

TESTIMONY OF CLETA MITCHELL, ESQ.
HOUSE COMMITTEE ON THE JUDICIARY
SEPTEMBER 10, 2024

“The Biden-Harris Border Crisis: Noncitizen Voting”

Mr. Chairman, Ranking Member, Members of the Committee:

My name is Cleta Mitchell. I am an attorney who has practiced campaign finance and election law for many years. I currently serve as the Senior Legal Fellow at the Conservative Partnership Institute, and I am the Founder of the Election Integrity Network. Most importantly, for purposes of this hearing, I am a co-convenor of the Only Citizens Vote Coalition.

www.onlycitizensvotecoalition.com, a coalition of more than 90 national, state, and local organizations and leaders who share a common mission:

We believe that only United States citizens should be allowed to vote in any American election—local, state, and federal—and that proof of United States citizenship must be required to register to vote.

We are united in that principle, and we work together to:

- Educate our fellow citizens on the importance of citizen-only voting
- Ensure the enactment and administration of laws and practices at all levels of government to prevent noncitizen registration and voting.

As part of that mission, the Only Citizens Vote Coalition supports passage of the SAVE Act: Safeguarding American Voter Eligibility, whose chief sponsor is Congressman Chip Roy, and joined as cosponsors by 104 of his House colleagues. Sen. Mike Lee of Utah is principal sponsor of a companion bill in the United States Senate, where he is joined by 23 of his colleagues as cosponsors.

HR 8281 passed this House in July on a bipartisan basis, on a vote of 221-198.

The SAVE Act is absolutely necessary to protect the integrity of America's elections, and the sanctity of ensuring that only US citizens are voting in our American elections. Congress created the need for the SAVE Act and Congress must close the loopholes caused by federal law that would allow noncitizens to vote in our elections.

What we are witnessing in 2024 is a perfect storm that necessitates passage of the SAVE Act – now. Without delay. What are the factors in that perfect storm?

1. **The open borders policies of the Biden-Harris Administration, led by Border Czar Vice-President Harris, that have resulted in an onslaught of millions, yes, MILLIONS, of illegals pouring across America's borders**, and being shepherded and located in communities all across the nation, where hundreds of millions of our tax dollars are being paid to leftist advocacy groups to 'resettle' these illegal immigrants. The programs operated by these leftwing groups includes assisting illegals in obtaining drivers licenses, ID cards and, in too many instances, getting them registered to vote.
 - The Ranking member and his Democrat colleagues insist that 'it is already illegal for noncitizens to vote in federal elections in the United States. But let's be honest:
 - It is illegal to enter this country without proper documentation....but there is a complete breakdown of the rule of law when it comes to enforcing and upholding America's immigration laws.
 - The Dept of Homeland Security cannot tell us how many illegals have entered the United States since January 20, 2021, cannot tell us where these illegals have been taken or sent to live, cannot seem to locate the illegals that have entered the country these past 3 ½ years....all of which is in violation of federal law. How then, are we supposed to believe that in this atmosphere of complete lawlessness, that people who have been flooding into the country illegally are going to STOP and say, "wait....it is a violation

of federal law for me to register and vote if I'm not a citizen..." Seriously?

2. Then there is the **Biden Executive Order 14019** – in which this Administration, acting on the advice and with actual involvement WITHY federal agencies via the White House of a leftwing advocacy group Demos. The EO directs every federal agency to engage in voter registration and 'voter education' activities....using our tax dollars and federal employees to identify and turn out Democrat voters. I have attached to my testimony a copy of the directive sent to all US Marshalls by the Dept of Justice, in just *one* example of how the Biden-Harris Administration is abusing and misusing the federal government for its own political purposes. The directive to the federal Marshalls is that they are to offer voter registration and voter education materials to all persons with whom they come into contact. And that includes the criminals and federal prisoners in their custody! Attached is a redacted file of just one such prisoner that a federal Marshall provided to me, showing that the inmate is a citizen of Mexico, imprisoned in a federal facility for reentering the United States after being deported. And this federal Marshall was required under the directive of the Biden-Harris Department of Justice to provide voter registration and voter education materials to this inmate.

3. **The 3d prong of the perfect storm for massive numbers of noncitizens voting in our 2024 elections is the porous nature of our election laws, both federal and state.** Yes, it is illegal under federal law for noncitizens to vote; yes, to be a qualified elector in virtually every state, one must be a US citizen. The problems are several.

