

# Republicans Seize on False Theories About Immigrant Voting

Activists, party lawyers and state officials are mobilizing behind a crackdown on a supposed scourge of noncitizens' casting ballots. Voting rights advocates say the effort is spreading misinformation.



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In late July, a group of Republican activists met on a Zoom call to discuss preparations for the November election. The topic was how to keep undocumented immigrants from voting in November, a problem they claim, inaccurately, to be a looming threat to a fair election.

One woman, a local party chair from Georgia, recommended scouring school enrollment figures to find neighborhoods with large numbers of migrants. Another, Darlene Hennessy, an activist from the Detroit area, recommended hanging up signs in “ethnic” neighborhoods warning people not to vote if they were not eligible. She also suggested searching voter rolls for certain types of surnames.

“I think it’s unfortunate, but sometimes the only way you can find out is to look for ethnic names,” Ms. Hennessy said, according to a recording of the call obtained by The New York Times.

“We don’t want to be doing anything illegal,” she added.

There is no indication that noncitizens are voting in large numbers. And yet the notion that they will flood the polls — and vote overwhelmingly for Democrats — is animating a sprawling network of Republicans who mobilized around former President Donald J. Trump’s false claims of a rigged election in 2020 and are now preparing for the next one.

Activists like Ms. Hennessy, prominent lawyers, Republican lawmakers, right-wing influencers and other allies of Mr. Trump have ramped up pressure on local election officials to take steps that they say will keep noncitizens from tilting the election in Democrats’ favor. They have pressed for voter roll purges, filed lawsuits, prepared for on-the-ground monitoring of polling places and spread misinformation online.

Republican elected officials have responded. In Texas, the state’s Republican attorney general, Ken Paxton, recently announced an investigation into whether organizations were purposely registering noncitizens to vote. (He also authorized the state police to search the homes of activists who had been registering Latino voters as part of an investigation into allegations of voter fraud.) In Alabama, the secretary of state recently deactivated the registrations of more than 3,000 people, including some who are naturalized citizens, according to news reports, forcing them to update their records before they can vote.

Secretaries of state in Ohio and Montana are suing the Biden administration accusing officials of encouraging noncitizens to vote. In Congress, members of the House Freedom Caucus have pushed to include a bill focused on noncitizen voters in a spending package this fall.

This surge of activity is raising a range of concerns among voting rights advocates and lawyers. The Republican activists’ discussions carried echoes of Jim Crow-era practices that kept Black and Latino voters from the polls. There is no indication that activists have taken action, but if they did target neighborhoods with signs

that could violate laws that prohibit voter intimidation, the voting rights advocates said. And efforts to purge voter rolls of noncitizens, if not executed carefully, could add hurdles for citizens voting legally.

“This narrative that noncitizens are voting is really an attack on voters of color and particularly Latino voters and new Americans,” said Hannah Fried, the executive director of All Voting is Local, a voting rights group.

But Ms. Fried and other voting rights advocates saw another risk: Several of the people raising the specter of noncitizens’ voting also led the charge to overturn Mr. Trump’s defeat in 2020. Their focus on this narrative now threatens to sow more distrust in the election system and could be used to justify election challenges should Mr. Trump lose again.

“Since 2020, we’ve seen a sustained effort to foment distrust in our election system and election results, and I think this is another effort to do more of that work,” said Jessica Marsden, a lawyer for Protect Democracy, a group that monitors threats against fair elections.

State audits and studies from groups across the political spectrum have repeatedly found that a relatively small number of noncitizens make it onto voter rolls, and a far smaller number cast ballots. A recent analysis published by the Cato Institute, the libertarian think tank, found that the number of votes cast by noncitizens discovered through state audits in 2016 ranged from three in Nevada, out of over a million votes cast, to 41 in North Carolina, where nearly five million votes were cast.

Republicans argue that even one illegal vote is too many and that the data is not capturing the scope of the potential problem given the millions of undocumented immigrants in the country. Their efforts, they say, will help restore eroding trust and do not impede legitimate voters from casting ballots.

