carolina.

We can debate the merits of that study, but the point remains: It would only take a few thousand noncitizens voting, much less than 1.2 million estimated, to impact the outcome of our razor-thin elections.

In the 2020 Presidential election, regardless of what you think, Arizona was carried by about 10,000 votes; Georgia by about 12,000 votes; Wisconsin by about 20,000 votes, and Pennsylvania by 81,000 votes.

Democrats know this, which is why they try to downplay and distract from the issue. The other side also loves to point out that, quote, "It is already illegal for noncitizens to vote." That is technically true. They fail to mention that the Supreme Court's interpretation of the National Voter Registration Act of 1993, or the NVRA, literally prohibits States from verifying citizenship during the voter registration process. This means it is impossible for States to enforce the law on the front end.

Consequently, the primary defense against noncitizens registering to vote is a literal box-checking exercise on a voter registration form. This is the only barrier the American people have to ensuring that only citizens vote.

Because of the Supreme Court ruling, in Arizona, an individual who can prove they are a United States citizen is given a full ballot that includes all Federal, State, and local elections. Someone who cannot prove they are a United States citizens is given a Federal-only ballot, meaning they can vote in Presidential, Senate, and Congressional elections. That is the upside-down world that we have created.

As of August 9th, there were over 41,000 Federal-only voters in Arizona who could not prove they were U.S. citizens. Think about that.

The absurdity of the NVRA doesn't stop there. It also forces States to provide voter registration forms to applicants for driver's licenses or welfare benefits. This presents multiple opportunities for noncitizens to register to vote. Every State in the Union allows noncitizens to get a driver's license. Nineteen States and D.C. even

allow illegal aliens to get a driver's license. Millions of noncitizens, including many illegal aliens, are eligible for welfare benefits.

We know the NVRA is broken because noncitizens are registering to vote and voting.

Since 2021, Texas has removed over 6,500 noncitizens from its voter rolls. Over 1,900 had voting histories; since 2022, Virginia has removed 6,300 noncitizens from its rolls; Alabama removed 3,251 noncitizens from its rolls; and Ohio identified 597 noncitizens, 138 had voter histories.

The States that are doing the right thing and removing noncitizens from the voter rolls are fighting with one arm tied behind their backs because they get almost no help from the Federal Government and Democrat-run States appear to have made little to no effort to clean their voter rolls of noncitizens.

I introduced the SAVE Act to ensure that noncitizens, whether knowingly or unknowingly, do not take advantage of our flawed voter registration system. The bill is a simple bill that requires States to obtain proof of citizenship before registering an individual to vote in Federal elections.

A recent poll found that over 80 percent of Americans support requiring proof of citizenship to register to vote. The SAVE Act's proof-of-citizenship requirement will ensure that noncitizens do not register to vote, but it is easier for U.S. citizens to comply with than driver's license applications in States like New York and Pennsylvania.

The bill also requires every State to identify and remove noncitizens on their voter rolls and gives them immediate no-cost access to Federal resources containing citizenship data to do so.

Finally, it imposes penalties on officials who illegally register noncitizens to vote.

It passed the House in July with five Democrats supporting it. Unfortunately, 198 Democrats, including every Democrat on this Subcommittee, voted against it.

Senate Majority Leader Chuck Schumer has refused to hold a vote on the bill in the Senate, and President Biden even threatened to veto it.

Now, Democrats are threatening to shut down the government because they are so vehemently opposed to preventing noncitizens from voting.

So, I ask my Democrat colleagues one simple question: Why? The answer is obvious. The colleagues want citizens to illegally vote in the 2024 election and future elections, is the only reasonable explanation after forcing years of chaos on the American people. They believe this will help their election prospects and advance their quest to fundamentally remake America. As Congress, we have a constitutional and moral obligation to ensure that does not happen.

I now recognize the Ranking Member, the gentlewoman from Pennsylvania, Ms. Scanlon, for her opening statement.

Ms. SCANLON. Thank you, Mr. Chair.

I would like to begin today by acknowledging that this is our first Subcommittee hearing after the passing of our dear colleague from Texas, Sheila Jackson Lee. Sheila was a fierce, fierce advocate for her constituents and an ardent defender of American civil rights,

particularly voting rights. Her contributions to this Subcommittee and to Congress and the country will be deeply missed.

Of course, I wish that she were here today to push back on the lies, the innuendo, the half-truths, the speculation which form the basis for this hearing.

This week, less than two months before the Presidential election, House Republicans have threatened to shut down the government unless the Senate agrees to pass the antivoter bill under consideration in this Committee today.

The SAVE Act would impose unnecessary obstacles on the ability of American citizens to register and vote, and would do real tangible harm to our democracy by preventing American citizens from voting; by causing chaos at election bureaus, and by undermining faith in election results.

This legislation, crafted with the help of election deniers and some of the architects of Project 2025, is part and parcel with Republicans' ongoing effort to undermine faith in our elections and to create unnecessary barriers to casting a vote, particularly by suppressing the votes of young Americans, communities of color, and language minorities.

Former President Trump and his allies are once again using the same old playbook, spreading a noncitizens voter lie as part of a cynical campaign to undermine faith in our election systems.

In 2016, the former President lied when he claimed that millions had voted illegally only in the States that he lost. They didn't.

In 2020, he lied about the security and accuracy of mail-in ballots and claimed that voter fraud was the reason he lost that election. It wasn't.

Now, he's lying again, this time about noncitizens voting, to set the stage to challenge the 2024 election results, if he loses.

The repetition of those lies doesn't make them true, but it does make them propaganda. The SAVE Act and this hearing are part of that propaganda campaign.

We've seen time and time again here in Congress and in State legislatures across the country that bills combating noncitizens voting are really about politics, not policy. These bills are not rooted in reality, but are, instead, widely used to stoke anti-immigrant fear and hatred.

Now, they are being used to sow distrust in our elections as well. Because contrary to the claims you'll hear today, noncitizen voting is extremely rare, and the so-called evidence that our colleagues and their witnesses cite has been repeatedly discredited with both large-scale studies and even basic internet research.

The lack of a rational or evidentiary basis for this legislation is far from the only serious problem with the SAVE Act. This bill would be a disaster for eligible American voters and lead to the disenfranchisement of hundreds of thousands of American citizens.

We know that bills like the SAVE Act which require onerous and unnecessary proof of identity or citizenship to vote, or register are more likely to suppress the votes of American citizens, especially in communities of color and those with many recently naturalized citizens—more likely to do that than to prevent the infinitesimally small number of noncitizens who might mistakenly cast a ballot.

We've seen the dangers of these types of laws in the Commonwealth of Pennsylvania, where I reside, and elsewhere. In 2012, the Pennsylvania legislature passed an onerous voter ID law to combat the equally nonexistent problem of in-person voter fraud. That law's requirements would have disproportionately burdened low-income, minority, elderly, military, and disabled voters. It would have disenfranchised over a half million eligible voters who were unable to easily obtain the limited forms of ID that were required. Civil rights advocates challenged that law on behalf of Pennsylvania voters and won.

Troublingly, the SAVE Act goes even further than that State law, including requirements to register for a Federal election that would burden every eligible American voter, but especially those that don't have ready access to documents like a passport, specialized REAL ID, or a birth certificate. It would impose additional burdens on already registered voters who simply want to change their address or party affiliation.

It would require States to use unreliable database information to verify citizenship, and election officials would be charged with purging suspected noncitizens from voter rolls in a way that inevitably targets naturalized American citizens who are eligible voters. That's something we have already seen happen in States like Alabama, Texas, and some of the others that the Chair mentioned.

The SAVE Act, if it were to become law, would take effect immediately in the days immediately preceding the 2024 election—throwing States' voter registration processes into chaos. It would provide even more opportunities for extremists to waste time and taxpayer dollars with baseless lawsuits and frivolous election challenges.

So, here's the truth: Voters are already required to declare they're U.S. citizens under penalty of law. That is because every State has prohibited noncitizen voting in Federal elections since the 1920s, and it has been a Federal crime for nearly 30 years.

Because it is already illegal for noncitizens to vote and register in Federal elections, doing so could result in significant jail time and deportation. It defies common sense that large numbers of noncitizens would intentionally risk these dire consequences to vote.

Think about this: The criminal act of noncitizen registration and voting, by its nature, creates a long paper trail of registration forms with addresses; ballots, paper ballots, et cetera.

Every reliable study ever done on this topic has determined that noncitizen voting in State and Federal elections is vanishingly rare and usually the result of a mistake. One such study conducted by the *Brennan Center for Justice* using data from the 2016 election found that, out of 23.5 million votes cast in jurisdictions with high noncitizen populations, election officials found only 30 votes were cast by suspected, but not even proven noncitizens. That's one ten-thousandth of a percent of the votes cast.

So, the facts simply don't justify the hysteria or the threat to American citizens' franchise. Even the former Chair of this Subcommittee, Speaker Mike Johnson, has admitted that claims of noncitizen voting in Federal elections were not provable.

The bottom line is the SAVE Act won't prevent noncitizens from voting in U.S. elections because they don't, but it will stop Americans from voting, and that's unacceptable.

Look, the reason we're having this hearing now is that Congress must fund the government by September 30th to avoid a shutdown. House Republicans have shown by their failure to engage in good-faith budget negotiations or pass the number of appropriation bills that need to be done they aren't really interested in the basic duties of governance, but they do want to stay in power and to gain power in the Senate and in the White House. That's why they are supporting this voter suppression bill instead of working to fund the government over the next 20 days.

So, here we are, holding this farce of a hearing on a dangerous bill targeting a nonexistent problem, a bill that has already passed the Republican-led House, but is a total nonstarter in the Senate. Rather than making it harder for American citizens to vote, we should be protecting and expanding access to the ballot box by passing bills like the John R. Lewis Voting Rights Advancement Act.

It is deeply disappointing that Republicans have chosen, instead, to spend this Subcommittee's time appeasing the former President and extremist election deniers ahead of November. Democrats, however, intend to keep working to ensure that every eligible citizen will cast their vote and have their voices heard, because that's what the American people deserve.

I yield back.

Mr. ROY. I thank the gentlelady. I see we're off to an agreeable start, as we always are.

I, too, want to say that we will miss the gentlelady from Texas and her presence here in the Subcommittee, and I, too, wish she were here for a, no doubt, spirited debate, and may she rest in peace.

The Chair of the Committee not being present, I would now yield to the Ranking Member for his opening statement.

Mr. NADLER. Thank you, Mr. Chair.

I also want to start off by commenting on the unfortunate absence of our late departed friend, Sheila Jackson Lee.

Mr. Chair, Republicans rely on the false premise that there is widespread noncitizen voting to advance dangerous legislation like the SAVE Act and other burdensome, unnecessary measures requiring proof of citizenship to vote in Federal elections. In fact, it is measures like the SAVE Act that represent the true threat to the right of American citizens to vote.

As with so many of the Republican majority's proposals, proof of citizenship requirements for voting in Federal elections is a solution in search of a problem. American voters are already required to declare that they are U.S. citizens when registering to vote. Federal law already makes it a crime for a noncitizen to vote or to register to vote in Federal elections.

The consequences for noncitizens who vote are so dire that it strains credulity to believe that they are doing so in significant numbers, especially when the criminal act, by its very nature, creates the evidence of the crime.

The data that we have on this so-called problem backs this up. Every credible study has concluded that noncitizen voting in Federal elections is practically nil. That has not stopped Republicans from making the wild charge that noncitizens vote in significant numbers, even though, as former Chair of this Subcommittee and the current Speaker of the House Mike Johnson said, “it is not provable.”

So, Republicans and their extremist MAGA allies at organizations like *The Heritage Foundation*, the incubator of the nefarious Project 2025 blueprint for a potential new Trump Administration, have resorted to spreading deceptive videos about noncitizen voting on social media, as *The New York Times* recently reported.

We’ve seen the MAGA playbook, and these extremists have run some version of this play for years now. Indeed, without a doubt, it is the same playbook Donald Trump is again relying on to delegitimize the 2024 Presidential election, so that he has a pretext for challenging the results if he loses.

How do we know that? Because the very same people behind his efforts to overthrow the 2020 election, based on lies and deception, are now spearheading the effort to advance the SAVE Act.

One of them, Cleta Mitchell, who was on the now infamous 2020 call during which former President Trump asked the Georgia Secretary of State that he, quote, “just wanted to find 11,780 votes,” is even at the witness table today. In other words, Cleta Mitchell participated in the plot to steal the 2020 Presidential election, and the Republicans have the nerve to call her as a witness in front of this Committee today.

Ms. Mitchell now Chairs the so-called Election Integrity Network, which *The New York Times* referred to as an effort to recruit, quote, “election conspiracists into an organized cavalry of activists monitoring elections.”

Given her history as a lieutenant in Mr. Trump’s efforts to overturn election results, are we, or the American public for that matter, supposed to find her testimony credible, when she alleges widespread noncitizen voting? We’re not that stupid.

The SAVE Act and the false premise of widespread noncitizen voting underlying it is based on the same tired conspiracy theories we have all become accustomed to hearing from the other side. It is not just some ridiculous talking point meant to question the legitimacy of the upcoming election. These burdensome, unnecessary proof-of-citizen measures are also an extension of the Republicans’ insidious decade-long effort to suppress the voting rights of American citizens, especially those of color, those from emerging ethnic, and language minority groups.

Contrary to what the majority might say, measures like the SAVE Act will weaken the right of every American, of every eligible American citizen to vote—all to address a nonexistent problem cooked up by MAGA extremists ahead of the next election.

Imposing onerous proof-of-citizen requirements to register for a Federal election will burden every American, will burden every eligible American voter, but especially those who do not have ready access to documents like a passport, birth certificate, or military service record. It will disproportionately impact voters who are poor

or elderly or disabled, as well as military service members overseas and women who have changed their names after marriage.

Based on previous State-initiated efforts to require proof of citizenship to vote and efforts to purge suspected noncitizens from State voter rolls, we know for a fact that the SAVE Act will disproportionately impact naturalized citizens and language minorities, who also tend to hail predominantly, though not exclusively, from racial and ethnic minority groups, the very groups that Federal voting rights laws are also intended to protect. It will further heighten the risk that election officials charged with purging suspected noncitizens from voter rolls will target naturalized American citizens and language minority communities.

I wish I could say that these are unintended consequences, but the truth is, to the bill's supporters, voter suppression is a feature, not a bug. I would suggest to the Chair that the important constitutional prerogative of protecting voting rights entrusted to Congress would be better served if this Subcommittee focused on advancing measures like the John R. Lewis Voting Rights Advancement Act, which would strengthen the Voting Rights Act of 1965, rather than holding a hearing on a bill that is based on a false premise, has already passed the House, and is dead on arrival in the Senate.

With that, I look forward to the witness testimony, and I yield back.

Mr. ROY. Without objection, all other opening statements will be included in the record. We will now introduce today's witnesses.

The Honorable Cord Byrd. Mr. Byrd is the Secretary of State for the State of Florida. He previously served in the Florida House of Representatives, where he was a member of the Public Integrity and Elections Committee, including a term as Vice Chair of the Committee. Mr. Byrd also Chaired the State Redistricting Committee and served as Vice Chair of the Judiciary Committee.