Let's start with the federal law:

- The **National Voter Registration Act (NVRA)** requires covered states to accept and use the federal voter registration application. That form has only a box to check, asking if the person is a citizen.
- The US Supreme Court, unfortunately, ruled in 2013 that a state may not request the Election Assistance Commission to add state

specific instructions to the federal form, such as the specific request by the State of Arizona to require documentary proof of citizenship to be required to register to vote in Arizona.

- As a result of that decision, Arizona now has a two-tiered voter registration system: The state registration list comprised on persons who DO provide documentary proof of citizenship when they register to vote. That allows a voter to cast a ballot in all state, local, and federal elections. But then there is the most troubling federal only voter list, comprised on individuals who do not, cannot or will not provide proof that they are US citizens. Those voters are allowed to vote for President, US Senate, and US House of Representatives. As of July 1, there were over 42,000 such registrations in Arizona. Those are individuals who will be allowed to cast a vote for President unless the US Supreme Court allows the recently enacted law in Arizona to take effect – which prohibits persons on the federal registration list from casting a ballot for presidential electors. 42,000 persons who have not provided proof of their citizenship but will be issued a federal only ballot....in a state in which the margin in the 2020 general election between President Trump and Joe Biden was 10,457 votes of more than 3.2 million cast.
- The **Help America Vote Act (HAVA) passed in 2002** requires every state to maintain a statewide voter registration list, and further requires that before any applicant can be added to the voter rolls, the state must first verify *identity* and *residency*. How? By requiring that the applicant provide his/her drivers license number or, if the applicant has none, then he/she must provide the last four digits of the social security number. Here are the problems with that law and that process:
 - Neither drivers' licenses nor social security numbers provide proof of citizenship.

- Every state issues drivers licenses to noncitizens; 19 states issue drivers licenses to illegals
 - Noncitizens who are in the United States legally are issued social security numbers; and this administration has categorized millions more illegals as asylees and parolees, who are eligible and are being issued social security numbers.
 - So the two verification requirements for voter registration imposed by Congress only verify identity and residency.
Neither confirm citizenship status!
4. The problems of illegals getting on the voter rolls of every state are serious and real.
- There are hundreds of examples going back years and years in which noncitizens have been added to the voter rolls of various states – and the process of identifying and removing them is not easy.
 - ❖ For example, the Public Interest Legal Foundation sued the Commonwealth of Pennsylvania SIX YEARS AGO (in 2018) to obtain the records regarding the admission by the PA Dept of Transportation (PENNDOT) that a ‘glitch’ in their ‘system’ had resulted in the illegal registration of more than 100,000 aliens added to Pennsylvania’s voter rolls.
<https://publicinterestlegal.org/press/pilf-sues-pennsylvania-release-data-100k-noncitizen-voter-registrants/> That case is *still* not resolved because efforts to gain access to the data and records has been stymied by Pennsylvania officials for more than half a decade.
 - Then, there are the recent announcements by several state officials who have realized that this is a serious problem and a very real threat to our elections *now*, this year.

- ❖ Virginia’s Governor Glenn Youngkin recently announced that his administration has removed over 11,000 noncitizen registrants from its rolls between 2014 and 2023 — with more than 6,300 from January 2022 to July 2024 alone <https://www.newsweek.com/thousands-non-citizen-voters-discovered-governor-1937025> A citizens voter rolls organization has reviewed that list and determined that of those noncitizens removed by Gov. Youngkin, almost 1,000 votes have been cast illegally by those noncitizens in 2023 and 2024.
- ❖ Gov. Greg Abbott of Texas announced last week that Texas has just removed over 6,000 noncitizens registered on Texas voter rolls since 2021. [Governor Abbott Announces Over 1 Million Ineligible Voters Removed From Voter Rolls | Office of the Texas Governor | Greg Abbott](#)
- ❖ Alabama Secretary of State Wes Allen ordered 3000 noncitizens removed from Alabama rolls two weeks ago. <https://www.waff.com/2024/08/14/al-secretary-state-finds-over-3000-non-citizens-registered-vote/>
- ❖ Gov. Jeff Landry of Louisiana last month issued an executive order requiring his state’s voter registration forms to highlight the fact that only citizens of the United States are eligible to register or to vote. <https://www.wrkf.org/politics/2024-08-26/gov-landry-aims-to-stop-noncitizen-voting-with-executive-order>

CONCLUSION

I could go on. But the point is this: it is very easy for noncitizens to be added to a state’s voter rolls and it is very difficult to identify and remove them. In states that have automatic or opt-out voter registration at the DMV, there are literally thousands of illegals being added to the voter rolls every day.

