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One Hundred Eighteenth
Congress of the United States
House of Representatives

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September 26, 2024

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland,

As Chairman of the U.S. House of Representatives Committee on House Administration (“the Committee”), which has broad oversight jurisdiction of our nation’s federal elections,¹ I write today with concerns regarding recent voter list maintenance guidance from the U.S. Department of Justice (“the Department”).² Specifically, I am concerned that the Department’s nonbinding guidance³ conveys an aggressive stance toward election officials engaged in routine voter list maintenance, including the removal of ineligible voters. The guidance document appears designed to intimidate, rather than assist, those tasked with ensuring the integrity of our electoral process. This is particularly troubling given the increasing need for vigilance in preventing non-citizens from remaining on, or being added to, voter rolls. As you are aware, non-citizen voter registration and non-citizen voting constitutes a serious violation of federal law⁴ and threatens our democracy.

The National Voter Registration Act of 1993 (“NVRA”) mandates that States must conduct regular and thorough maintenance of voter rolls to ensure they are accurate and up to date, which includes the removal of individuals who are deceased, have moved, or are otherwise ineligible.⁵ This maintenance is critical to prevent voter fraud and ensure that Americans have confidence in our elections. Failure to comply with these maintenance requirements would not only violate federal law, but also undermine the legitimacy of electoral outcomes.

Several States have recently identified and removed non-citizens from their voter rolls, including some non-citizens with voting histories, which only underscores the necessity of these initiatives as we rapidly approach the 2024 general election. For example, Alabama, Virginia, Texas, Ohio, and Oregon have each uncovered and removed significant numbers of non-citizens from their voter

¹ Rules of the United States House of Representatives, Rule X(k)(12), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

² Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act, 52 U.S.C. § 20507, <https://www.justice.gov/crt/media/1366561/dl>

³ The Department’s guidance holds no legal significance and appears to have been politically motivated, issued in September 2024, approximately 50 days before the upcoming election.

⁴ See 18 U.S.C. §§ 611, 911; 52 U.S.C. § 20511(2).

⁵ 52 U.S.C. § 20507.

rolls.⁶ These recent removals not only complied with federal law,⁷ but also demonstrated the importance of State-level efforts to protect the sanctity of our elections and enforce federal law prohibiting non-citizen voting.⁸

The Department should be working alongside these States, not hindering them. Instead of raising baseless accusations of discrimination and attacking third-party organizations that provide assistance with voter list maintenance,⁹ the Department should be offering its full support to provide States with the resources they need to accurately identify and remove ineligible non-citizen registrants. For instance, nationwide access to federal resources, such as the Systematic Alien Verification for Entitlements (SAVE) database, would significantly improve States' ability to determine citizenship status with greater accuracy. It is the role of the federal government to assist States in this endeavor, not obstruct their lawful efforts to maintain accurate voter rolls.

It is important to recognize that the policies of this administration, including the unprecedented surge of illegal immigration resulting from its open-border policy, have exacerbated this issue. Many individuals who have entered the country illegally have found their way onto voter registration rolls, as seen in recent removals by States. The Department's refusal to acknowledge this reality further undermines confidence in the federal government's commitment to safeguarding our elections.

In light of these concerns, I urge the Department to reconsider its current approach. Election officials should be empowered to comply with federal law without fear of undue interference. The Department should support these efforts by providing the necessary resources and guidance to help States remove ineligible voters, particularly non-citizens, from the rolls and ensure that only eligible American citizens have the opportunity to vote. The Committee will continue its oversight of election administration practices to ensure the law is upheld and the integrity of our elections is protected.

Please direct correspondence or questions to March Bell, General Counsel of the Committee on House Administration, at March.Bell@mail.house.gov.

⁶ The Alabama Secretary of State identified 3,251 individuals registered to vote who had been issued noncitizen identification numbers, the Virginia attorney general identified and removed 6,000 noncitizens on voter rolls since he entered office, Texas Gov. Greg Abbott announced his administration had purged more than 6,500 noncitizens from state voter rolls and the Ohio secretary of state says he's identified 597 individuals registered to vote despite not being citizens — including 138 people who appear to have already cast a ballot. “GOP States Remove Thousands of Noncitizens Off Voting Rolls as Election Day Nears.” Daily Caller News Foundation (September 4, 2024), <https://ijr.com/gop-states-remove-thousands-of-noncitizens-off-voting-rolls-as-election-day-nears/>. Oregon identified 306 noncitizens, some of which had been registered since 2021. *See Oregon DMV mistakenly registered more than 300 non-citizens to vote since 2021*, Associated Press (Sept. 14, 2024), <https://apnews.com/article/oregon-dmv-noncitizens-voter-registration-183e30de6d1c454370e606245ba6fde2>.

⁷ While one federal appellate court agreed that the NVRA's prohibition of systematic removals within the 90 day window before a federal general or primary election encompassed non-citizens, the issue is far from decided. In any event, that ruling does not preclude removals based on specific findings of ineligibility outside of a broad program or mass effort. See *Arcia v. Florida Secretary of State*, 772 F. 3d 1335, 1348 (11th Cir. 2014) (“ . . . the 90 Day Provision would not bar a state from investigating potential non-citizens and removing them on the basis of individualized information, even within the 90-day window.”)

⁸ 18 U.S.C § 611.

⁹ The Department's recent guidance specifically and repeatedly attacks third-party assistance with voter list maintenance, which is particularly concerning, as it is primarily conservative election integrity organizations that offer this assistance to election officials.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Steil". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'B'.

Bryan Steil
Chairman
Committee on House Administration