Ms. Rosemary Jenks. Ms. Jenks is cofounder and Policy Director of the Immigration Accountability Project, a nonprofit organization that works to advocate and educate the public on questions of immigration policy. She has worked on immigration policy in a variety of organizations for more than 30 years.

Ms. Cleta Mitchell. Ms. Mitchell is a Senior Legal Fellow at the Conservative Partnership Institute and the founder of the Election Integrity Network. She has worked in private practice for many years counseling clients on campaign finance and election law matters.

Ms. Andrea Senteno. Ms. Senteno is the Regional Counsel of MALDEF's Washington, DC, office, where she oversees the organization's legislative and regulatory work and litigation activity. Previously, she served as a Legislative Staff Attorney at MALDEF, working on immigration and voting issues.

We will begin by swearing you in. Would you please rise and raise your right hand?

Do you swear or affirm under penalty of perjury that the testimony you about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Let the record reflect that the witnesses have answered in the affirmative and they have been seated.



Please know that your written testimony will be entered in the record in its entirety. Accordingly, we ask that you summarize your testimony and limit it to five minutes.

I'm going to advise you all that votes are being called imminently on the floor of the House. They have been called. When were they called? All right.

We are going to proceed, and we will make a decision on whether we go through some of you or all of you, depending on the vote time, but I would like to move forward a little bit.

So, Secretary Byrd, if you don't mind starting, you have five minutes.

#### **STATEMENT OF CORD BYRD**

Mr. BYRD. Good afternoon, Chair Roy, Ranking Member Scanlon, and the Members of the Committee. Thank you for the opportunity to be here today.

In 2004, the bipartisan Baker-Carter report, prepared by President Jimmy Carter and Chief of Staff to President Reagan James Baker, stated that, quote, "fraud in any degree and in any circumstance is subversive to the electoral process," and that "the best way to maintain ballot integrity is to investigate all credible allegations of election fraud and otherwise prevent fraud before it can affect an election."

Voter fraud includes voting by noncitizens in Federal elections. Every illegitimate vote of a noncitizen negates the legitimate vote of a citizen. Nationally, preventing noncitizens from registering to vote and voting is the No. 1 priority of States committed to election integrity.

To put the issue in context, Florida has approximately 13.5 million active registered voters and that number changes every minute of every day. According to USCIS services, 94,100 Floridians became naturalized U.S. citizens in 2023 alone. That is a large number but, in elections, small numbers matter. As a reminder, in 2000, only 537 votes in Florida determined the outcome of the Presidential race. Miami-Dade County alone, Florida's largest county, has over 715 precincts. A single illegal noncitizen vote in each precinct can change the outcome of a Presidential election.

The NVRA of 1993 introduced national procedures for voter registration. It mandates that any person who applies for a driver's license may, if eligible, submit a voter registration application for Federal elections and must swear or affirm that he or she is a U.S. citizen.

Remarkably, however, Federal Courts, most recently including the U.S. Supreme Court, have interpreted the NVRA to prohibit States from requiring proof of citizen at the time a person registers. In effect, Federal law forces the States to use the honor system. This is unacceptable.

Florida needs the assistance and cooperation of the Federal Government to properly verify the citizenship status of persons in the United States. The Federal Government has plenary authority over who becomes a naturalized citizen and is the only source for citizenship status verification. The challenge States face is that there is not a Federal legal status database that is current and reliable.

While the issue has garnered the attention of other States, and now, thankfully, Congress, Florida has been addressing this challenge for more than a decade. In 2012, after filing a lawsuit against the Department of Homeland Security, Florida became one of the first States to receive access to DHS's SAVE database for purposes of voter registration. Florida relies on this database to verify a person's citizenship status.

To be frank, the SAVE database is neither time-nor cost-efficient and it requires an alien registration number, which States occasionally do not possess, to access the information. Perhaps most importantly, the database also lacks the most current information, which requires further time-consuming investigation. Indeed, because of the lack of timely information, States are sometimes unable to verify a person's citizenship status. This, too, is unacceptable.

Thankfully, under your leadership, Chair Roy, the House passed the SAVE Act to address the deficiencies in Federal law that, unfortunately, make it difficult for States to maintain clean voter rolls.

Thank you, also, for taking Florida's advice and amending the SAVE Act to require the Federal Government to proactively provide immediate notification when a resident of the State is naturalized.

Because States face challenges with verifying citizenship on the front end, they must do so on the back end. Clean voter rolls become even more necessary for ensuring clean elections. Florida has robust voter roll maintenance procedures to identify registered voters who are not U.S. citizens.

The names of potential noncitizens are reported weekly to the Florida Department of State, which then conducts a manual case-by-case investigation to determine whether the person is registered to vote and to confirm whether the person is, in fact, a U.S. citizen using the SAVE database. Once the investigation is complete, and if the Department determines that the person who is registered is a noncitizen, due process is afforded, and the noncitizen is prohibited from voting.

Florida is committed to ensuring that all eligible Floridians can vote. However, we are equally committed to preventing election fraud and protecting the integrity of Florida's voter rolls.

Despite conducting a fair and honest election in 2020, Florida did not rest on its laurels. In 2022, for example, Governor DeSantis signed a law creating the Office of Election Crimes and Security. This is not a fake or contrived issue. In Florida, we are prosecuting and convicting noncitizens who are attempting to fraudulently influence our elections.

Florida law States that "a person may become a registered voter only if that person is a U.S. citizen." In 2020, Floridians amended the State constitution to make clear that "only a citizen of the United States" shall be eligible to vote. That amendment passed with more than 80 percent of the vote.

Floridians have changed our State's constitution; we have strengthened our laws; we have engaged in litigation, and we have an office dedicated to investigation election crimes. The only impediment to doing more is the Federal Government. That's why

States need action from our Congressional leaders, so we can fulfill our Constitutional duties under the law.

In conclusion, I leave you with the words of Mark Twain who said, "Citizenship is what makes a republic ...." I implore you to work with the States to ensure that our Republic remains strong by only allowing American citizens to vote in American elections.

Thank you.

[The prepared statement of Mr. Byrd follows:]

Written Testimony of  
 Florida Secretary of State Cord Byrd  
 Before the United States Subcommittee on the Constitution and Limited Government  
 of the Committee on the Judiciary  
 “The Biden-Harris Border Crisis: Noncitizen Voting”

Good afternoon, Chairman Roy, Ranking Member Scanlon, and members of the committee. Thank you for the opportunity to be here today.

In 2004, the bi-partisan Baker-Carter report, prepared by President Jimmy Carter and Secretary of State to President Reagan, James Baker, stated that “[f]raud in any degree and in any circumstance is subversive to the electoral process,” and that “[t]he best way to maintain ballot integrity is to investigate all credible allegations of election fraud and otherwise prevent fraud before it can affect an election.” Voter fraud includes voting by noncitizens in federal elections. Every illegitimate vote of a noncitizen negates the legitimate vote of a citizen.

Nationally, preventing noncitizens from registering to vote and voting is the number one priority of states committed to election integrity.

To put the issue in context, Florida has approximately 13.5 million active registered voters and that number changes every minute. According to U.S. Citizenship and Immigration Services, 94,100 Floridians became naturalized U.S. citizens in 2023. That is a large number, but in elections small numbers matter. As a reminder, in 2000, only 537 votes in Florida determined the outcome of the presidential race. Miami-Dade County, Florida’s largest county, alone has over 715 precincts. A single illegal noncitizen vote in each precinct can change the outcome of a presidential election.

The National Voter Registration Act (NVRA) of 1993 introduced national procedures for voter registration. It mandates that any person who applies for a driver’s license may, if eligible, submit a voter registration application for federal elections and must swear or affirm that he or she is a U.S. citizen. Remarkably, however, federal courts, most recently including the U.S. Supreme Court, have interpreted the NVRA to prohibit states from requiring proof of citizenship at the time a person registers. In effect, federal law forces the states to use the honor system. This is unacceptable.

Florida needs the assistance and cooperation of the federal government to properly verify the citizenship status of persons in the United States. The federal government has plenary authority over who becomes a naturalized citizen and is the only source for citizenship status verification. The challenge states face is that there is not a federal legal status database that is current and reliable.

While the issue has garnered the attention of other states and now thankfully Congress, Florida has been addressing this challenge for more than a decade. In 2012, after filing a lawsuit against the U.S. Department of Homeland Security (DHS), Florida became one of the first states to receive access to the DHS’s Systematic Alien Verification from Entitlements Program (SAVE) database for purposes of voter registration. Florida relies on this database to verify a person’s citizenship status.

But to be frank, the SAVE database is neither time- nor cost-efficient, and it requires an alien registration number, which states occasionally do not possess, to access the information. Perhaps most importantly, the database often lacks the most current information, which requires further time-consuming investigation. Indeed, because of the lack of timely information, states are sometimes unable to verify a person’s citizenship status. This, too, is unacceptable.

Thankfully, under your leadership Chairman Roy, the House passed the Save Act to address the deficiencies in federal law that, unfortunately, make it difficult for states to maintain clean voter rolls. Thank you also for taking Florida's advice and amending the Save Act to require the federal government to proactively provide immediate notification when a resident of the state is naturalized.

Because states face challenges with verifying citizenship on the front end, they must do so on the back end. Clean voter rolls become even more necessary for ensuring clean elections. Florida has robust voter roll maintenance procedures to identify registered voters who are not U.S. citizens.

The names of potential noncitizens are reported weekly to the Florida Department of State, which then conducts a manual, case-by-case investigation to determine whether the person is registered to vote and to confirm whether the person is, in fact, a U.S. citizen by using the SAVE database. Once the investigation is complete, and if the Department determines that the person registered is not a citizen, due process is afforded and the noncitizen is prohibited from voting.

Florida is committed to ensuring that all eligible Floridians who want to vote can do so. However, we are equally committed to preventing election fraud and protecting the integrity of Florida's voter rolls.

Despite conducting a fair and honest election in 2020, Florida did not rest on its laurels. In 2022, for example, Governor Ron DeSantis signed a law creating the Office of Election Crimes and Security (OECS). This office conducts preliminary investigations into allegations of election law violations or other election irregularities, including noncitizen voting cases. This is not a fake or contrived issue. In Florida, we are prosecuting and convicting noncitizens who are attempting to fraudulently influence our elections.

Florida law states that "[a] person may become a registered voter only if that person is a citizen of the United States." And in 2020, Floridians amended the state Constitution to make clear that "only a citizen of the United States" shall be eligible to vote.

Floridians have changed our state's Constitution, we have strengthened our laws, we have engaged in litigation, and we have an office dedicated to investigating election crimes. The only impediment to doing more is the federal government. That's why states need action from our congressional leaders so we can fulfill our constitutional duties under the law.

In conclusion, I leave with you with the words of Mark Twain who said, "Citizenship is what makes a republic..." I implore you to work with the states to ensure that our Republic remains strong by only allowing American citizens to vote in American elections.

Mr. ROY. Secretary Byrd, thank you very much for that.  
Ms. Jenks?

#### STATEMENT OF ROSEMARY JENKS

Ms. JENKS. Chair Roy, Ranking Member Scanlon, and the Members of the Subcommittee, thank you for holding this hearing.

I'm Rosemary Jenks, Cofounder and Policy Director of the Immigration Accountability Project, IAP. As the name implies, we focus exclusively on immigration policy and how it impacts America, including our elections. IAP is also a founding member of the Only Citizens Vote Coalition.

As you know, the Immigration and Nationality Act makes an alien who falsely claims U.S. citizenship—for example, by registering to vote or who illegally votes—inadmissible to the United States and deportable from the United States. The 18 U.S.C. 611 also makes it a Federal crime for a noncitizen to vote in a Federal election.

Based on data from the Census Bureau and the Department of Homeland Security, we estimate that there are currently around 30 million noncitizens residing in the United States. The open borders policies of the Biden–Harris Administration have added at least 7.5 million of these noncitizens on top of regular legal immigration in just the last almost four years.

Obviously, this massive population of noncitizens would have no impact whatsoever on our elections if they were securely prevented from voting. However, the requirements of the 1993 Voter Registration Act, or “motor voter law,” and the 2002 Help America Vote Act, make it virtually impossible to prevent noncitizens from registering to vote, either accidentally or intentionally.

Neither a driver's license nor a Social Security number provides proof of U.S. citizenship. All 50 States and the District of Columbia issue driver's licenses, including REAL IDs, to lawfully present noncitizens, while 19 States also issue driver's licenses to illegal aliens.

Moreover, every alien who is authorized to work in the United States is eligible for an SSN. The Biden–Harris Administration has been handing out work authorization documents like candy to inadmissible aliens, with SSN issuances following close behind.

So, we have Federal voter laws that do not require proof of citizenship to register to vote, combined with a massive population of noncitizens with valid driver's licenses and SSNs. When you add to that President Biden's unprecedented Executive Order 14019, along with the huge network of NGO's receiving billions of dollars in Federal, State, and local funding to provide services to the millions of illegal aliens being released into our country by the Biden–Harris Administration, you have a recipe for fraud.

There are strong indications that some of these NGO's are providing the aliens with voter registration forms. For example, the contract New York City signed with an NGO called Homes for the Homeless to provide migrant housing includes a requirement that the NGO, quote, “provide and distribute voter registration forms to all persons.”

Imagine you're a new arrival to the United States with limited English proficiency. If a government official, whether at the DMV

or some other agency, or an NGO paid by the government to take care of you, hands you a form and says, “Just check this box and sign your name,” you’re probably going to comply. As soon as you do, you are guilty of a deportable criminal offense. You have, essentially, been entrapped into a criminal act by a government agency or NGO, acting either with indifference or with nefarious purpose.

Do we at IAP believe that millions of noncitizens are going to show up at polling locations to vote in November? No, but some surely will. The problem is that, once a noncitizen’s name is on the voter roll, that name can be attached to a ballot and voted.

In States that automatically mail ballots to registered voters, a ballot will be mailed to whatever address the noncitizen provided, whether it’s the address of a migrant shelter, a hotel, a homeless shelter, or a residence. What will happen to that ballot and others like it? Will it be harvested, filled out, placed in a drop box?

Opponents of requiring proof of citizenship to register to vote, including every Democrat on this Subcommittee, dismiss those who support it by saying it is already illegal for noncitizens to vote, but they know noncitizens, including illegal aliens, do register and vote. Otherwise, why would H.R. 16, the amnesty bill that all the Democrats on this Subcommittee have cosponsored, explicitly allow DHS to waive illegal voting for amnesty applicants? Why would H.R. 3194, an amnesty bill that three of the Democrats on this Subcommittee have cosponsored, and the Biden–Harris Administration wrote, automatically waive both illegal voting and false claims to citizenship?

Why is it OK if even one American citizen’s vote is canceled by an illegal vote? What if it’s your vote? It’s time to pass the SAVE Act.

Thank you.

