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STATEMENT OF JON A. HUSTED
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ON

THE PRESIDENT'S EXECUTIVE ACTIONS ON IMMIGRATION AND THEIR
IMPACT ON FEDERAL AND STATE ELECTIONS

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEES ON NATIONAL
SECURITY AND HEALTHCARE, BENEFITS & ADMINISTRATIVE RULES

FEBRUARY 12, 2015

Chairman DeSantis, ranking member Lynch and members of the Subcommittee on National Security and Subcommittee on Healthcare, Benefits and Administrative Rules, my name is Jon Husted and I am the Ohio's Secretary of State, and in that capacity I serve as our state's chief elections official.

Thank you for the opportunity to be here today to proactively address what I believe is an important issue facing my state and the nation regarding the integrity of our elections.

As the chief elections official in a key swing state, I have tried to build an elections system where it is easy to vote and hard to cheat. We've done this by ensuring easy access to the voting process and by working to ensure that only eligible voters are on the voting rolls.

I want to bring to your attention my concern that the President's recent *Immigration Accountability Executive Actions* will make it more difficult for elections officials to determine if all voters meet the primary standard for voting – U.S. citizenship.

I am not here to debate immigration policy or the President's executive actions. However, I am here to emphatically say that we cannot follow both the federal law and the executive action and ensure the integrity of the elections process without further assistance from Congress and the Obama administration.

I'll briefly explain why.

For an estimated four to five million non-citizens, the President's executive actions provide access to Social Security numbers and driver's licenses. These are the same documents that federal law requires the states to recognize as valid forms of identification for voter registration.

Under federal law, anyone with a valid Social Security number or driver's license number can register to vote, provided they attest that they are a U.S. citizen. However, there is no way for us to validate this citizenship statement, since under the executive actions previously undocumented non-citizens will have access to the same documents as U.S. citizens. The issue becomes especially complicated in states like Ohio where millions of dollars are spent on third-party voter registration drives where no election official would be present to make clear the eligibility requirements for voting.

By signing a voter registration form and asserting citizenship, falsely or erroneously, non-citizens could face real legal consequences. In Ohio, falsification is a 5th degree felony – this could affect their ability to remain in the United States and become citizens.

Let me interject some perspective before I go further. It is not my belief that four to five million non-citizens are going to get on the voting rolls, nor is it my belief that third-party registration drive organizers are waiting to exploit a loophole in law.

While I am committed to ensuring the security and integrity of elections in Ohio and throughout the country; it is important for us to recognize that people can sometimes sign documents – in this case a voter registration forms – without fully comprehending the rules and requirements.

Acknowledging that I do not expect this to be a systemic or widespread problem, we also cannot ignore that there are real electoral consequences. Presidential elections get the most attention, but every year there are thousands of state and local elections in Ohio, and in the last 15 months alone, 70 elections were decided by one vote or tied.

These were mayoral races, school and tax levies, bond issues, members of city councils, township trustees and school boards. In light of these examples alone we simply cannot overlook policies that may allow ineligible voters to cast ballots.

We want to find the least intrusive solution to closing this loophole without making it unnecessarily difficult to register or vote.

While opinions may vary as to the best solution for this issue, one thing is clear: We cannot solve this federal problem solely at the state level alone.

In a letter to President Obama on January 27, I asked that his administration provide state elections officials with real-time access to accurate, searchable, electronic databases of non-citizens who have valid Social Security numbers.

This would enable me and my counterparts in other states to prevent illegal registrations, and more importantly, reassure the public that steps have been taken to ensure only eligible voters are participating in federal, state and local elections.

In Ohio, we are doing what we can to prevent non-citizen registrations and voting.

We electronically share data between the state's bureau of motor vehicles and the county boards of elections, which process voter registrations. This partnership and the data provided have allowed my office to conduct a review of Ohio's voter rolls to determine if, through the use of a driver's license, non-citizens were registered to vote in Ohio.

Following the 2012 Presidential election we found through driver's license information that 291 non-citizens were registered to vote and 17 had actually cast ballots. Those 17 were referred for further investigation and possible prosecution and my office sent letters to the other 274 to cancel their voter registrations.

However, without federal assistance we cannot perform the same cross match on registrations using Social Security numbers. As a result, these executive actions could significantly increase the potential pool of illegal registrations in Ohio and around the country.

It is also important to note that federal law limits the ways states can maintain their voter rolls, in some cases prohibiting states from removing a voter from the rolls until they have been inactive for two consecutive federal general elections. That means that when evidence suggests

that a person is a non-citizen on the rolls we cannot remove them immediately, they have to remove themselves.

This makes it especially important that we prevent an ineligible voter from getting on the rolls in the first place.

As I stated earlier, my focus as the chief elections official in Ohio is to make it easy to vote and hard to cheat. The debate over voter fraud and voter suppression already breeds significant hyperbole from across the political spectrum that erodes public confidence. In this environment, administering elections fairly and accurately becomes more difficult when a path exists by which millions more non-citizens can register to vote and elections officials have no way to identify these individuals.

What we need to resolve this problem is access to the names, date of birth and last four digits of Social Security numbers for non-citizens who receive a Social Security number. We can then cross match that information with our statewide voter database.

I welcome any assistance this committee is able to provide me and my colleagues across the nation.

With your help, we can ensure the confidence of the American voter remains intact by preserving the integrity of our elections systems.

Thank you again for the opportunity to come before the committee today to speak on this issue. I am happy to answer any questions.