

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 “[o]nly 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.