[The prepared statement of Ms. Jenks follows:]

**Written Testimony of Rosemary Jenks,  
Cofounder and Policy Director, Immigration Accountability Project,  
before the Subcommittee on the Constitution and Limited Government  
of the Judiciary Committee of the House of Representatives  
September 10, 2024  
“The Biden-Harris Border Crisis: Noncitizen Voting”**

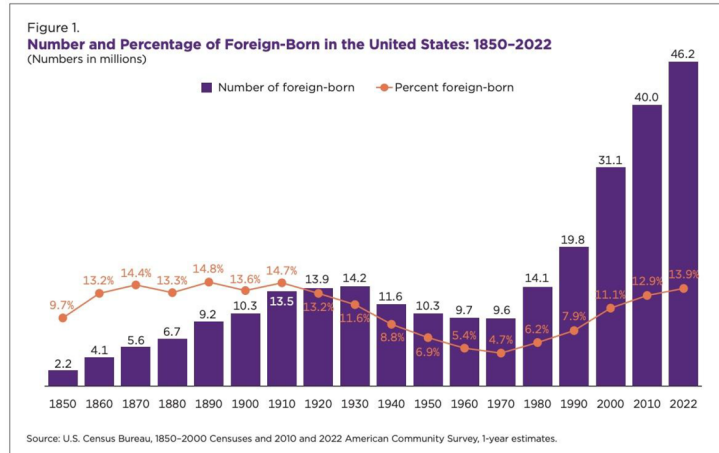
Chairman Roy, Ranking Member Scanlon, and Members of the Subcommittee, thank you for holding this important hearing.

I am the Cofounder and Policy Director of the Immigration Accountability Project (IAP). As the name of the organization implies, we focus exclusively on immigration policy and how it impacts America, whether that is jobs and wages, education, health care and welfare, or, as is the case today, elections. IAP is also a founding member of the Only Citizens Vote Coalition.

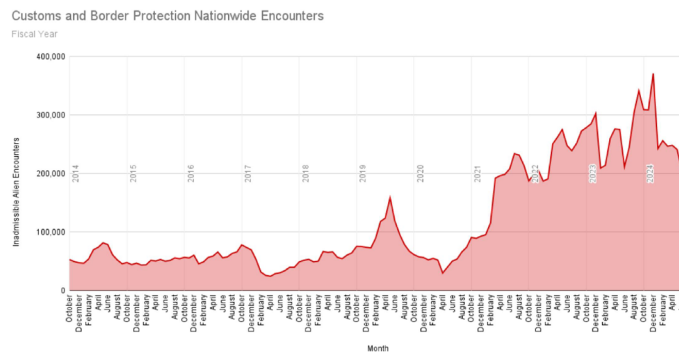
As you know, 8 U.S.C. 1182(a)(10)(D) makes an alien who illegally votes inadmissible to the United States, while 8 U.S.C. 1227(a)(6) makes such an alien deportable. Additionally, 8 U.S.C. 1182(a)(6)(C)(ii) makes an alien who falsely claims US citizenship—for example by registering to vote—inadmissible, while 8 U.S.C. 1227(a)(3)(D) makes such an alien deportable. Finally, 18 U.S.C. 611 makes it a federal crime for a noncitizen to vote in a federal election.

According to Census Bureau numbers, the foreign-born population in the United States reached a record 46.2 million in 2022. Just over half (53.1 percent) were naturalized U.S. citizens, and therefore fully eligible to register and vote in U.S. elections. That left almost 22 million noncitizens in 2022.



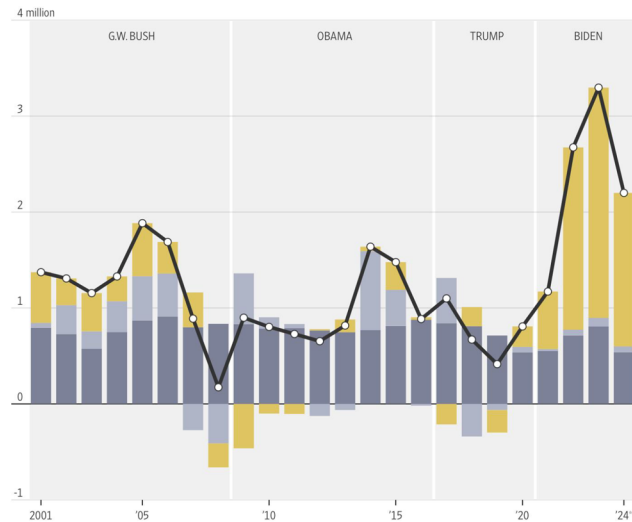


That number likely includes few of the [5.6 million illegal aliens released into the United States under the Biden-Harris Administration](#), or the [1.9 million known “gotaways”](#) who have evaded the Border Patrol under this administration. It also doesn’t include the lawful permanent residents, refugees, and guest workers who have been admitted to the United States since the Census data was collected. Finally, it doesn’t include the illegal aliens who overstayed temporary visas over the past couple of years. When all these numbers are factored in, we estimate that there are currently around 30 million noncitizens residing in the United States. That means noncitizens represent almost nine percent of the total U.S. population of 337 million.



## THE WALL STREET JOURNAL.

Net immigration to the U.S.



\*Figures for 2024 are an estimate of flows from January through August, based on the CBO's projection.  
Source: Congressional Budget Office.

The colored bars show the components of net immigration, which the CBO categorizes into three main groups:  
lawful permanent residents, nonimmigrants, and other foreign nationals.

Obviously, this massive population of noncitizens would have no impact whatsoever on our elections if they were securely prevented from voting. Unfortunately, that will not be the case unless Congress passes the SAVE Act.

The potential for the noncitizen population to register to vote, and then to vote, [stems largely](#) from the 1993 National Voter Registration Act, or “Motor Voter Law.” The NVRA essentially integrates the driver’s license application process with the voter registration process in covered states (all states and the District of Columbia, except Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming). When combined with the requirement that these states accept the federal voter registration form, which simply requires applicants to check a box indicating their U.S. citizenship and then sign their name under penalty of perjury, this integration makes it virtually impossible to prevent noncitizens from registering to vote—either [accidentally](#) or intentionally.

The Help America Vote Act (HAVA) of 2002 didn't help the situation. By requiring states to verify only identity and residency before adding new voters to their state voter rolls, it completely ignores the citizenship question. HAVA requires states to collect the applicant's driver's license number or, if the applicant doesn't have a license, the last four digits of the applicant's Social Security number (SSN).

The problem is that neither a driver's license nor an SSN provides proof of U.S. citizenship. All 50 states and the District of Columbia issue driver's licenses, including REAL IDs, to lawfully present (or quasi-lawful, in the case of asylum applicants and parolees) noncitizens, while 19 states also issue driver's licenses to illegal aliens. Moreover, every alien who is authorized to work in the United States is eligible for an SSN, including green card holders, nonimmigrants, asylees, and parolees, among others. The Biden-Harris Administration has been handing out work authorization documents like candy to inadmissible aliens over the past nearly four years, with SSN issuances following close behind.

All of this means that, in 2024, we have federal voter laws that do not require proof of citizenship to register to vote—and a Supreme Court decision in *Arizona v. Inter Tribal Council of Arizona, Inc.* that actually prohibits states from asking for additional proof of citizenship from applicants using the federal form—combined with a massive population of noncitizens with valid driver's licenses and SSNs. That combination alone is a recipe for fraud. But it gets significantly worse.

President Biden's unprecedented Executive Order 14019 orders all federal agencies to engage in voter registration activities, and there are indications that noncitizens are being provided voter registration forms as a result. On top of that, a huge network of NGOs is receiving federal, state, and local funding to provide services to the millions of illegal aliens being released into the United States by the Biden-Harris Administration. The federal government alone has provided almost \$1.5 Billion just in FY2023 and FY2024 through the Department of Homeland Security's Shelters and Services and Emergency Food and Shelters Programs to localities to handle this influx. In some instances, there are strong indications that the NGOs are providing the aliens with voter registration forms. For example, the contract New York City signed with an NGO called Homes for the Homeless to provide "migrant housing" includes a requirement that the NGO "provide and distribute voter registration forms to all persons..." (see the image of the relevant part of the contract below).

### **Section 13.06 Voter Registration**

A. *Participating Agencies.* Pursuant to Charter § 1057-a, if this Agreement is made by and through a participating City agency and the Contractor has regular contact with the public in the daily administration of its business, the Contractor must comply with the requirements of this Section 13.06. The participating City agencies are: the Administration for Children's Services; the City Clerk; the Civilian Complaint Review Board; the Commission on Human Rights; Community Boards; SBS; the Department of Citywide Administrative Services; the Department of Consumer Affairs; the Department of Correction; the Department of Environmental Protection; the Department of Finance; the Department of Health and Mental Hygiene; the Department of Homeless Services; the Department of Housing Preservation and Development; the Department of Parks and Recreation; the Department of Probation; the Taxi and Limousine Commission; the Department of Transportation; and the Department of Youth and Community Development.

B. *Distribution of Voter Registration Forms.* In accordance with Charter § 1057-a, the Contractor, if it has regular contact with the public in the daily administration of its business under this Agreement, hereby agrees as follows:

1. The Contractor shall provide and distribute voter registration forms to all persons together with written applications for services, renewal, or recertification for services and change of address relating to such services. Such voter registration forms shall be provided to the Contractor by the City. The Contractor should be prepared to provide forms written in Spanish or Chinese, and shall obtain a sufficient supply of such forms from the City.

2. The Contractor shall also include a voter registration form with any Contractor communication sent through the United States mail for the purpose of

supplying clients with materials for application, renewal, or recertification for services and change of address relating to such services. If forms written in Spanish or Chinese are not provided in such mailing, the Contractor shall provide such forms upon the Department's request.

3. The Contractor shall, subject to approval by the Department, incorporate an opportunity to request a voter registration application into any application for services, renewal, or recertification for services and change of address relating to such services provided on computer terminals, the World Wide Web or the Internet. Any person indicating that they wish to be sent a voter registration form via computer terminals, the World Wide Web or the Internet shall be sent such a form by the Contractor or be directed, in a manner subject to approval by the Department, to a link on that system where such a form may be downloaded.

4. The Contractor shall, at the earliest practicable or next regularly scheduled printing of its own forms, subject to approval by the Department, physically incorporate the voter registration forms with its own application forms in a manner that permits the voter registration portion to be detached therefrom. Until such time when the Contractor amends its form, the Contractor should affix or include a postage-paid City Board of Elections voter registration form to or with its application, renewal, recertification, and change of address forms.

5. The Contractor shall prominently display in its public office, subject to approval by the Department, promotional materials designed and approved by the City or State Board of Elections.

The Department of Social Services responded to criticisms of this provision in the contract by saying that the City Charter requires this voter registration provision in all shelter contracts, but denied that noncitizens are being registered to vote. This begs the question, though: Are NGOs with shelter contracts for “migrant housing” violating a legally binding contract by not handing out voter registration forms to “all persons;” or are they complying with the contract and potentially registering noncitizens?

Any government agency or NGO that registers a noncitizen to vote or facilitates registration by noncitizens is not only undermining confidence in our elections, but is also victimizing that noncitizen. Remember, it is a criminal, deportable offense for a noncitizen to register to vote.

Imagine being a new immigrant to the United States with limited English proficiency. If a government official, whether at the DMV or some other agency, hands you a form and says, “Just check this box and sign your name,” you are probably going to comply. And as soon as you do, you are now guilty of a deportable, criminal offense. Even if you don’t subsequently vote illegally, you will still face serious complications when you eventually apply for naturalization.

Now imagine you have fled your country for a better life in the United States. You cross the border illegally and are apprehended by the Border Patrol, who process you and turn you over to an NGO to transport you to your destination. You end up at a migrant shelter in New York City, where, under the terms of their contract with the city, they hand you a voter registration form. Again, you don’t speak or read much English, so you check the box and sign your name. You are now guilty of a deportable, criminal offense.

In both cases, the noncitizen may be completely innocent of any mal intent, but was essentially entrapped into a criminal act by a government agency or NGO, acting either with indifference or with nefarious purpose.

Do we at IAP believe that millions of noncitizens are going to show up at polling locations to vote in November? No, though there will be some who do. The problem is that once a noncitizen’s name is on the voter roll, that name can be attached to a ballot and voted. In states that automatically mail ballots to registered voters, a ballot will be mailed to whatever address the noncitizen provided, whether it’s the address of a “migrant shelter,” a hotel, a homeless shelter, or a residence. What will happen to that ballot, and others like it? Will it be harvested, filled out, and placed in a drop box?

Whenever the mainstream media reports on noncitizen voting, the story always begins with some version of “it is already illegal for noncitizens to vote.” Since reporters know that noncitizens do, in fact, vote, they use qualifiers to make it sound like it almost never happens. For example, noncitizen voting is “rare,” there is “no evidence of widespread voter fraud,” there is “scattered evidence of noncitizens voting,” and so on.

This raises two major questions. First: How do they know how rare or scattered noncitizen voting really is? Each state that has audited its voter rolls recently (and even not so recently) has found noncitizens registered to vote. Virginia has found and removed 6,303 noncitizens from its voter rolls since 2022. Texas has purged some 6,500 noncitizens—around 2,000 of whom voted in past elections—from its voter rolls since the 2020 election. Alabama has identified 3,251 registered voters who were issued Alien Numbers by the Department of Homeland Security and is working to determine whether any have naturalized. Ohio has identified 597 “apparent noncitizens”—138 of whom voted in prior elections—during a routine audit this year. Louisiana has removed 48 noncitizens from its voter rolls during the past three years. How many noncitizens are registered to vote in the other 45 states and the District of Columbia?

This leads to the second, and more important, question: Why is it okay if even one American citizen’s vote is canceled by an illegal vote? The obvious answer is that it is not okay. Every American has the right to have his or her vote count. That is why it is imperative that Congress passes the SAVE Act to require proof of citizenship to register to vote. Haphazard efforts to remove noncitizens from voter rolls on the back end are ineffective and inadequate. Once an election is decided, it’s too late. Only by preventing noncitizens from registering on the front end can we restore confidence in our election system.

Mr. ROY. I thank you, Ms. Jenks.  
 Ms. Mitchell?  
 Ms. Mitchell, can you hit your microphone?

#### STATEMENT OF CLETA MITCHELL

Ms. MITCHELL. Mr. Chair, thank you. Ranking Member and the Members of the Subcommittee, I'm Cleta Mitchell, Senior Legal Fellow at the Conservative Partnership Institute.

There are several reasons why the SAVE Act is absolutely necessary. Safeguarding American voter eligibility is and does exactly what the title says; it safeguards American voter eligibility, and it's desperately needed to secure the 2024 elections.

The SAVE Act will reverse a decision of the U.S. Supreme Court from 2013 in which the Court ruled that only Congress can direct and decide the content of the Federal voter registration form to require proof of U.S. citizenship to register and vote in U.S. elections.

Quite simply, the SAVE Act would do what the Supreme Court determined in 2013 that only Congress can do, which is to safeguard eligibility for voting in Federal elections by requiring documentary proof of citizenship to register to vote.

