

Written Testimony  
of  
Florida Secretary of State Cord Byrd  
Before the United States Committee on House Administration regarding  
American Confidence in Elections: Preventing Noncitizen Voting and Other Foreign Interference

Good morning, Chairman Steil, Ranking Member Morelle, and members of the committee. Thank you for the opportunity to be here today.

To begin, the United States Constitution provides that state legislatures can prescribe the time, place, and manner of holding federal elections. Florida law states that “[a] person may become a registered voter only if that person is a citizen of the United States.” In 2020, Floridians amended the state Constitution to make clear that “[o]nly a citizen of the United States” shall be eligible to vote.

Florida has approximately 13.5 million active registered voters and that number changes every minute of every day — a person turns 18, a person dies, or a person becomes a U.S. citizen and registers to vote for the first time. According to U.S. Citizenship and Immigration Services, 94,100 Floridians became naturalized U.S. citizens in 2023. The federal government has plenary authority over who becomes a naturalized citizen. The challenge states face is that there is not a federal legal status database that is current and reliable.

The National Voter Registration Act (NVRA) of 1993 — commonly known as the “Motor-Voter” law — 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. When potential voters fill out a voter registration form, they must swear or affirm that they are a U.S. citizen. In Florida, it is a third-degree felony to falsely claim U.S. citizenship when registering to vote. Remarkably, however, federal courts 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.

Because states are prevented from 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 non-citizens who attempt to obtain or renew a driver’s license are reported 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. Once the investigation is complete, and if the Department determines that the person is registered but is not a citizen, the person cannot be removed from the voter rolls without due process, as provided by Florida law.

Florida cannot verify the citizenship status of persons in the United States without the assistance and cooperation of the federal government. Indeed, the federal government is the only source of accurate, up-to-date information on the citizenship status of such persons. 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 woefully inadequate. It 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. The federal government has a legal obligation to provide up-to-date citizenship information to the states. I urge Congress to address these deficiencies, which, unfortunately, can leave a gap in the states' ability to maintain clean voter rolls. At the very least, the federal government should provide immediate notification when a resident of the state is naturalized. DHS should also provide local election officials access to the SAVE database.

Despite conducting a fair, honest, and efficient election in 2020, Florida did not rest on its laurels. In three successive legislative sessions, the Florida Legislature passed substantial election integrity legislation. 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. OECS has referred noncitizen voting cases to law enforcement for further investigation.

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

In 2004, the Baker-Carter report, prepared by former President Jimmy Carter and former Secretary of State James A. 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. In 2000, only 537 votes in Florida determined the outcome of the presidential race.

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.