Next week, on September 17, we will celebrate National Constitution and Citizenship Day, which commemorates the passage 237 years ago of the US Constitution by the Constitutional Convention. We should all celebrate the rights and privileges that we as American citizens enjoy. To do that, the Only Citizens Vote Coalition has designated next week as the National Only Citizens Vote Week – to conduct a public education campaign across the nation that if you are a US citizen you must exercise your rights and privileges to register and vote this year. But if you are NOT a citizen of the United States, it is illegal for you to register and vote in our federal election. Everyone must be reminded of these important principles:

- If you are a citizen, please register and vote.
- If you are NOT a citizen, it is illegal for you to register, it is illegal for you to vote.
- And it is important to shine a light on the taxpayer funded groups who are using and abusing these most vulnerable people who don't speak the language, are not in the US legally, and who are at the mercy of political operatives who would use them for their own political power.

Only US Citizens should be allowed to vote in our elections... and it is crucial that Congress enact the SAVE Act and start taking seriously the threat to American sovereignty of millions of noncitizens illegally participating in our elections.

Thank you for your kind attention. ###

ATTACHMENT

CLETA MITCHELL TESTIMONY

DOCUMENTS FROM WHISTLEBLOWER RE

DOJ ORDERS FROM BIDEN EXECUTIVE ORDER 14019

REGISTERING NONCITIZEN PRISONERS TO VOTE IN US ELECTIONS

**English:**

At any time while in federal custody with the United States Marshals Service (USMS), you have the right to request information and materials on registering to vote, and how to vote while in custody. Staff from the jail should help you with getting voting materials and voting by mail when you request help with this process in a timely manner. Your right to request information, materials, and assistance does not entitle you to vote in a particular jurisdiction. Your lawful right to vote is subject to applicable laws of that jurisdiction. The USMS does not support or oppose any candidate or political party, and jail staff cannot pressure you to vote for or against any candidate or political party, and cannot prevent or stop your lawful right to vote.

Spanish:

Mientras usted esté bajo la custodia de los United States Marshals Service (USMS), usted tiene el derecho de solicitar información y materiales sobre cómo registrarse para votar y como votar mientras esta bajo custodia. El personal de la cárcel lo ayudará a obtener los materiales necesarios para votar por correo si usted lo requiere y solicita la ayuda con este proceso de manera oportuna. Su derecho a solicitar información, materiales y asistencia no le da el derecho a votar en una jurisdicción en particular. Su derecho legal a votar está sujeto a las leyes que aplican en esa jurisdicción. Los USMS no apoyan o están en contra de ningún candidato o partido político y el personal de la cárcel no tiene derecho de presionarlo a que vote a favor o en contra de ningún candidato o partido político, ni debe impedir su derecho legal de votar.

Search Capture

Targeted Search

- Dashboard
- Prisoner Mgt
- Security Mgt
- Incidents/Events
- Process
- Entity Mgt
- Administration
- Help

Cellblock Ledger



[REDACTED] | W
 USMS # [REDACTED] | UNIFORM # [REDACTED] | AR # [REDACTED]
 In District | Indictment

Sign Documents

Overview

The subject has been informed of the PREA Act

Form Language

English

The prisoner has been made aware of their right to request voter education material and assistance with voting by mail from staff at the jail

Select...

Property Document

Capture

Targeted Search ▾

ard Prisoner Mgt ▾ Security Mgt ▾ Incidents/Events ▾ Process ▾ Entity Mgt ▾ Administration

ellblock Ledger x INTAKE [REDACTED]

MEXICO OF BIRTH

	Date of Birth	Age
 1	[REDACTED]	32

[+ Add Date of Birth](#)

Places of Birth

Subject

	Country
 1	MEXICO

Mother

	Country
 1	MEXICO

[+ Add Place of Birth](#)

Father

	Country
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+ Add Place of Birth

Citizenship & Nationality

Citizenship

1 MEXICO

+ Add Citizenship

Nationality

MEXICO

Social Security Numbers

Did the subject disclose any Social Security numbers? *

Yes
 No