With the borders opened on January 21, 2021, by the Biden-Harris Administration, and illegals pouring across our borders by the millions, and being taken who knows where in our country, the SAVE Act has become absolutely vital to protecting our elections from illegal voting by noncitizens.

Not only will the SAVE Act require documentary proof of citizenship to register to vote, but it also contains other components that are vital for the 2024 elections.

It requires that States compare their existing voter list to citizenship data, to identify and remove noncitizens who are already registered.

It establishes a new criminal penalty for those who knowingly register noncitizens to vote.

It requires Federal agencies to make available to the States, at no cost, citizenship data that State and local election offices can, in fact, confirm citizenship of persons registered or seeking to register.

One important aspect of the SAVE Act would be to ensure that the 22 States who allow same-day registration—meaning that a person can register and immediately be allowed to vote—will not be eligible to vote until having provided proof of citizenship. This requirement alone will interrupt one of the biggest threats to the integrity of the 2024 election—the organized roundup by political advocacy groups of scores of illegals to register and vote them on the same day, before anyone can determine if those individuals were eligible to vote in the election.

Democrats oppose the SAVE Act, ostensibly, because it is already illegal for noncitizens to vote in Federal election. Yes, it is, and it is also illegal for millions of people to swarm across our borders without documentation, but, nonetheless, this administration, under Border Czar Kamala Harris, has adopted just such a policy of opening the door and letting anyone and everyone into our country—illegally, already against the law.

If the Democrats sincerely want to keep noncitizens from voting, then let me ask you: Where are the enforcement actions from the Department of Justice? Where are the memos to U.S. Attorneys across the Nation warning about potential violations of the prohibitions on noncitizen voting? Where is the FBI hotline to report suspicious registrations of illegals? When is the Merrick Garland press conference announcing that it's illegal for noncitizens to register and vote in the election, and violators will be apprehended, prosecuted, and deported? Did I miss that public education campaign? I must have—because it doesn't exist.

The Democrats' plan for 2024 is to change the electorate. If they cannot persuade the American people to want their Marxist policies for America, just import voters who don't speak the language; don't have a shared commitment to our country and our national principles. Get them into the very porous voter registration system and collect their votes.

Just Facts researcher James Agresti published a report that a conservative estimate is that there will be, based on his past experience, between one and nearly three million noncitizens who will vote in the 2024 election.

Democrat-controlled cities like San Francisco, New York, and Washington, DC, have granted voting rights to noncitizens. Leftist groups have fought the citizenship question on the 2020 Census. Every Democrat in Congress voted against putting the citizenship question back on the Census.

Every Democrat in Congress also voted no to apportioning U.S. House seats based on citizenship instead of population. Why? Because California would have lost four U.S. House seats in 2010 and three more in 2020 if only citizenships—if only citizens had been counted for apportionment of the U.S. House. That's not only U.S. House seats; that's seven electoral votes for the Democrats. It is why Democrats voted no on reversing the decision of the District of Columbia to allow noncitizens to vote. For Democrats, noncitizens are their future political base.

Please do the right thing. Pass the SAVE Act. Save our elections. Save our country.

Thank you.

[The prepared statement of Ms. Mitchell follows:]



**TESTIMONY OF CLETA MITCHELL, ESQ.**  
**HOUSE COMMITTEE ON THE JUDICIARY**  
**SEPTEMBER 10, 2024**  
**“The Biden-Harris Border Crisis: Noncitizen Voting”**

---

Mr. Chairman, Ranking Member, Members of the Committee:

My name is Cleta Mitchell. I am an attorney who has practiced campaign finance and election law for many years. I currently serve as the Senior Legal Fellow at the Conservative Partnership Institute, and I am the Founder of the Election Integrity Network. Most importantly, for purposes of this hearing, I am a co-convenor of the Only Citizens Vote Coalition. [www.onlycitizensvotecoalition.com](http://www.onlycitizensvotecoalition.com), a coalition of more than 90 national, state, and local organizations and leaders who share a common mission:

We believe that only United States citizens should be allowed to vote in any American election—local, state, and federal—and that proof of United States citizenship must be required to register to vote.

We are united in that principle, and we work together to:

- Educate our fellow citizens on the importance of citizen-only voting
- Ensure the enactment and administration of laws and practices at all levels of government to prevent noncitizen registration and voting.

As part of that mission, the Only Citizens Vote Coalition supports passage of the SAVE Act: Safeguarding American Voter Eligibility, whose chief sponsor is Congressman Chip Roy, and joined as cosponsors by 104 of his House colleagues. Sen. Mike Lee of Utah is principal sponsor of a companion bill in the United States Senate, where he is joined by 23 of his colleagues as cosponsors.

HR 8281 passed this House in July on a bipartisan basis, on a vote of 221-198.

The SAVE Act is absolutely necessary to protect the integrity of America's elections, and the sanctity of ensuring that only US citizens are voting in our American elections. Congress created the need for the SAVE Act and Congress must close the loopholes caused by federal law that would allow noncitizens to vote in our elections.

What we are witnessing in 2024 is a perfect storm that necessitates passage of the SAVE Act – now. Without delay. What are the factors in that perfect storm?

1. **The open borders policies of the Biden-Harris Administration, led by Border Czar Vice-President Harris, that have resulted in an onslaught of millions, yes, MILLIONS, of illegals pouring across America's borders,** and being shepherded and located in communities all across the nation, where hundreds of millions of our tax dollars are being paid to leftist advocacy groups to 'resettle' these illegal immigrants. The programs operated by these leftwing groups includes assisting illegals in obtaining drivers licenses, ID cards and, in too many instances, getting them registered to vote.
  - The Ranking member and his Democrat colleagues insist that 'it is already illegal for noncitizens to vote in federal elections in the United States. But let's be honest:
    - It is illegal to enter this country without proper documentation....but there is a complete breakdown of the rule of law when it comes to enforcing and upholding America's immigration laws.
    - The Dept of Homeland Security cannot tell us how many illegals have entered the United States since January 20, 2021, cannot tell us where these illegals have been taken or sent to live, cannot seem to locate the illegals that have entered the country these past 3 ½ years....all of which is in violation of federal law. How then, are we supposed to believe that in this atmosphere of complete lawlessness, that people who have been flooding into the country illegally are going to STOP and say, "wait....it is a violation

of federal law for me to register and vote if I'm not a citizen..." Seriously?

2. Then there is the **Biden Executive Order 14019** – in which this Administration, acting on the advice and with actual involvement WITHY federal agencies via the White House of a leftwing advocacy group Demos. The EO directs every federal agency to engage in voter registration and 'voter education' activities....using our tax dollars and federal employees to identify and turn out Democrat voters. I have attached to my testimony a copy of the directive sent to all US Marshalls by the Dept of Justice, in just *one* example of how the Biden-Harris Administration is abusing and misusing the federal government for its own political purposes. The directive to the federal Marshalls is that they are to offer voter registration and voter education materials to all persons with whom they come into contact. And that includes the criminals and federal prisoners in their custody! Attached is a redacted file of just one such prisoner that a federal Marshall provided to me, showing that the inmate is a citizen of Mexico, imprisoned in a federal facility for reentering the United States after being deported. And this federal Marshall was required under the directive of the Biden-Harris Department of Justice to provide voter registration and voter education materials to this inmate.
3. **The 3d prong of the perfect storm for massive numbers of noncitizens voting in our 2024 elections is the porous nature of our election laws, both federal and state.** Yes, it is illegal under federal law for noncitizens to vote; yes, to be a qualified elector in virtually every state, one must be a US citizen. The problems are several.

Let's start with the federal law:

- The **National Voter Registration Act (NVRA)** requires covered states to accept and use the federal voter registration application. That form has only a box to check, asking if the person is a citizen.
- The US Supreme Court, unfortunately, ruled in 2013 that a state may not request the Election Assistance Commission to add state

specific instructions to the federal form, such as the specific request by the State of Arizona to require documentary proof of citizenship to be required to register to vote in Arizona.

- As a result of that decision, Arizona now has a two-tiered voter registration system: The state registration list comprised on persons who DO provide documentary proof of citizenship when they register to vote. That allows a voter to cast a ballot in all state, local, and federal elections. But then there is the most troubling federal only voter list, comprised on individuals who do not, cannot or will not provide proof that they are US citizens. Those voters are allowed to vote for President, US Senate, and US House of Representatives. As of July 1, there were over 42,000 such registrations in Arizona. Those are individuals who will be allowed to cast a vote for President unless the US Supreme Court allows the recently enacted law in Arizona to take effect – which prohibits persons on the federal registration list from casting a ballot for presidential electors. 42,000 persons who have not provided proof of their citizenship but will be issued a federal only ballot....in a state in which the margin in the 2020 general election between President Trump and Joe Biden was 10,457 votes of more than 3.2 million cast.
- The **Help America Vote Act (HAVA) passed in 2002** requires every state to maintain a statewide voter registration list, and further requires that before any applicant can be added to the voter rolls, the state must first verify *identity* and *residency*. How? By requiring that the applicant provide his/her drivers license number or, if the applicant has none, then he/she must provide the last four digits of the social security number. Here are the problems with that law and that process:
  - Neither drivers' licenses nor social security numbers provide proof of citizenship.

- Every state issues drivers licenses to noncitizens; 19 states issue drivers licenses to illegals
  - Noncitizens who are in the United States legally are issued social security numbers; and this administration has categorized millions more illegals as asylees and parolees, who are eligible and are being issued social security numbers.
  - So the two verification requirements for voter registration imposed by Congress only verify identity and residency.  
**Neither confirm citizenship status!**
4. The problems of illegals getting on the voter rolls of every state are serious and real.
- There are hundreds of examples going back years and years in which noncitizens have been added to the voter rolls of various states – and the process of identifying and removing them is not easy.
    - ❖ For example, the Public Interest Legal Foundation sued the Commonwealth of Pennsylvania SIX YEARS AGO (in 2018) to obtain the records regarding the admission by the PA Dept of Transportation (PENNDOT) that a ‘glitch’ in their ‘system’ had resulted in the illegal registration of more than 100,000 aliens added to Pennsylvania’s voter rolls.  
<https://publicinterestlegal.org/press/pilf-sues-pennsylvania-release-data-100k-noncitizen-voter-registrants/> That case is *still* not resolved because efforts to gain access to the data and records has been stymied by Pennsylvania officials for more than half a decade.
  - Then, there are the recent announcements by several state officials who have realized that this is a serious problem and a very real threat to our elections *now*, this year.

- ❖ Virginia's Governor Glenn Youngkin recently announced that his administration has removed over 11,000 noncitizen registrants from its rolls between 2014 and 2023 — with more than 6,300 from January 2022 to July 2024 alone <https://www.newsweek.com/thousands-non-citizen-voters-discovered-governor-1937025> A citizens voter rolls organization has reviewed that list and determined that of those noncitizens removed by Gov. Youngkin, almost 1,000 votes have been cast illegally by those noncitizens in 2023 and 2024.
- ❖ Gov. Greg Abbott of Texas announced last week that Texas has just removed over 6,000 noncitizens registered on Texas voter rolls since 2021. [Governor Abbott Announces Over 1 Million Ineligible Voters Removed From Voter Rolls | Office of the Texas Governor | Greg Abbott](#)
- ❖ Alabama Secretary of State Wes Allen ordered 3000 noncitizens removed from Alabama rolls two weeks ago. <https://www.waff.com/2024/08/14/al-secretary-state-finds-over-3000-non-citizens-registered-vote/>
- ❖ Gov. Jeff Landry of Louisiana last month issued an executive order requiring his state's voter registration forms to highlight the fact that only citizens of the United States are eligible to register or to vote. <https://www.wrkf.org/politics/2024-08-26/gov-landry-aims-to-stop-noncitizen-voting-with-executive-order>

### CONCLUSION

I could go on. But the point is this: it is very easy for noncitizens to be added to a state's voter rolls and it is very difficult to identify and remove them. In states that have automatic or opt-out voter registration at the DMV, there are literally thousands of illegals being added to the voter rolls every day.

Next week, on September 17, we will celebrate National Constitution and Citizenship Day, which commemorates the passage 237 years ago of the US Constitution by the Constitutional Convention. We should all celebrate the rights and privileges that we as American citizens enjoy. To do that, the Only Citizens Vote Coalition has designated next week as the National Only Citizens Vote Week – to conduct a public education campaign across the nation that if you are a US citizen you must exercise your rights and privileges to register and vote this year. But if you are NOT a citizen of the United States, it is illegal for you to register and vote in our federal election. Everyone must be reminded of these important principles:

- If you are a citizen, please register and vote.
- If you are NOT a citizen, it is illegal for you to register, it is illegal for you to vote.
- And it is important to shine a light on the taxpayer funded groups who are using and abusing these most vulnerable people who don't speak the language, are not in the US legally, and who are at the mercy of political operatives who would use them for their own political power.

Only US Citizens should be allowed to vote in our elections... and it is crucial that Congress enact the SAVE Act and start taking seriously the threat to American sovereignty of millions of noncitizens illegally participating in our elections.

Thank you for your kind attention. ###

**ATTACHMENT**

CLETA MITCHELL TESTIMONY

DOCUMENTS FROM WHISTLEBLOWER RE

DOJ ORDERS FROM BIDEN EXECUTIVE ORDER 14019

REGISTERING NONCITIZEN PRISONERS TO VOTE IN US ELECTIONS



CONTROLLED/CHRI



U.S. Department of Justice  
United States Marshals  
Service

**Access to Voting**  
Printed on: [REDACTED]

---

**English:**

At any time while in federal custody with the United States Marshals Service (USMS), you have the right to request information and materials on registering to vote, and how to vote while in custody. Staff from the jail should help you with getting voting materials and voting by mail when you request help with this process in a timely manner. Your right to request information, materials, and assistance does not entitle you to vote in a particular jurisdiction. Your lawful right to vote is subject to applicable laws of that jurisdiction. The USMS does not support or oppose any candidate or political party, and jail staff cannot pressure you to vote for or against any candidate or political party, and cannot prevent or stop your lawful right to vote.

---

**Spanish:**

Mientras usted esté bajo la custodia de los United States Marshals Service (USMS), usted tiene el derecho de solicitar información y materiales sobre cómo registrarse para votar y como votar mientras esta bajo custodia. El personal de la cárcel lo ayudará a obtener los materiales necesarios para votar por correo si usted lo requiere y solicita la ayuda con este proceso de manera oportuna. Su derecho a solicitar información, materiales y asistencia no le da el derecho a votar en una jurisdicción en particular. Su derecho legal a votar está sujeto a las leyes que aplican en esa jurisdicción. Los USMS no apoyan o están en contra de ningún candidato o partido político y el personal de la cárcel no tiene derecho de presionarlo a que vote a favor o en contra de ningún candidato o partido político, ni debe impedir su derecho legal de votar.

