



**Testimony of
J. Christian Adams**

**Before the U.S. House of Representatives Committee
on House Administration**

May 16, 2024

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Chairman Steil, Members of the Committee, thank you for the invitation to offer testimony in today's hearing.

In this polarized atmosphere, it would be wonderful if we could agree on a few basic facts. Noncitizens are, in fact, getting onto American voter rolls, and some of them are voting. I am not suggesting this is some grand conspiracy. What I have seen from the data is that most often noncitizens are getting on the rolls through the motor voter registration process or third party registration drives. Those who have turned a blind partisan eye to these facts are unfortunately therefore ignoring the harm that befalls these aliens caught in the voter registration system. Indeed, because they have registered to vote – often at the behest of third parties or bureaucrats – these well-meaning green card holders face deportation. Put another way, foreigners registering to vote is an extraordinarily complex problem that offers a chance for everyone to look for solutions. When a foreigner accidentally registers to vote in the Motor Voter system – as happened in the thousands in Pennsylvania – both Democrats and Republicans should be concerned. Once upon a time, fixing foreigners voting would have been an issue with not only bipartisan agreement, but bipartisan solutions.

Today, voter registration is so easy that foreign nationals get signed up – very often without trying.

For a decade, my organization has dedicated itself to studying the pathways foreigners use to directly interact with American elections. We've developed a clear picture of what alien voting DOES and DOES NOT look like in federal elections.

Foreign access to elections is a bug – not a feature – of the National Voter Registration Act of 1993. It is a consequence of state bureaucrats reflexively offering registration applications to *all* customers under presumed adherence to the law. Foreign voting, as my organization has

witnessed, is NOT a grand conspiracy but rather a chaotic series of disparate and different events. For sure, some third parties engage in problematic registration drives, and our data have traced back batches of bad registrations to particular third party registration drives. Foreign votes do not break in a monolithic way, and registration data of foreign registrants, where it can be obtained, demonstrate this. The NVRA could be adjusted to protect immigrants and American citizens alike.

In my organization's years of study, we've identified four core elements which lead to greater than expected numbers of foreign registrants across the nation.

Element 1: When a state with a significant inflow of *legal* immigrants absorbs them into faulty Motor Voter processes, widespread registration happens. We saw this most dramatically across Pennsylvania in 2017 where **every DMV customer was offered voting prompts for an estimated two decades**. Even worse, foreign language customers were often screened in different written languages than ones they spoke, increasing the numbers of foreign voter registrations.

Element 2: When states do not, or, are prevented from investigating prior claims of **eligible citizenship, foreign nationals are left to fill the rolls**. This not only harms voter confidence but promises substantial legal problems for immigrants in the future. In previous years, states like Florida¹ and Texas² have been disrupted in the courts from trying to study indications of foreign citizenship among existing registrants.

Element 3: When election officials do not carefully review voter applications, foreigners get registered. The federal form requires an attestation of U.S. citizenship via checkbox. After

¹ ProPublica; Why the Feds are Suing Florida for Allegedly Purging Voters (June 15, 2012), <https://www.propublica.org/article/why-the-feds-are-suing-florida-for-allegedly-purging-voters>

² The Texas Tribune; Appeals Court Allows Texas to Withhold List of People It Thinks are Noncitizens September 30, 2022), <https://www.texastribune.org/2022/09/30/texas-appeals-court-noncitizen-voter-ruling/>

thirty years of Motor Voter, we can conclusively say the check box honor system has failed. Unfortunately, my organization has found³ in California, Florida, Texas, Virginia⁴, Pennsylvania, New Jersey, and others where **applicants admitted they weren't U.S. citizens and were still registered**. We refer to these foreign registrants as "Checkbox Nos." Litigation that the Public Interest Legal Foundation has brought has revealed disturbing numbers of "Checkbox No" registrations across the country. Election officials are dropping the ball.

Finally, we have **Element 4**: A lack of uniform transparency into foreign voting records. *Secrecy preserves bad practices and fosters conspiratorial concerns*. My organization has spent the last decade engaging in litigation to demonstrate our federal rights to review these alien registration records and share our insights with the public. Today, we are in court against Alameda County, California⁵, and the Commonwealth of Pennsylvania⁶ to assert our inspection rights over these kinds of records. That the Commonwealth of Pennsylvania continues to try to evade transparency under Motor Voter obligations is a disgrace. Governor Josh Shapiro should direct his state election officials to open the records to the extent of the alien voting problem in the state instead of attacking an adverse summary judgment PILF obtained in the United States District Court and that Shapiro's administration is now appealing to the Third Circuit. Hiding records destroys confidence in the elections. We've already won similar cases before the U.S. Fourth Circuit and the Southern District of Texas⁷.

³ <https://publicinterestlegal.org/foreign-nationals-voting/>

⁴ Virginia Annual Voter List Maintenance Reports archive, <https://www.elections.virginia.gov/resultsreports/maintenance-reports/>. NOTE: In 2019, ELECT acknowledged errors in identifying potential alien records for cancellation and instituted internal reforms.

<https://www.elections.virginia.gov/media/formwarehouse/maintenance-reports/2019SBEListMaintenancereport.pdf>

⁵ <https://publicinterestlegal.org/cases/pilf-v-dupuis/>

⁶ <https://publicinterestlegal.org/cases/pilf-v-torres-et-al/>

⁷ <https://publicinterestlegal.org/cases/pilf-v-harris-bennett/>

These elements inform our knowledge and we know that the typical foreign national does not seek out voter registration. They are commonly trapped into systems with almost no controls to block their entry effectively – and are governed by laws which do not clearly allow for them to be rooted out later. My organization’s research has highlighted North Carolina as an example of this framework.