Cleta Mitchell, whose Election Integrity Network organized the July conference call of activists, said she believed that the “vast numbers of illegals” in the country represented a “huge threat to the integrity of our elections.”

“I’m sure you would agree that every illegal vote cancels a legal, citizen’s vote — so that even one such vote is a problem for democracy,” she said in an email to The Times.

## An Old Theory Gains New Traction



Protesters in Nevada in November 2020. Bridget Bennett for The New York Times

The focus on noncitizen voting is somewhat new for the movement that grew out of Mr. Trump’s defeat in 2020. Mr. Trump’s backers claimed that election machines had been hacked, among other unfounded conspiracy theories. During the 2022 midterm elections, they homed in on the theory that scores of “mules” would illegally stuff ballots into drop boxes.

Now, the theories about noncitizens’ voting have gained traction in a party already incensed by the surge of illegal immigration in recent years.

Federal law requires voters to swear that they are citizens, under penalty of perjury, in order to register to vote. But conservatives have long argued that sworn statements and other actions taken by states are not enough to keep noncitizens off the rolls.

Conservative groups like the Heritage Foundation and the Public Interest Legal Foundation have tracked alleged instances of noncitizen voting, some of which turned out to be wrong. Even small numbers can decide tight elections, they say, and bolster the case for laws that require voters to show not just state identification but also proof of citizenship — such as a birth certificate or a passport — to register and vote.

Democrats typically have held that such laws put too much of a burden on voters and are unnecessary.

One researcher, Aaron Reichlin-Melnick, a senior fellow at the American Immigration Council, an immigrant rights group, recently reviewed the Heritage Foundation's data and found just 68 documented cases of noncitizens' voting going back to the 1980s. And although the current frenzy is focused on undocumented immigrants, only a small fraction of those cases — just 10 — involved people living in the country illegally. (Heritage contends that its database is only a sampling of prosecuted cases.)

At times, much bigger, election-swaying numbers were cited, without proof. After the 2016 election, Mr. Trump claimed he would have won the popular vote — not just the electoral college vote — if it was not for the millions of votes cast by unauthorized immigrants. The commission he formed to investigate the matter disbanded without a final determination or findings of widespread fraud.

In 2019, Texas' secretary of state, David Whitley, claimed he had identified nearly 100,000 noncitizens on the rolls and demanded that many produce proof of citizenship. Subsequent lawsuits and examination by voting rights advocates showed that the review was based on faulty methodology: The list included many

people who had once submitted immigration documents to obtain a state identification. But they had since become naturalized as citizens, making them lawful voters. Mr. Whitley resigned amid blowback from the episode.

More recently, claims about noncitizens' voting have connected to a broader conspiracy theory, started by white supremacist groups, about immigrants arriving to "replace" U.S. citizens. Prominent Republican politicians, including Mr. Trump's vice-presidential candidate, Senator JD Vance of Ohio, and right-wing media figures have suggested that Democrats are deliberately allowing an "invasion" of immigrants and helping them vote in a bid to win elections.

In a speech last month in North Carolina, Mr. Vance said Vice President Kamala Harris's "party wants more power, and the way they're going to do it is she wants to give all those illegal aliens the right to vote."

Such claims have spiraled so far beyond the facts that even one prominent promoter of concerns about noncitizen voters recently shot them down. In written testimony before the House of Representatives in May, J. Christian Adams, the leader of the Public Interest Legal Foundation, stressed that "foreign voting, as my organization has witnessed, is not a grand conspiracy but rather a chaotic series of disparate and different events."

# Activists on the Ground



Cleta Mitchell, the founder of the Election Integrity Network, also helped form Only Citizens Vote, a project focused solely on noncitizen voting. Travis Dove for The New York Times

Ms. Mitchell, a longtime Republican lawyer who worked for Mr. Trump on his attempt to subvert the 2020 results, and her Election Integrity Network, a national coalition of activists, have been a leading force acting on the theory, according to a review of documents and recordings.