---

The screenshot shows a web application interface for USAMSI (United States Army Medical Support and Information System). The browser address bar displays the URL: `capture.usams.doi.gov/private/PRAuth/app/CAPTURE_CD`. The application has a dark blue header with a navigation menu containing the following items: Dashboard, Prisoner Mgt, Security Mgt, Incidents/Events, Process, Entity Mgt, Administration, and Help. Below the header, there is a sub-header area with tabs for Prisoner Mgt, Cellblock Ledger, and INTAKE. The main content area is titled "Sign Documents" and includes an "Overview" section. In the Overview section, there is a checkbox labeled "The subject has been informed of the PREA Act" which is checked. Below this, there is a "Form Language" dropdown menu set to "English". A text box contains the statement: "The prisoner has been made aware of their right to request voter education material and assistance with voting by mail from staff at the jail?". Below this text box is a "Select..." dropdown menu. At the bottom of the form, there is a section labeled "Property Document".

capture.usams.doi.gov/private/PRAuth/app/CAPTURE\_CD

PRISONER

Dashboard Prisoner Mgt Security Mgt Incidents/Events Process Entity Mgt Administration Help

Prisoner Mgt Cellblock Ledger INTAKE

Sign Documents

Overview

☒ The subject has been informed of the PREA Act

Form Language

English

The prisoner has been made aware of their right to request voter education material and assistance with voting by mail from staff at the jail?

Select...

Property Document

english to spanish - Google Search x +

bj.gov/prweb/PRAuth/app/CAPTURE/

Capture Targeted Search

ard Prisoner Mgt Security Mgt Incidents/Events Process Entity Mgt Administration

ellblock Ledger x INTAKE

Date of Birth	Age
1 [REDACTED]	32
<a href="#">+ Add Date of Birth</a>	

**Places of Birth**

Subject

Country
1 MEXICO

Mother

Country
1 MEXICO
<a href="#">+ Add Place of Birth</a>

Father

Country
---------

h to spanish - Google Search X +

iprweb/PRAuth/app/CAPTURE\_/CON [REDACTED]

Targeted S

Prisoner Mgt Security Mgt Incidents/Events Process Entity Mgt Administration

ck Ledger X INTAKE [REDACTED]

+ Add Place of Birth

Citizenship & Nationality

Citizenship

1 MEXICO

+ Add Citizenship

Nationality

MEXICO

Social Security Numbers

Did the subject disclose any Social Security numbers? -

☐ Yes

☒ No

Languages

Mr. ROY. Thank you, Ms. Mitchell.

As much as I hate to do this, because it's going to cutoff Ms. Senteno, I think we need to get over to the floor and vote. So, I'm going to apologize profusely. You get more time to prepare and we look forward to hearing your testimony. So, we will stand in recess while we go to the floor.

Thank you all very much.

[Recess.]

Mr. ROY. [Presiding.] I call the hearing back in order. Thank you for your patience when we went over to the floor to go vote.

We will now proceed with the final testimony. I apologize again because I know that we had to break. Now, the spotlight is all yours.

#### STATEMENT OF ANDREA E. SENTENO

Ms. SENTENO. Good afternoon Chair Roy, Ranking Member Scanlon, and the Members of the Subcommittee. My name is Andrea Senteno, and I am the Regional Counsel of the D.C. Office of MALDEF, the Mexican American Legal Defense and Educational Fund.

For 56 years MALDEF has worked to promote the civil rights of all Latinos living in the United States. I thank you for this invitation to appear today.

The MALDEF focuses its work in five subject matter areas, education, employment, immigrant rights, voting rights, and freedom from open bias.

Since its founding, one of MALDEF's top priorities has been to secure equal voting rights for all Latinos and to promote increased civic engagement and participation within the Latino community.

The MALDEF has litigated numerous cases in court to challenge at large systems, discriminatory redistricting, ballot access barriers, undue voter registration requirements, voter assistance restrictions, and failure to provide bilingual ballot materials.

At 19 percent of the total population, Latinos accounted for 51 percent of the Nation's population growth between 2010–2020. Similarly, the Latino population is responsible for significant growth in the U.S. electorate.

Latinos represent an estimated 50 percent of the total growth of eligible voters from 2020 to this year's Presidential election. Latinos are expected to make up 17.5 percent of the total voting population in the upcoming general election. An estimated 1.8 million Latinos become eligible to vote each year.

Despite these facts, there's a misrepresentation that the Latino community is still overwhelmingly composed of noncitizens. The majority of Latinos, of the Latino population is U.S. born and 81 percent of all Latinos in the U.S. are citizens.

Unfortunately, national demographic change is often perceived as a threat to too many in political power, and the result historically has been persistent at increasing efforts to suppress the vote and political power of the Latino community.

These perceptions of the Latino population and its growth serves as the basis for unsupported allegations of widespread voter fraud often attributed to noncitizen immigrant Latinos.

Yet, overwhelming evidence has shown that noncitizens are not voting in U.S. elections in mass. Noncitizens are barred from voting in Federal elections, and it is a Federal felony to register to vote unlawfully.

Every State in the Nation currently prohibits noncitizens from voting in State elections. Voters in every State must affirm or verify their citizenship to register to vote. State election officials must verify a voter's eligibility.

Numerous studies such as those by the Brennan Center and the Cato Institute have shown that there is no significant number of noncitizen voting. Multiple efforts to try to produce evidence of significant noncitizen voting have failed.

This makes sense when one considers the unlawful, that unlawful voter registration and voting carries deep immigration consequences, including deportation and the inability to ever naturalize in the future.

This voter fraud disinformation targets Latinos and voters of color. The suppression tactics take the form of things like unlawful voter purges, restrictions to language assistance at the polls, or restrictions to mail ballots.

In 2019, MALDEF successfully sued Texas Secretary of State, David Whitley, and others, challenging an advisory to county registers to single out naturalized U.S. citizens for investigation and removal from the voter rolls based solely on the fact that they were born outside of the U.S.

There is an allegation of over 95 thousand non-U.S. citizens to be on the voter rolls and thousands to have alleged illegally. This claim was based on erroneous information, including outdated driver's license information.

Ultimately, the case settled, and State officials were required to change the way that they identified voters to investigate as at least 25 thousand voters on those rolls, on the erroneous purge list were actually U.S. citizens.

These types of tactics undermine the public's trust in our elections and erode voters' confidence in participating in our elections. Unfortunately, H.R. 8281, the SAVE Act, fails to meet the needs of many of the voters in the U.S. who need Congress to lead the way in safeguarding the right to vote against voter discrimination.

When approximately 30 percent of the U.S. citizen voting age population is unregistered to vote, Federal and State legislators must work to encourage voter registration of eligible voters, not hinder it. Safeguarding each eligible citizen's right to vote should not be a partisan issue.

The MALDEF urges Congress to pass H.R. 14, the John R. Lewis Voting Rights Advancement Act. This bill would provide voters with necessary and effective tools to push back against, to push back and prevent voter discrimination where it occurs.

We look forward to working with Congress to advance the voting rights of all Americans and ensure our elections make it possible for every eligible U.S. citizen to register and cast a ballot. Thank you.

[The prepared statement of Ms. Senteno follows:]



**Testimony of Andrea E. Senteno  
Regional Counsel, MALDEF**

**Before the Subcommittee on the Constitution and Limited Government of the  
U.S. House of Representatives Judiciary Committee**

**Hearing entitled  
The Biden-Harris Border Crisis: Noncitizen Voting**

**September 10, 2024**

Good afternoon Chair Roy, Ranking Member Scanlon, and members of the Subcommittee. My name is Andrea Senteno, and I am the Regional Counsel of the DC office of MALDEF (Mexican American Legal Defense and Educational Fund). For 56 years, MALDEF has worked to promote the civil rights of all Latinos living in the United States. MALDEF is headquartered in Los Angeles, with regional offices in Chicago; San Antonio, where we were founded; and in Washington, D.C. I thank you for this invitation to appear before you today.

MALDEF focuses its work in five subject-matter areas: education, employment, immigrant rights, voting rights, and freedom from open bias. Since its founding, one of MALDEF's top priorities has been to secure equal voting rights for Latinos, and to promote increased civic engagement and participation within the Latino community. In the past, MALDEF played a leading role in securing the full protection of the federal Voting Rights Act (VRA) for the Latino community through the 1975 congressional reauthorization of the 1965 VRA. Furthermore, MALDEF has litigated numerous cases in court, brought claims under the Fourteenth and Fifteenth Amendments, and under Section 2, Section 5, and Section 203 of the VRA to challenge at-large systems, discriminatory redistricting, ballot access barriers, undue voter registration requirements, voter assistance restrictions, and failure to provide bilingual ballot materials.

The Latino population in the U.S. has grown steadily over several decades, and Latinos have been the largest racial or ethnic minority group in the U.S. for more than two decades. According to the U.S. Census Bureau, the Latino population is 19 percent of the total population.<sup>1</sup> Latinos accounted for 51 percent of the nation's population growth between 2010 and 2020.<sup>2</sup> Similarly, the Latino population is responsible for significant growth in the U.S.

<sup>1</sup> U.S. Census Bureau, Hispanic Heritage Month: 2023 (Aug. 17, 2023).

<https://www.census.gov/newsroom/facts-for-features/2023/hispanic-heritage-month.html>.

<sup>2</sup> Rachel Treisman, Key Facts about the U.S. Latino Population to Kick Off Hispanic Heritage Month, NPR (Sep. 15, 2021).

<https://www.npr.org/2021/09/15/1037358346/us-latino-population-demographic-figures-pew-center-hispanic-heritag>



electorate: Latinos represent an estimated 50 percent of the total growth of eligible voters from 2020 to this year's presidential general election.<sup>3</sup> Latino citizens were the largest racial or ethnic minority group of voting age in the 2020 election. Today, Latinos are expected to make up 17.5 percent of the total voting population in the upcoming 2024 presidential general election, and an estimated 1.8 million Latinos become eligible to vote each year.

Despite the fact that U.S. overall and electoral growth is in substantial part attributed to the growth of the Latino population, the Latino community also continues to be perceived by many as overwhelmingly composed of immigrants. However, the majority of the Latino community's population were born in the United States, and 81 percent of all Latinos in the U.S. are citizens. Nevertheless, these national demographic changes are perceived as threatening to the long-term privilege of those currently in power who have failed to seek and to garner support among the growing number of voters of color, including Latino voters.

The perceived threat of the growing Latino population and the population of other communities of color continues to result in persistent and increasing efforts to suppress the vote of those communities. This includes disinformation about the security of our elections. In the past several years, we have seen troubling and unsupported allegations of widespread voter fraud, often attributed to non-citizen, immigrant Latinos. Overwhelming evidence has shown that non-citizens are not voting in U.S. elections en masse. Unfortunately, this disinformation has resulted in the disenfranchisement of Latino citizen voters and other voters of color, who are confronting numerous barriers to register and cast a ballot.

This voter-fraud disinformation irresponsibly exploits the demographic fear in our politics today, and it affects the rights of too many citizen voters. Rather than entertaining this baseless fear to justify deterring and preventing voter participation through draconian and discriminatory new laws, Congress should encourage greater civic participation by all eligible voters.

#### **Allegations of Widespread Non-Citizen Voting Are Unsupported By the Facts**

Allegations of widespread non-citizen voting lack any basis in fact. There is no evidence of plans, or previous efforts, to "import" non-citizens across the Southern border for the purpose of registering new migrants to vote.<sup>4</sup>

Non-citizens are barred from voting in federal elections, and it is a federal felony to vote in a federal election or to register to vote unlawfully.<sup>5</sup> Every state in the nation currently prohibits non-citizens from voting in state elections. Voters in every state are required to affirm

c-month#:~:text=The%20U.S.%20Hispanic%20population%20has%20population%20growth%20during%20that%20period.

<sup>3</sup> Jens Manuel Krogstad, Jeffery S. Passel, Abby Budiman, and Anusha Natarajan, Key Facts About Hispanic Eligible Voters in 2024, Pew Research Center (January 10, 2024),

<https://www.pewresearch.org/short-reads/2024/01/10/key-facts-about-hispanic-eligible-voters-in-2024/>

<sup>4</sup> Ali Swenson, Trump suggests unauthorized migrants will vote. The idea stirs his base, but ignores reality, Associated Press (January 9, 2024),

<https://apnews.com/article/trump-migrants-border-voter-fraud-campaign-40bbf5748615a3b1f6087ff920f59278>.

<sup>5</sup> 18 U.S.C. § 611; 18 U.S.C. § 1015(f).



or verify their citizenship in order to register to vote, and state election officials are required to verify individual voter eligibility.

Instances of alleged non-citizen voting or non-citizens who appear on voter rolls are extremely rare. The Brennan Center conducted a study during the 2016 general election, researching instances of alleged non-citizen voting in 42 jurisdictions. They found that out of 23.5 million votes cast, election officials only referred approximately 30 incidents of alleged non-citizen voting to officials for investigation or prosecution, or just .0001 percent of votes cast represented suspected noncitizen voting.<sup>6</sup> These findings are supported by the Cato Institute's study that found that "[n]oncitizens don't illegally vote in detectable numbers," and that "there is no good evidence that noncitizens voted illegally in large enough numbers to actually shift the outcome of elections or even change the number of electoral votes."<sup>7</sup> Multiple other efforts to produce evidence of significant non-citizen voting have failed.

In addition to the criminal penalty for voting unlawfully, non-citizens also face steep immigration consequences if they try to illegally vote in an election, including deportation. Non-citizens also risk any future opportunity to naturalize if they unlawfully register to vote or vote in an election. The stakes for non-citizens are incredibly high, and the potential penalties of unlawful voting effectively prevent any significant unlawful voting by non-citizens. In the very rare instances where non-citizens cast ballots unlawfully, it is usually the result of mistake.

Rhetoric about the legitimacy of our elections, which evidence shows are indeed secure, is instead used to justify voter suppression measures in too many states across our country.

### **Impact on Citizen Voters**

An unprecedented number of voters participated in the 2020 presidential general election, with rates of eligible participation unseen in a century. However, instead of hailing the election as a milestone of progress toward greater participation in our electoral democracy and the most secure election in our nation's history,<sup>8</sup> bad-faith actors have used the election to justify increased efforts to reduce minority voter participation in future elections.

While instances of non-citizens on voter registration rolls or having cast a ballot are almost nonexistent, the disinformation surrounding voter fraud has had an undeniable chilling effect on eligible citizen voters, preventing them from exercising their rights as citizens to make their voices heard. Disinformation and voter suppression, couched as "election integrity," predictably target Latinos and other voters of color. These voter suppression tactics take the

<sup>6</sup> Christopher Famighetti, Douglas Keith, and Myrna Pérez, Noncitizen Voting: the Missing Millions, Brennan Center for Justice, May 5, 2017,

<https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>

<sup>7</sup> Alex Nowrasteh, "Noncitizens Don't Illegally Vote in Detectable Numbers," Cato Institute, November 25, 2020, <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

<sup>8</sup> "Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees," Cybersecurity and Infrastructure Security Agency, Department of Homeland Security, November 12, 2020, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

form of unlawful voter purges, restrictions on language assistance at the polls, or restrictions on mail ballots or forms of registering and voting used disproportionately by voters of color in a jurisdiction, among others.