I’m able to share this lesson about North Carolina thanks to my organization’s litigation lasting longer than two years, culminating in a favorable decision by the Fourth Circuit.⁸ We were able to report⁹ that North Carolina election officials, from 2011 through 2016, were increasingly concerned with foreign residents landing on voter rolls. This peaked in 2013 when federal executive actions like DACA threatened new stresses on the local Motor Voter system. Officials knew that Motor Voter offered practically no options to block foreign entries. They could compare voter data to driver data where alien identifiers were kept – but they worried those datapoints could be outdated by the time of review. Officials could only turn to D.C. for live immigration data – yet were denied by DHS regulations. The Obama DOJ negotiated for the State to access the federal SAVE database to study more than 10,000 apparent DACA recipients and other foreign nationals registered to vote. Even with careful data reviews, the NVRA did not give direct guidance to process the registrant removals. It took years for county officials to clear their rolls.

North Carolina’s story is indicative of the larger problem. The NVRA’s federal form prohibits citizenship proof at the outset and simultaneously requires too little from applicants so

⁸ *PILF v. NCSBE*, Case No. 5:19-cv-00248 (E.D. N.C.).

⁹ PILF; Motor Voter at 30: North Carolina’s Noncitizen Problem (June 22, 2023), <https://publicinterestlegal.org/reports/motor-voter-at-30-north-carolinas-noncitizen-problem/>

states can perform back-end verification. Later, the NVRA clouds states' options for voter roll cleanups.

Steve Dinan at the *Washington Times* has documented how easy it was for many foreign nationals – by name – registered to vote.¹⁰ Based on court transcripts, Dinan traced how the foreigners were caught in the registration system, and this committee should carefully study his reporting.

In 2024, it is not an open question whether foreign nationals are registering and voting in federal elections. Anyone who would try to argue otherwise has not done the research or read the data and reporting. I will, however, suggest that we as a nation need to change the way we discuss foreign election participation. This is a system breakdown. It is fixable, and some states are already taking steps to fix the problem. Instead, we need to remember that voting is solely a right for American citizens and every effort should be made to preserve it. Every time we fail to modernize systems which allow foreign participation is another wound to our nation's trust in the process. But let's not forget about the other side of problem: we are setting immigrants up to fail.

Every day, otherwise law-abiding prospective Americans are confronted with voter registration records which can derail their naturalization. They don't have to vote to get in trouble. Federal officials send them chasing documents which can serve as compelling evidence for felony charges. Immigrants comply, hoping to generate enough goodwill so that their swearing ceremonies don't become one-way rides on ICE Air.

Our current system punishes the immigrant who completes the voter registration form but not the bureaucrat who puts it in their hands. Those trying to break the pattern are often

¹⁰ Noncitizens caught voting in U.S. elections — here's how they did it, (May 3, 2024), *Washington Times*, <https://www.washingtontimes.com/news/2024/may/3/noncitizens-do-vote-in-us-elections-heres-how-they/>

derided as trying to fix a nonexistent problem. Shame on those who do. We should focus more on the bureaucrats and third parties driving this problem through sloppy performance of their jobs.

Consider the Peruvian immigrant who kissed her American-born grandchildren goodbye after a confusing visit to the Illinois DMV.¹¹ Don't forget about the 545 more who were similarly registered when Illinois installed automatic Motor Voter in 2017.¹²

Consider the community college student in New Jersey whose class enrollment process surprisingly doubled as a voter registration form.¹³

Then there is the Sudanese refugee in Pittsburgh who was given an English voter registration form at a time when he needed interpreters to help with job applications.¹⁴

We found records of the San Francisco college student whose coursework was disrupted because he mistook a federal voter registration drive for a campus presidential election.¹⁵

We have documented the Middle Eastern immigrant whose green card was revoked after the Pennsylvania DMV offered him registration in an unfamiliar language. He lost seven years trying to clear his name until Pennsylvania admitted to a mass glitch in its Motor Voter system.¹⁶

After 10 years of work on this subject, I hope Congress can find a way to retool Motor Voter. The Public Interest Legal Foundation stands ready to offer insights gained from the field

¹¹ NBC News; Peru Native Who Voted Illegally in Two U.S. Elections Now Faces Deportation (August 15, 2017), <https://www.nbcnews.com/nightly-news/peru-native-who-voted-illegally-two-u-s-elections-now-n746721>

¹² CBS News; Voter Registration Error Risks Deportation for Immigrants (February 10, 2020), <https://www.cbsnews.com/chicago/news/voter-registration-error-deportation-immigrants-illinois-secretary-of-state/>

¹³ PILF; Garden State Gotcha (September 11, 2017), <https://publicinterestlegal.org/reports/garden-state-gotcha-how-opponents-of-citizenship-verification-for-voting-are-putting-new-jerseys-noncitizens-at-risk-of-deportation/>

¹⁴ PILF; Stealing the Vote (July 12, 2018), <https://publicinterestlegal.org/reports/stealing-the-vote-allegheeny-county-reveals-how-citizenship-verification-protects-citizens-and-immigrants-alike/>

¹⁵ PILF; Safe Spaces (August 27, 2018), <https://publicinterestlegal.org/reports/safe-spaces-how-sanctuary-cities-are-giving-cover-to-noncitizens-on-the-voter-rolls/>

¹⁶ CBS News; Glitch Allows Non-Citizens to Vote in Pa. (September 20, 2017), <https://www.cbsnews.com/philadelphia/news/it-undermines-integrity-of-elections-glitch-allows-non-citizens-in-pa-to-vote/>

as you address this problem. We have the data in our many reports cited here how, in fact, foreigners are registering to vote Thank you for the invitation to testify.

Respectfully submitted,

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