Ms. Mitchell worked this year with Representative Chip Roy, Republican of Texas, and Senator Mike Lee, Republican of Utah, on federal legislation that would require proof of citizenship to vote. And she joined with the conservative group Tea Party Patriots to form Only Citizens Vote, a project focused solely on the issue and supporting the bill.

“I think God put this in my heart,” Ms. Mitchell said on an organizing call in May.

Only Citizens Vote distributes kits instructing activists how to monitor voter registration groups, question elections officials and organize a “citizens watch” at elections offices. For state legislators, it offers model legislation and scripted questions to ask election officials.

Akyn Beck, who runs elections in rural Floyd County, Ga., said she had seen the group’s work in action. She recently tussled with local activists who accused her of recruiting undocumented immigrants to vote after she asked poll workers if they spoke Spanish, among other languages. Her aim was to prepare to help accommodate voters not proficient in English, she said.

One activist sent her a sign that was identical to one posted online by Only Citizens Vote. It shows a large stop sign and warns that people can be convicted of a crime and deported for voting. The message is repeated in Spanish on its other side.

Ms. Beck said she found the sign to be intimidating for voters and overly aggressive.

“For individuals who aren’t doing this for a living, I fear they just might not understand and maybe not want to cast a ballot out of fear of what could happen,” Ms. Beck said.

Asked about that concern, Ms. Mitchell noted in an email to The Times that the Georgia secretary of state and the state’s election board have both recently issued new guidance requiring polling places to post other signs noting citizenship requirements.

After Ms. Mitchell was included in a mass email in July that mentioned targeting ethnic neighborhoods, she warned the group to be “ever mindful not to use language or suggest actions that could be construed as intentionally or unintentionally having the effect of discouraging any legally eligible person from registering or voting.” Blanketing ethnic or minority neighborhoods with materials that are “not targeted at white neighborhoods could subject people to everything from negative publicity to criminal prosecutions,” she added.



Ms. Hennessy’s remarks on the Zoom call, which Ms. Mitchell did not participate in, occurred the same day. Asked about her remarks, Ms. Hennessy said in a statement that she regretted her language and would be stepping down from her leadership role in the Michigan chapter of Ms. Mitchell’s project.

“I do not want my inadvertent choice of words to be a distraction from the crucial work of the initiative Only Citizens Vote,” Ms. Hennessy said.

## Legal Wrangling



Groups, including the Republican National Committee, have filed lawsuits regarding noncitizen voting. Rebecca Noble for The New York Times

The activists’ work is having an impact.

The Republican National Committee has filed two lawsuits in North Carolina claiming that the state has improperly allowed noncitizens on the voter rolls. In one of the cases, the party says it has found 225,000 “possible noncitizens” who should be removed from the rolls or required to vote on provisional ballots until they provide additional information.

Its case stems from data collected by activists affiliated with an Election Integrity Network group in North Carolina and others. On a call last month, activists discussed how to address the findings, with several acknowledging that there was no evidence that the voters were ineligible, but rather that there was a potential problem with how the list had been maintained, according to recordings reviewed by The Times.

“The forms were faulty,” Jim Womack, a leader of the Election Integrity Network group in North Carolina, said in an interview with The Times. “You can’t disenfranchise a voter because of a faulty form.”

In a news release announcing the lawsuit, the party accused the elections agency of “opening the door for noncitizens to vote.”

A spokesman for the North Carolina Board of Elections said the R.N.C. lawsuit “misunderstands the data and vastly overstates any alleged problems with voter registrations.”

Other groups have filed lawsuits based on claims of noncitizen voting in Arizona and Wisconsin, both swing states where Mr. Trump challenged the results in 2020. The false theories about widespread noncitizen voting could be used to dispute the outcome again, said Elisabeth Frost, a lawyer with the Elias Law Group, which represents Democrats in elections cases.

“At the end of the day,” she said, “if certain players are in a position where they want to question the legitimacy of the results, they have built this entire atmosphere around it.”

Nick Corasaniti contributed reporting.

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