For example, list maintenance is an important aspect of any election administration system, because it helps ensure accurate and current voter registration rolls. Federal law requires election officials to undertake regular list maintenance and remove ineligible voters from their voter rolls.<sup>9</sup> The actions of a number of states in recent years, however, go beyond routine list maintenance and instead have resulted in efforts to purge voters from the voter rolls in a manner that violates federal law and the Constitution.<sup>10</sup>

In 2019, MALDEF successfully sued Texas Secretary of State David Whitley, other state officials, and 13 counties challenging an advisory to county registrars to single out naturalized U.S. citizens for investigation and possible removal from the voter rolls based solely on the fact that they were born outside the U.S.<sup>11</sup> The directive alleged that more than 95,000 non-U.S. citizens might be registered to vote and that thousands had allegedly voted in previous elections, but the next day Secretary Whitley informed counties that the list of suspect voters was based on erroneous information, including outdated driver's license or state identification information. Secretary Whitley, however, failed to withdraw the list of voters or the advisory. Furthermore, the Secretary of State's office admitted shortly thereafter that at least 25,000 voters on the erroneous purge list were in fact U.S. citizens. The case settled with an agreement that required state officials to change the way they identified voters for investigation of U.S. citizenship, so as not to run afoul of federal law or the U.S. Constitution. State tactics such as these undermine the public's trust in our elections and erode voters' confidence in their ability to participate in our elections fairly and freely.

Some states have also used this pretextual lie of voter fraud committed by non-citizens to advance redundant prohibitions on non-citizen voting at the state level, either through their legislatures or through referenda. Currently, every state in the nation prohibits non-citizens from voting in state elections. Redundant rhetorical efforts to curb non-citizen voting do not change the law substantively: they simply exist as purported solutions to problems without a credible basis, timed to further the broader dissemination of election disinformation.

Election disinformation also creates confusion among eligible citizen voters and places a target on Latino voters who may be incorrectly perceived as non-citizens. The electorate is becoming more diverse and includes voters who may have limited-English language proficiency. Rhetoric that, explicitly or implicitly, purports to claim that certain voters may not "look" like eligible citizen voters creates a credible risk of harassment and intimidation of U.S. citizens seeking to exercise one of their most fundamental rights. Policymakers must take care to ensure that citizens can participate fully in our democracy without fear, suppression, or intimidation.

<sup>9</sup> 52 U.S.C. § 20507.

<sup>10</sup> See e.g., *La Unión del Pueblo Eterno v. Abbott*, 705 F.Supp.3d 725 (W.D. Tex. 2023); *Mi Familia Vota v. Fontes*, No. CV-22-00509-PHX-SRB, 2024 WL 862406 (D. Ariz. Feb. 29, 2024).

<sup>11</sup> Press Release, Federal Court Halts Texas Counties From Purging Voters From Rolls, MALDEF (Feb. 27, 2019), <https://www.maldef.org/2019/02/federal-court-halts-texas-counties-from-purging-voters-from-rolls/>.

Enacting discriminatory and suppressive voting laws and practices in the name of combating fictitious widespread non-citizen voting aims to and results in a disproportionate impact on voters' of color ability to exercise the full power of their voting potentials. Voter turnout data shows that there are persistent disparities in voter participation among racial and ethnic groups, including the Latino community.

Ultimately, spreading disinformation that discourages or prevents the participation of all eligible voters in our election only breeds distrust in our election systems. Democracy requires participation. Widespread disinformation that leads to voter suppression presents a clear constitutional crisis. Congress must commit itself to rooting out election disinformation and to ensuring that U.S. elections are fair, free, and accessible to every qualified voter.

### **Need Federal Protections to Ensure All Voters Can Exercise Their Sacred Right to Vote**

Since the Supreme Court's decision in *Shelby County v. Holder*, 570 U.S. 529 (2013), in which the Court majority struck down the preclearance coverage formula, MALDEF has filed numerous lawsuits to protect every voter's ability to cast a ballot free from discriminatory barriers and vote dilution. Today, the VRA's effectiveness is incomplete, and thus MALDEF's work is more challenging. More importantly, without the uninhibited safeguards of the VRA, voters experiencing discrimination may lack assurance that they can exercise fully the franchise.

Unfortunately, H.R. 8281, the SAVE Act, fails to meet the needs of many voters in the U.S. who need Congress to lead the way in safeguarding the right to vote against voter discrimination and voter suppression. The SAVE Act raises significant logistical and legal concerns and continues a troubling pattern of legislating to burden millions of voters, disproportionately voters of color without evidence that justifies such a burden on the right to vote.

For example, the provisions of the SAVE Act would require most voters to provide a document of citizenship in order to register to vote. These documents are costly and difficult to obtain, and many individuals do not possess them. The Brennan Center found that proof of citizenship requirements in Kansas and Arizona resulted in the disenfranchisement of tens of thousands of eligible U.S. citizen voters.<sup>12</sup> Furthermore, the likelihood of U.S. citizens to have documents of citizenship, like a U.S. passport, is not equal across demographics and income levels, and individuals who have changed their names, like married women, also may not have such documents that match their current names. Obtaining these documents is not free, and for many it can be cost prohibitive or too time-consuming to obtain. When approximately 30 percent of the U.S. citizen, voting-age population is unregistered to vote,<sup>13</sup> federal and state legislators alike must provide resources and enact protections to encourage voter registration of eligible voters, not hinder it.

<sup>12</sup> Ian Vandewalker, The Effects of Requiring Documentary Proof of Citizenship, Brennan Center for Justice, July 19, 2017,

<https://www.brennancenter.org/our-work/research-reports/effects-requiring-documentary-proof-citizenship>.

<sup>13</sup> U.S. Census Bureau, 2022 Voting and Registration Data Now Available (May 2, 2023),

<https://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

Congress's failure to pass H.R. 14, the John R. Lewis Voting Rights Advancement Act has also harmed Latino community voting rights over the last decade. Discriminatory election laws and systems must be challenged and struck down by a court. Stopping voter discrimination has become more difficult and more costly without the use of preclearance review to ensure voting changes do not have a retrogressive effect for minority voters in a jurisdiction. The John R. Lewis Voting Rights Advancement Act will provide the voters, including those from the Latino community, with necessary and effective tools to push back and prevent voter discrimination where it occurs and to ensure that every citizen's voice and vote matters. Safeguarding each eligible citizen's voting rights should not be a partisan issue.

Our changing nation faces significant challenges in the future with the growing presence of minority voters, specifically in light of the unprecedented growth of the Latino voting population. However, these significant changes present an opportunity to ensure that our democracy thrives based on real, core values of fairness and non-discrimination.

MALDEF urges Congress to use its power to address the longstanding and new barriers voters of color face when trying to participate in our democracy. The American public deserves a thriving democracy, one that allows every eligible citizen to cast their ballot effectively in our elections. Congress must exercise its constitutional power to create a solid floor for a shared voting experience across our United States, both through regulation of elections and through a reinvigorated preclearance process in the John R. Lewis Voting Rights Advancement Act.

Mr. ROY. We will now proceed under the five-minute rule with questions. I will recognize the gentleman and my good friend from California, Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chair. There are two basic questions implicit in this hearing. The first is, should noncitizens be allowed to vote?

The Constitution is silent on this point. So, it falls to State legislatures to answer this question for their own elections, and for the Congress to answer that question for Federal elections.

The States and Congress have answered that question clearly and decisively, that American citizens and only American citizens have a right to vote to guide the American Nation. To me, that's the most fundamental definition of citizenship.

I think that's a view held by the overwhelming majority of Americans. It's obviously not held by many Democratic officials in the jurisdictions that they control. The irony is that so many of them just a few years ago were complaining about foreign influence in American elections by making internet posts. Now, they've got no problems with illegals actually voting in our elections.

That's beside the point. Assuming that most people agree that voting in American elections should be the exclusive right of American citizens, the next question is, how do we prevent the votes of foreign nationals canceling out the votes of American citizens?

To this question the Democrats tell us well, that's a nonissue, because there's no evidence that foreign nationals are casting votes in American elections. If you look at the actual studies, that's simply not true.

The Chair mentioned the 2014 Old Dominion/George Mason University study of noncitizens voting. They concluded 6.4 percent of noncitizens voting in 2008, and that 2.2 percent voted in 2010.

That's not the only study out there. In 2014 Stanford University came to a similar conclusion. They concluded, and I quote,

The proportion of noncitizens who voted was less than 15 percent, but significantly greater than zero. Similarly, in 2010 we found that more than three percent of noncitizens reported voting. In addition, the analysis suggests that noncitizens' votes have changed significant election outcomes, including the assignment of North Carolina's 2008 electoral votes and the pivotal Minnesota Senate victory of Democrat Al Franken in 2008.

That is before the last four years, when this Administration has allowed an additional 7½ million illegal migrants into the country. A population that is larger than the State of Arizona, our 14th most populist State with nine Congressional districts and 11 electoral votes.

At the moment, the RCP average tells us that only 1.1 percent of the vote separates Harris and Trump. So, if two percent of those votes is illegal, I guess, that's the definition of rare illegal voting. Well, that means that two percent of Americans' votes are being canceled out by those illegal votes of foreign nationals. That is more than enough to decide the Presidential election.

Even if this was not happening, the mere perception of it is enough to destroy public confidence that the vote will accurately reflect the will of the American people.

Now, Secretary Byrd, isn't it true that many States have done surveys of their voter rolls and found thousands of foreign nationals on them? That many of them have a history voting?

Mr. BYRD. That is correct, Congressman.

Mr. MCCLINTOCK. Can you give us any additional details on that?

Mr. BYRD. So, I can tell you, in Florida we have been at this process for more than a decade. As I mentioned, we sued the Department of Homeland Security in 2012, so we have some experience of this.

Since 2022, Florida has removed over a million individuals off the voter rolls. Some of which includes noncitizens. In fact, we have two individuals who have recently been arrested and prosecuted for attempting to fraudulently influence elections in Florida.

So, this isn't a fake or contrived issue.

Mr. MCCLINTOCK. Ms. Mitchell, what do you know on this subject?

Ms. MITCHELL. Well, I conclude in my written testimony some examples of exactly how problematic it is. How many—I'll give you a couple of examples.

The Public Interest Legal Foundation sued the Commonwealth of Pennsylvania in 2018 to obtain the records regarding noncitizens being added to the voter rolls in Pennsylvania. The Department of Transportation admitted that there was a quote, "glitch in the system that added 100 thousand aliens to the Pennsylvania voter rolls."

That State, that litigation is still ongoing because of efforts by the State, Department of State in Pennsylvania to not answer the questions.

Mr. MCCLINTOCK. The Democrats have just told us that's, don't worry about that. That the penalties are so great that no one would dare to illegally vote.

It's already a Federal crime to cross the border without permission to begin with. It's a felony to do so repeatedly.

As you pointed out, that by definition, has not acted as a deterrent for any of these individuals. I know in California you can't prosecute somebody for voting illegally, unless you can prove they actually knew it was illegal.

All a defendant would need to say is, hey, they handed me a registration form. They sent me a ballot. How was I to know? That's a valid point. How many people are in legal jeopardy and don't even know it?

Ms. MITCHELL. Well, that this is one of the things that people don't realize, is that these are, this is a really vulnerable population.

As Ms. Jenks pointed out in her comments, if somebody hands you a form and you don't really speak the language, and somebody's shepherding you around and they're responsible for getting you benefits, and you're just putting your name on things, how do they know?

That is happening. It is happening as we speak. That one of the things that's problematic is that—I also include in my testimony, a reference to some announcements by Virginia's Governor about

removing more than 63 hundred noncitizens who are on the Virginia vote rolls.

Those were people who self-declared. Who realized, oh my gosh, we are on the voter rolls, and we're not supposed to be. There are several other States that have done likewise.

So, this is a big, this is not an insignificant problem.

Mr. MCCLINTOCK. Thank you.

Mr. ROY. Thank you. The gentlelady from Pennsylvania.

Ms. SCANLON. Thank you. We continue to say well, it must be like this. We've heard some testimony about removing millions of people from the voter rolls in Florida.

Without any clarification about how much, or how many were actually foreign nationals. Without any clarification with respect to whether or not they'd actually voted.

We've heard again about Pennsylvania. There's no evidence to back up the assertion that was made, that 100 thousand noncitizens have been registered to vote. That's actually been disputed repeatedly.

So, it seems Ms. Mitchell is playing fast and loose with the facts to further this conspiracy theory.

Ms. SENTENO, we talked earlier about the civil rights advocates in Pennsylvania who challenged a misguided voter ID law that would have disenfranchised almost a half million people. It would have meant that IDs like care facility IDs, retired and veteran, military and veteran IDs, student IDs, and more were inadequate to vote with.

We know that other policies that construct unnecessary barriers to voting like the SAVE Act, disproportionately impact students, military, disabled folks, elderly folks, minority, and low income folks.

Can you talk about why these types of proposals are such a burden on these populations?

Ms. SENTENO. Yes, thank you. I want to start from the premise that if a State is going to burden the right to vote, there must be evidence to justify it.

The fact is, that stringent voter identification requirements impose real costs on democracy and specifically on voters. In 2006, the Brennan Center for Justice found that 25 percent of African Americans and 16 percent of Latinos did not have a current valid government issued photo ID, compared to 11 percent of all U.S. citizens surveyed.

So, many State issued IDs, they're generally offered for free in States that require votes to display them to vote, but the documents that voters must obtain to get those free IDs, themselves are not necessarily free. The opportunity to obtain those documents are also not equal across different demographics and income levels.

So, just in Texas, to obtain a birth certificate, it's \$23 at minimum. Or, if you need to obtain a certificate of citizenship, the price for that is over \$1,300 to obtain that document.

So, when you take into account the time and expense necessary to gather those documents, it is very clear that this puts a disproportionate burden on voters of color, on poor voters, on voters with disability, on the elderly, and on young voters.

Ms. SCANLON. That is exactly what we saw in Pennsylvania. I'm particularly concerned about suppression of young people's votes.

Particularly, as at least one of the majority's witnesses has been an outspoken proponent of making it more difficult for college students to vote. Student IDs are not considered an acceptable form of ID to vote under the SAFE Act, even if coupled with additional proof of citizenship.

Many young people these days don't have driver's licenses or even passports. So, can you talk about why this proposal and other similar voter suppression tactics are particularly harmful to our young voters, our newest voters?

Ms. SENTENO. Yes. That's exactly right. Obtaining an acceptable photo ID can be especially difficult for young people. Student IDs are one of the easiest and affordable ways for students to prove their identity.

For the Latino community, this is a particularly concerning issue, given that the Latino population nationally is comparatively young.

The median age of Latinos is 30.4 years, compared to 38.9 for the total population. More than a quarter of K-12 students are Latino. This is the future of the U.S. electorate.

So, when you combine these factors with the expense and difficulties of obtaining necessary documents to obtain certain types of identification versus a student ID, the result really is the suppression of young voters who are more likely to be voters of color.

Ms. SCANLON. Ms. Senteno, according to a recent *The New York Times* article, in late July, MAGA activists affiliated with Ms. Mitchell's Election Integrity Network, met on a Zoom call to discuss how to keep undocumented immigrants from voting in November. A problem they claim inaccurately, to be a looming threat to a fair election.

The article quoted one participant suggesting that school enrollment figures be assessed to find neighborhoods with large numbers of immigrants. While another activist recommended hanging up signs in ethnic neighborhoods, warning people not to vote if they were not eligible.

Reportedly said it's unfortunate, but sometimes the only way you can find out is to look for ethnic names. I believe, Ms. Mitchell has also advocated for having town watch type operations at Departments of Motor Vehicles.

How does disinformation about noncitizen voting, and voter suppression couched as election integrity, predictably lead to the targeting of Latino citizens and other voters of color?

Ms. SENTENO. Yes. So, this goes back to the misperception of who is the Latino community. The assumption that large populations of Latino communities are going to be areas where there are mostly noncitizens.

To assume that Latino populations are inherently all noncitizen, it would really be making an assumption based inappropriately on race.

So, voter disinformation in this way, very predictably targets Latinos because of that misperception of who we are and the assumption that we are not predominantly U.S. citizens and therefore eligible to vote in the United States.



It's incredibly harmful and it will ultimately result in the disenfranchisement of Latino voters, of naturalized citizens, and voters of color.

Ms. SCANLON. Thank you. I yield back.

Mr. ROY. I thank the gentlelady. I will now recognize the gentleman from North Dakota.

Mr. ARMSTRONG. Thank you, Mr. Chair. I would just start by saying thank you for working with me on the underlying bill of the SAVE Act in that most people don't know this, but North Dakota is unique in the country.

We are the only State without voter registration. We also have what I believe to be the best voter ID citizen voting law in the country.

So, you can do both and it was seriously helpful to make sure we could get the bill in a place where it didn't affect 400 thousand of my constituents every primary and every general.

With that, I yield to you.

Mr. ROY. I thank my friend from North Dakota. I was proud to work with him and the rest of my colleagues to make sure that the bill is comprehensive in its impact and what it's trying to attempt to do.

Also, frankly avoids a lot of what is being alleged that it would do. Ms. Mitchell, if you might respond to some of the allegations that were just made.

The bill specifically contemplates ensuring through its own text that those that are naturalized would get materials and it would be a requirement under law that the Federal Government would get those materials to States immediately so to avoid the problem of those who are naturalized having, not have the documentation necessary.

As well as providing for a mechanism by which an individual can go and register to vote with a sworn affidavit of those that are there in the, the officials in the local government. Acknowledging that they've done what they need to do to present the information.

In other words, we provide every means possible. Would Ms. Mitchell agree with that?

Ms. MITCHELL. Yes, Mr. Chair. That is one of the things that's really important, is to actually read the bill.

If you read the bill, then you will understand that there's a whole laundry list of types of documentation that can be used. There are a couple of failsafe followups. Then, there's a catchall, which is, or any other reasonable approach that the election officials may decide. There's really no reason to make that the boogeyman.

The problem is that we have a very porous voter registration system in this country.

Mr. ROY. Right.

Ms. MITCHELL. We have to do something to protect the integrity of our election.

Mr. ROY. Would you agree that the construct under the SAVE Act is far less onerous than that of numerous States, including New York, Pennsylvania, and other States in terms of what they have to do for driver's licenses for example?

Ms. MITCHELL. Well yes. Here's the other thing, Congress passed the Real ID Law years ago.

Mr. ROY. Right.

Ms. MITCHELL. To get a real ID, you don't have to be a citizen, but you do have to provide either your citizenship data or you have to provide your paperwork showing that you're in the country legally, that you are a permanent resident with a green card.

So, Congress has already addressed the issue in a context which Congress cared about, which is, that we want to protect Federal buildings, Federal military installations, and commercial aircraft from people who, we want to know who they are when they're entering those facilities.

So, Congress has already taken the step to identify a process. I don't know why voting should be any less susceptible too improper.

Mr. ROY. I agree. Secretary Byrd, I'd like to turn to you. I appreciate you being here again and illuminating how you guys are engaging with it in Florida.

Does the Constitution give States primary jurisdiction over elections?

Mr. BYRD. It does, Article 1, Section 4.

Mr. ROY. If the State of Florida passed a law requiring proof of citizenship to register to vote in Federal elections, if they did that right now, without the SAVE Act, would you be able to enforce that law under existing law and precedent?

Mr. BYRD. We would not. We'd be in violation of the NVRA.

Mr. ROY. Can you explain that quickly for the average viewer?

Mr. BYRD. Sure. Well, the NVRA prohibits States from requiring citizenship documentation on the front end when somebody registers to vote. So, in Federal courts in interpreting NVRA, most recently the U.S. Supreme Court has said that we cannot require that proof of citizenship. We have to add the person to the rolls and then only on the back end do the list maintenance. So, in essence, we're playing whack-a-mole with people who we've seen repeatedly register and removed, register and removed because we can't require the information on the front end.

Mr. ROY. Am I correct that Florida was only able to really truly gain access to the SAVE system because you sued to do so?

Mr. BYRD. That is correct.

Mr. ROY. So, States have barriers. To get to the Federal Government, to get the information necessary to determine who citizens are in the first place, correct?

Mr. BYRD. That is correct.

Mr. ROY. Florida sued to gain access to the SAVE system. Am I correct that the SAVE system is still inferior in terms of you being able to have access to the information needed to check citizenship?

Mr. BYRD. Woefully inadequate, untimely. It costs the States money. Many times, we don't have the information necessary from the individual attempting to register to vote to gain access which then we don't have the verification even when we do have access to it.

Mr. ROY. So, without the SAVE Act, can you as Secretary of State be as competent as you feel you should be that we know we

do not have citizens voting in the State of Florida—noncitizens voting in the State of Florida?

Mr. BYRD. It makes it very difficult to fulfill my constitutional duties.

Mr. ROY. I would now yield time to the gentleman from Texas, Mr. Hunt.

Mr. HUNT. The fundamental question that we must answer today, is America worth preserving? I, of course, think it is. This is the greatest country in the world. I love this country.

I'm a veteran, served in combat. I'm a United States Congressman. I think this is by far the greatest country in the world.

If the United States is a country worth preserving, then I think we must protect the integrity of our elections and do everything in our power to do just that. I am showed at the SAVE Act which has already passed the House in a bipartisan fashion is even controversial to many Democrats. They're the ones that constantly are shouting about preserving democracy.

Safeguarding our elections is the bedrock of our democracy. It's something that both sides should easily support and agree on. They say that noncitizens voting in an election is not a real issue.

If some noncitizens are registered to vote, it's not a significant amount to make a difference. Well, in my home State of Texas, we just removed thousands of noncitizens from voter rolls. Some of these recently hotly contested elections, that amount could even be enough to swing an entire election, especially this year.

Undermining the integrity of elections is not an oversight. It's a threat to democracy. For all of us, this is about democracy. For all of us, this should be about democracy.

It's time that we as a body acknowledge that threat. Now, Democrats on the left aren't just focused on replacing American voters. They're focused on replacing American jobs as well.

Under the Biden-Harris Administration, jobs and foreign-born workers are significant increasing while jobs for Native born workers are declining. Critics say that these illegal immigrants are needed because they'll do the jobs that Americans won't do. What they fail to say is that Americans won't do the jobs when Bidenflation is outpacing their wages and fixing the illegal immigration problem with help American workers.

I'll fix the problem for you. The immigration problem is a minimum wage issue. It hasn't always been the case. In recent years, the left has decided to slowly erode everything that we hold dear as a country.

They want to erode our culture, our history, our patriotism, and last, our vote. Do you remember during the George Floyd riots when the left wanted to reimagine policing? Now, the left wants to reimaging voting.

So, therefore, regardless of their citizenship, can choose our next President. That's not the American way. The left wants to reimagine everything that makes America special. They even want to reimagine our Constitution.

One example is a recent *The New York Times* article speaks to itself. The Constitution is sacred. It's also dangerous. "One of the biggest threats to American politics might be the country's founding documents," said the author.

Now, I'm sitting there right now, and I got to tell you all I'm Black and I'm a veteran. I have six forms of government ID, six. I've been Black for my whole life. I've been a veteran since 2000 when I was at West Point.

The insinuation that Black and Brown people cannot get an ID to vote like every other citizen regardless of your race, religion, color, or creed is insulting. I actually refer to this as soft bigotry of low expectations. We as all Americans should want free and fair elections.

We aren't making it more difficult for people to get an ID to vote. I have an 18-month-old little boy. Do you know the first thing that he got when he was born that I had to sign for? A birth certificate.

So, the idea that this costing thousands of dollars and all of a sudden onerous and burdensome on Hispanic people and Black people like me is absurd. I have a very large family. My mom has eight brothers and sisters.

Every last Black person that I know in my life which is quite a few, every last one of them has a government ID. It would be insulting to talk to my family and say to them, you know what? Sorry, you all. We're Black and it's just so hard for you to get an ID like all the White people.

That's absurd. We as a country have got to reject this farce. I speak so strongly against this because I view myself as an American first. I'm a veteran. I am a husband. I am a Congressman.

I'm someone that served this country. I'm an educated Black man. Somewhere down the line, I am Black, I am proud, and I understand that. I never want to do is marginalize a single group in this country by saying that you weren't good enough to get an ID because my 18-month-old has an ID.

We as a country have got to clean up our roles to ensure that we have free and fair elections regardless of your race, religion, color, or creed. That's why I reject the assertion that we, no matter what color you are, cannot reach that very low bar of having a government ID to figure out to how to vote for the leadership and the future of this country. With that, I yield back. Thank you.

Mr. ROY. I thank the gentleman from Texas for his time. I recognize the gentlelady from Pennsylvania for a unanimous consent request.

Ms. SCANLON. Thank you. I have some unanimous consent requests. First, an article from the September 5th, *The New York Times* entitled "Republicans seize on false theories about immigrant voting." A March 13th, 2024, article from *NPR*, "Conservatives are warning about noncitizens voting." It's a myth with a long history.

Another *NPR* article from August 30, 2024, the "GOP is making false claims about non-citizens voting." It's affecting real voters. An article from this week, "Elon Musk's misleading election claims reach millions and alarm election officials." An article from September 7, 2024, *The New York Times*, "Heritage Foundation spreads deceptive videos about noncitizen voters."

Mr. ROY. Without objection, those will be entered into the record.

Ms. SCANLON. Thank you.

Mr. ROY. I will now recognize my friend, the gentleman from North Carolina. I assume he has no unanimous request for *The New York Times* or *NPR* articles.

Mr. BISHOP. Thank you, Mr. Chair. Ms. Senteno, I don't know if you were shocked. Congressman Hunt just said he has an ID. Were you shocked by that or surprised by it?

Ms. SENTENO. Was I surprised? No.

Mr. BISHOP. Do you think generally people who are naturalized citizens take pride in that accomplishment?

Ms. SENTENO. I would assume yes.

Mr. BISHOP. Are you familiar with the educational process accompanying naturalization?

Ms. SENTENO. Yes.

Mr. BISHOP. Do they impart that becoming a naturalized citizen is what you have to do to be able to vote and that you have the voting right, the franchise by virtue of being naturalized?

Ms. SENTENO. It would be my understanding. I can't tell you specifically whether that's part of the curriculum or how that comes about.

Mr. BISHOP. Do you think someone who has worked hard and followed the process to become a naturalized citizen would take offense at the prospect of their vote being diluted by people who are not citizens having access to the vote?

Ms. SENTENO. I can't speculate as to what a specific individual may or may not believe about their vote. What I can say is that the idea that a vote is being canceled out because of widespread noncitizen voting is simply false. We have no evidence that there is widespread noncitizen voting, and we have no evidence that votes have been canceled out by something that we haven't been able to prove.

Mr. BISHOP. Well, let me first tell you. I don't have any—I don't think it requires speculation. I'm pretty sure that someone who's driven to become a United States citizen had accomplished that landmark in their life.

I think they'd be proud of the right to vote. I think they would be absolutely committed to the idea that folks who haven't gone through the same process that they've done and accomplished the same outcome should not be voting. Why is the lack of evidence that it is happening on a widespread basis a reason not to guard against it?

Ms. SENTENO. Because when we know that there is no evidence of widespread noncitizen voting but we do know that documentary proof of citizenship laws prevent eligible citizens from registering to vote, it's simply bad public policy.

Mr. BISHOP. How do they prevent them?

Ms. SENTENO. We have lots of evidence that documentary proof of citizenship, restrictive voter laws prevent U.S. citizens from exercising their right to vote by preventing them from being on the voter rolls.

Mr. BISHOP. Same idea as like Congressman Hunt not being able to get an ID?

Ms. SENTENO. Obtaining documentation is incredibly difficult for many individuals.

Mr. BISHOP. So, it's the same point he was making. All right. How about that, Ms. Mitchell? What about that?

Ms. MITCHELL. Oh, I just don't believe that people in this—the vast majority of people are able to get IDs. They're able to get their documentary proof of citizenship. They're doing it every day by the millions.

The problem is that we don't care enough about our voting system to make certain that we treat it with the respect that it deserves. We require it for people to get a real ID, but not to register to vote. We make it impossible. We make it very difficult for States to be able to ascertain who is and who is not a citizen for voting purposes.

Once they get on the list, I just read during the recess that the Department of Justice sent out a memo today to people all over the country, election officials, reminding them that they are not allowed to remove ineligible voters because now is the black-out period. Well, that's not even actually true. It just goes to show you that this Justice Department can produce a memo of guidance on issues that it cares about.

Mr. BISHOP. When you say it doesn't, it's not a question that we, you meant universally, don't care enough about our voting. Actually, there's another prospect there, isn't it? That is, it's not a question of not caring about our voting. It's actually an intention to see to it that the circumstances are chaotic enough that a vote that you depend on that cannot legitimately cast nonetheless has the opportunity to be cast. Isn't that right?

Ms. MITCHELL. That's absolutely right. They throw around the insults and the accusations that you're a racist. You're a vote suppressor.

Mr. BISHOP. Isn't that the best technique? If you're trying to see to it that noncitizens vote and turn the margin in close races and you consider that to be essential to your political success, then what are you going to do? You're going to say, (1) we don't think there's a problem, and (2) you're a racist if you suggest that we enforce the law. Isn't that what you do if you want to—

Ms. MITCHELL. Absolutely. The other thing is there's always this discussion there's no widespread. Well, No. 1, how do we know?

Mr. BISHOP. They don't know.

Ms. MITCHELL. How do we know? We don't know. We know that noncitizens are registering. We know that noncitizens are voting. How do we know whether it is or isn't widespread if we don't investigate it, if we don't make it a priority, if we don't require documentation? We don't know.

Mr. BISHOP. As is sometimes said, the absence of evidence is not evidence of absence. I yield back.

Mr. ROY. I thank the gentleman from North Carolina. I would now recognize the gentlelady from Wyoming.

Ms. HAGEMAN. Secretary Byrd, there have been a variety of attacks levied against House Republicans for advocating for election integrity which includes preventing noncitizen voting. They are based on noncitizens—are based on noncitizen voting already being illegal. Just because noncitizen voting is illegal doesn't mean that it can't occur and we must be vigilant in ensuring the strength of our laws.

The House Rule 10, Clause 2 lays out the general oversight responsibilities of the standing committees to analyze, quote, “The application, administration, execution, and effectiveness of Federal laws.” Also, quote, “Conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation.” Secretary Byrd, very simply, is it possible for noncitizens to illegally vote in Federal elections?

Mr. BYRD. It is.

Ms. HAGEMAN. Do you have examples of this occurring?

Mr. BYRD. We do. I mentioned the two individuals in Florida who’ve been recently arrested and charged with illegally attempting to vote in Florida elections.

Ms. HAGEMAN. Both of those situations occurred after Congress made it illegal for noncitizens to vote, correct?

Mr. BYRD. That is correct.

Ms. HAGEMAN. Do you think Congress should consider legislation such as the SAVE Act to close the gaps which allow noncitizens voting?

Mr. BYRD. It is absolutely critical.

Ms. HAGEMAN. OK. Is amending the NVRA an important first step?

Mr. BYRD. The NVRA must be amended.

Ms. HAGEMAN. Can States when administering services such as social and medical benefits impact, either intentionally or unintentionally, the Federal prohibition of noncitizens voting?

Mr. BYRD. Yes.

Ms. HAGEMAN. OK. Ms. Mitchell, I want to ask you about President Biden’s Executive Order 14019 on promoting access to voting. Can you speak to some of the concerns with this Executive Order?

Ms. MITCHELL. Absolutely. First, I believe that it’s unconstitutional. Having said that, why is it that the Biden Administration has absolutely resisted every effort to turn over any of the plans by any of the agencies? The House Committee on Administration issued subpoenas in July to every cabinet secretary and asking for the plans for implementing Executive Order 14019.

Not a single agency plan has been turned over to the House Administration Committee. I included in my written testimony a file from a whistleblower who sent to me. He is a U.S. marshal, and he sent the Department of Justice guidelines, instructions to all the U.S. marshals requiring them, notifying them that they are required to offer voter registration materials and voter education materials to everyone with whom they come into contact, including—and he sent me a file of someone who had to be registered to vote who is a prisoner in a Texas Federal facility.

He’s imprisoned for violating Federal law because he was deported and returned. He’s a Mexican citizen. It says that in his file. He was registered to vote. They are required to give him voter registration materials. That is happening in Federal prisons all over the country.

Ms. HAGEMAN. So, let me ask you. Is it your understanding that they are actually implementing the very plans that they refuse to turn over to Congress?

Ms. MITCHELL. They’re absolutely doing that. We only know—we get bits and snatches from people—from whistleblowers and from

various sources but nothing official. If you want to know the most, you go to the Demos website which is a left-wing organization. They have literally been dispatched by the White House to Federal agencies to help them implement this plan. They know more about what's going on in these agencies to implement this Executive Order than any Member of Congress.

Ms. HAGEMAN. Are they involved with implementing the Executive Order?

Ms. MITCHELL. Yes, they are.

Ms. HAGEMAN. Have they been—are they in compliance with FACA or the Federal Advisory Committee Act in that regard?

Ms. MITCHELL. No, they are not.

No, they are not.

Ms. HAGEMAN. So, they're violating FACA in doing this?

Ms. MITCHELL. They are violating that. Yes, they are. They brag about all the agencies that they have assisted over the last three years with implementing the Executive Order.

Ms. HAGEMAN. This Executive Order obviously involves these various Federal agencies in the voting process. Besides the concern that these agencies do not have expertise in this area, should the American people be concerned that this will be administered by politically appointed officials of the Biden–Harris Administration?

Ms. MITCHELL. Well, absolutely because the original Executive Order required that every plan had to be submitted to the White House to the Director of the Office of Domestic Policy which at the time was held by Susan Rice. It also goes on to say that Federal funds and grants will be disseminated through the White House by the Office of Domestic Policy by Susan Rice. We do not know to this day who got the grants, how much they got. We know nothing about that.

Ms. HAGEMAN. So, in terms of these plans, were they all submitted to the White House for review?

Ms. MITCHELL. We presume that they were because they were directed to do that, but we don't know.

Ms. HAGEMAN. They're being implemented as we speak?

Ms. MITCHELL. They're being implemented as we speak.

Ms. HAGEMAN. We as Congress have not been able to get our hands on the documents?

Ms. MITCHELL. Not a single document.

Ms. HAGEMAN. I guess I have a question. Why would they want to hide this information?

Ms. MITCHELL. That's a good question.

Ms. HAGEMAN. I yield back.

Mr. ROY. I thank the gentlelady from Wyoming. I recognize my friend from Pennsylvania for a unanimous consent request.

Ms. SCANLON. Knowing how much you love *NPR* articles. I would introduce June 30, 2024 article, "Republicans are turning Biden's voter registration order into a partisan flashpoint." Also enter the *Brennan Center for Justice* report entitled, "Noncitizen Voting: The Missing Millions." That's the 2017 report we were discussing.

Mr. ROY. Without objection.

I will now recognize myself for five minutes, and I thank the gentlelady from Wyoming. Question for you, Ms. Senteno. I apolo-



gize. I think I'm not pronouncing it exactly correct. Ms. Senteno, how many Democrats voted for the SAVE Act in July?

Ms. SENTENO. I'm not aware. I can look into it and get back to you.

Mr. ROY. Five—five Democrats voted for it, and three of whom are Hispanic, one of whom is Black. Do you believe that their vote was a discriminatory vote?

Ms. SENTENO. Do I believe their votes were discriminatory?

Mr. ROY. Right. Do you believe those votes or they supported that or voted for that because they support discriminating against minority voters?

Ms. SENTENO. I believe that those votes are bad public policy.

Mr. ROY. Ms. Jenks, you mentioned earlier but I want to explore just a little further that last Congress our colleagues on the other side of the aisle passed legislation, the Dream and Promise Act, that in part allows DHS to waive the inadmissibility of aliens that illegally voted if doing so is deemed to be in the public interest. Now, why would they do that if there's not a problem with people who are illegally present in the United States voting?

Ms. JENKS. There's only one reason to do that and that is illegal aliens are voting. There's no other explanation. By the way, the American Dream and Promise Act that was introduced in this Congress contains the same provision. The U.S. Citizenship Act that the Biden Administration wrote and submitted to Congress in the first week is worse because it actually automatically waives noncitizen voting and false claims to U.S. citizenship so registering to vote.

Mr. ROY. How many illegal aliens has the Biden-Harris regime allowed into the country in their tenure?

Ms. JENKS. At least 7½ million allowed to enter the country and remain.

Mr. ROY. That number comes from public sources, right, the government reported sources of the number of releases into the United States.

Ms. JENKS. Correct.

Mr. ROY. Whether they're unaccompanied children or whether they're notices to appear under the parole program, the CBP One app, whatever it is that releases under the administration's policies, which total somewhere in the range of 5½ million plus the roughly two million gotaways. Is that correct?

Ms. JENKS. Yes.

Mr. ROY. So, 7½ billion people now in the United States. If just one percent of those individuals, we're talking—doing math in my head really quick. Is that 75,000?

If one percent of those individuals were registered to vote, that's a pretty significant number, correct? That could have a significant impact on elections in the States where, for example, Al Franken won his Minnesota Senate seat by 300 votes where a number of Congressional colleagues of ours have won by 300 and something votes, where Mariannette Miller-Meeke won by six votes. So, would you agree that's a pretty significant number?

Ms. JENKS. Absolutely. It's not just the 7½ million illegal aliens. It's also the rest of the noncitizens who are in the country. So, the legal immigrants, refugees, they're all—foreign students, all these

categories of noncitizens, all of them representing 30 million people, some percentages are voting.

Mr. ROY. Ms. Mitchell, there have been concerns stated by some colleagues frankly on both sides of the aisle that if we pass the SAVE Act today about two months out before the election, that will have a limited impact. Now, my perspective and my answer, I want to see if you'd agree, is that the SAVE Act is effective at the time of enactment. That's how it's designed. That is how it's written.

That 22 States and the District of Columbia allow voters to register to vote on election day meaning passing the SAVE Act would have an impact all the way up to Election Day. That the SAVE Act also requires all States to remove noncitizens from their existing rolls through Election Day and give them the tools to do so that we discussed, access to the databases that we talked about. So, would you agree that even if we pass the SAVE Act now or in the coming week or two that it would have a massive impact on securing the 2024 election?

Ms. MITCHELL. I absolutely do. That's why I think it's so important that you're having this hearing and I think it's so important for Congress to pass the SAVE Act for it to become effective immediately.

Mr. ROY. Secretary Byrd, would you agree with that?

Mr. BYRD. Absolutely. With the SAVE Act or what the NVRA prohibits is a systematic removal process. States can still do an individualized process per person. If we had more access to more information, we could definitely do more list maintenance which is critical to ensuring a fair election and trust in the electorate.

Mr. ROY. Without the SAVE Act or something similar, are you able to know how many people slip through the cracks and vote illegally, the President of United States, and vote in the State of Florida?

Mr. BYRD. It makes it very, very difficult to near impossible.

Mr. ROY. Well, I appreciate that. Now, I'm going to yield back the balance of my time. I'm going to recognize my friend from South Carolina, Mr. Fry.

Mr. FRY. Thank you, Chair, for having this hearing. I think this is an incredibly important topic. I'm having a little bit of déjà vu. I served in the State legislature and even before that, I followed the arguments about voter ID.

The clarion call from the Democrats was this is going to suppress turnout, that it's going to limit people from exercising their right to vote, that it was going to have disastrous effects on South Carolina voting. It has done everything but that. In fact, turnout is much better now with voter ID in South Carolina and other States.

So, the arguments against commonsense things that quite frankly the American people you ask—this polls incredibly well not only among Republicans, but among Democrats and Independents, really all parts of our country support this except when you cross the Potomac into Washington, DC. You hear the Ranking Member say that it's going to have—one said it was going to hurt voters because they would have to provide documents. The reality is according to the bill for applicants without supporting documentation of citizen-

ship, the SAVE Act permits State officials to check a variety of State and Federal databases.

Another myth was it would somehow delay their registration. The bill text is pretty clear as well, that they would be able to do that within 24 hours of accepting that application. So, again, I just go back and fundamentally reject because in the plain language of the text itself, it does the exact opposite of what the Ranking Member was referring to.

So, Ms. Mitchell, I'm going to you because in your testimony—and I really want to explore this—there was a DOJ order from President Biden, Executive Order 14019. A whistleblower came forward. You were talking with them, working with them on a report. Talk to us about what that Executive Order was, what it did, and the contents of your findings just briefly.

Ms. MITCHELL. Well, the Executive Order is word for word the Executive Order that Bill Clinton issued after the National Voter Registration Act was enacted by Congress in 1993. The difference is Congress did not take any action to authorize Federal agencies to spend Federal tax dollars and Federal employees' time and Federal resources to register people to vote. There's no Congressional authority for it. The Chief Executive has no authority to order anything with regard to voter registration.

So, the fact is that it is an order that's based on the NVRA. It orders every Federal agency to develop a plan. That plan was supposed to be submitted to the White House by September 2021. It was to say how this agency planned to implement and conduct voter registration.

More problematic to me are the voter education materials, which is a euphemism in Democratic voter parlance for get out the vote. I don't want my Federal tax dollars being spent to turn out voters because I know the voters that they're going to turn out. I don't think that they're treating all citizens equally. They're treating certain populations differently with our tax dollars.

Mr. FRY. I would echo that—

Ms. MITCHELL. I don't think it's legal.

Mr. FRY. —Ms. Mitchell, particularly from noncitizen prisoners, right? That's where at least the U.S. marshals and the DOJ were going with this. Is that correct?

Ms. MITCHELL. In the Federal Bureau of Prisons, that there's no safeguard in the Executive Order saying, now be certain that you follow State law and that you don't register felons to vote. Be certain that you follow Federal law and you're not registering noncitizens to vote. You don't have to be a citizen to go into get food stamps or other kinds of benefits. You don't have to be a citizen. These employees are ordered to nonetheless register them to vote.

Mr. FRY. That's equally troubling. When you look at the legal framework of this, an illegal alien by registering, say, with some social services is given an application possibly to vote. It might be a mistake. Regardless, they are given that option based on this Executive Order. Is that fair to say?

Ms. MITCHELL. That's exactly right, sir.

Mr. FRY. So, it's pretty easy to get added to the voter rolls. It is nearly impossible to get removed.

Ms. MITCHELL. That's exactly right.

Mr. FRY. Isn't that the conundrum that we find ourselves in?

Ms. MITCHELL. That is exactly right.

Mr. FRY. Isn't that what the SAVE Act would protect, prohibit, and fight against is give States that option to remove noncitizens from their voting rolls?

Ms. MITCHELL. That's right. To keep them from getting on the rolls in the first place.

Mr. FRY. Why, Ms. Mitchell, then is it so hard to understand that or so problematic for my colleagues on the other side of the aisle to think that this was actually a pretty decent policy, that noncitizens should not be voting in United States elections?

Ms. MITCHELL. Because they don't agree with that premise. They want noncitizens to be counted for all purposes. They want noncitizens to be voting.

The State of Vermont controlled by Democrats has now extended that right to all noncitizens in the State, San Francisco, New York, the District of Columbia. The Democrats have voted to—we see the pattern. They vote for noncitizens. They vote against anything that would keep noncitizens from being recognized as an important and critical part of our political system.

Mr. FRY. So, say one thing and do another. Sounds like Washington, DC. Thank you, Ms. Mitchell.

Mr. ROY. I thank the gentleman from South Carolina, and I thank the witnesses. Let me allow the Ranking Member, the gentlelady from Pennsylvania, to insert some more documents into the record.

Ms. SCANLON. Thank you. We've had a lot of discussion here about the Executive Order or the voter registration list maintenance guidance that the DOJ published just in September, making clear that Congressional—that Congress has already dictated what has to be done with respect to list maintenance and set those restrictions, not that it's anything new by this administration. I'd also like to put in a *Washington Post* article, "Top GOP lawyer decries ease of campus voting in private pitch to RNC," presentation by Cleta Mitchell at donor retreat. Urged tougher rules that can make it harder for college students to cast ballots. Second one and finally, "Rep. Chip Roy says election deniers and Project 2025 contributors helped draft the SAVE Act."

Mr. ROY. Was there a specific request on the thing you mentioned from DOJ?

Ms. SCANLON. Yes, sorry.

Mr. ROY. Was it specific—what was the actual document?

Ms. SCANLON. Just to put in the documents since it was referenced repeatedly here.

Mr. ROY. Got it. OK.

Ms. SCANLON. Then the *Washington Post* article and the *Media Matters* article.

Mr. ROY. Got it.

Mr. ROY. Without—I just want to be clear. Without objection.

Ms. SCANLON. Thank you.

Mr. ROY. With that, this concludes today's hearing. We thank the witnesses for appearing before the Committee today. Without objection, all members will have five legislative days to submit addi-

tional written questions for the witnesses or additional materials for the record. Without objection, the hearing is adjourned.

[Whereupon, at 5:47 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on the Constitution and Limited Government can be found at: *<https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117612>*.

