

Congress of the United States

Washington, DC 20515

October 20, 2022

The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Ave NW #406
Washington, D.C. 20004

Dear Mayor Bowser:

Republicans on the Committee on Oversight and Reform and the Committee on House Administration are troubled by two bills affecting D.C. elections that the D.C. Council has passed and now seeks your endorsement as mayor: the Local Resident Voting Rights Amendment Act and the Elections Modernization Amendment Act. Pursuant to the Constitution's vesting of authority over the federal district in the United States Congress, we urge you to abandon these bills.¹ Fair elections are a prerequisite for any healthy republic, yet these bills would allow non-citizens to vote, including even those here unlawfully, and would formalize a dramatic expansion of D.C.'s poorly executed efforts to mail live ballots automatically—not upon a voter's request—to unmaintained voter registration lists.² In addition to urging you to reject these bills, Republicans on the Committees request information on the policy considerations behind each bill, as well as how the D.C. government plans to address the concerns laid out in this letter.

Under the Local Resident Voting Rights Amendment Act, illegal immigrants would be permitted to vote in the Nation's capital.³ While the original bill introduced in June 2021 unwisely expanded voting to *legal* non-citizens,⁴ this was apparently not far enough for the D.C. Council. The

¹ See U.S. Const. Art. 1, Sec. 8, cl. 17.

² The D.C. Board of Elections has a history of election crises stemming from its practice of mailing live ballots automatically—not upon request—to its unmaintained voter registration list, which is riddled with errors. See, e.g., Tyler Olson, *Return to sender: DC voters are being sent mail-in ballots for ex-residents*, FOX News (Oct. 1, 2020, 11:56 a.m. EDT), <https://www.foxnews.com/politics/dc-voters-are-being-sent-mail-in-ballots-for-ex-residents>; Evan Kolsof and Mia Salentri, *VERIFY: Here's what you should do if you receive more than one ballot in DC*, WUSA9 (Oct. 16, 2020, 6:34 p.m. EDT), <https://www.wusa9.com/article/news/verify/what-do-you-do-if-you-have-more-than-2-ballots-sent-to-you-in-dc/65-df08e98f-42f0-4deb-9c9d-5ec52dab2ceb>; Cheyenne Haslett and Jessie DiMartino, *Received 2 ballots? Here's what to do*, ABC News (Oct. 24, 2020, 11:02 a.m.), <https://abcnews.go.com/Politics/received-ballots/story?id=73770669>; Richie McGinniss (@RichieMcGinniss), Twitter (Sept. 30, 2020, 3:08 p.m. EDT), https://twitter.com/richiemcginniss/status/1311382521364520960?s=61&t=GaoYMdy_K6JTTsOkZSkiA (“**My official ballot arrived! Along with ballots for four people who no longer live here (three of whom haven't lived herein over SIX years!)**”) (emphasis added); Martin Austermuhle, *Lost Ballots And Long Lines Mark A Bumpy First Foray Into Vote-By-Mail In D.C.*, DCist/WAMU (June 3, 2020, 11:05 a.m. EDT), <https://dcist.com/story/20/06/03/dc-primary-vote-by-mail-first-time-problems/>; Andrew Kerr, *Top House Republicans Accuse DC Board Of Elections Of Failing To Take Responsibility For Erroneously Mailed Ballots*, The Daily Caller (Oct. 8, 2020, 2:03 p.m. EDT), <https://dailycaller.com/2020/10/08/oversight-republicans-letter-dc-board-of-elections-mail-ballots/>; Committee on House Administration Republicans, Press Release: *Davis: Three Common Problems From Tuesday's Vote-By-Mail Primaries That Every State Needs To Know* (June 4, 2020), <https://republicans-cha.house.gov/media/press-releases/davis-three-common-problems-tuesday-s-vote-mail-primaries-every-state-needs>.

³ Bill summary, B24-0300, available at <https://lims.dccouncil.gov/Legislation/B24-0300>.

⁴ B24-0300, as introduced by Councilmembers Nadeau, Silverman, Allen, Lewis George, Henderson, R. White, and Pinto, available at <https://lims.dccouncil.gov/downloads/LIMS/47374/Introduction/B24-0300-Introduction.pdf>.

version the D.C. Council has now passed is a step beyond comprehension by allowing *illegal* non-citizens the right to vote in D.C. elections.⁵ During the October 4, 2022, D.C. Council legislative meeting, Councilmembers spoke glowingly about the prospect of illegal immigrants voting in local elections.⁶ In fact the only doubts about the bill were not about what *country* a voter may be an actual citizen of or the legal status of his residency in the United States but, ridiculously, whether he (illegal or otherwise) may be among those who chose to take free busses into the District after being released by the federal government into *Texas*.⁷ The United States' southern border is overrun, and criminals, human smugglers, cartel members, and deadly fentanyl are pouring into the country. Meanwhile, you have declared a state of emergency in the face of a tiny fraction of what border states handle every day. D.C. has had less than 10,000 illegal immigrants arrive by busses from border states.⁸ Texas alone encounters thousands of illegal immigrants per day.⁹ Yet, the D.C. Council has prioritized—while the city continues to suffer from increasing crime—giving illegal immigrants the ability to vote. Truly, the D.C. Council is divorced from reality.

The D.C. Councilmembers' remarks at the Council meeting indicate the local D.C. government has endorsed a policy that undermines the sovereignty of the United States by allowing non-citizens to vote in elections held in the Nation's capital. The D.C. Council's arrogance and hostility toward actual Americans will have earned it profound repercussions, should the United States Congress change to more sensible stewardship in the near future.¹⁰

Under the Elections Modernization Amendment Act, the D.C. Board of Elections' current practice of mailing live ballots automatically to its unmaintained voter registration list would become permanent.¹¹ Federal law requires that the District maintain its voter registration list to ensure those who are ineligible (*e.g.*, those who have moved or those who have died, among other reasons) are removed promptly.¹² Yet, as is evident from the Board's recent and serious failures,¹³ this required list maintenance is simply not occurring, in violation of federal law. Voters in the District should feel confident that only qualified electors are voting in their elections,¹⁴ but without a properly maintained voter registration list, automatically mailing live ballots to all names included on a registration list is nothing more than election subversion in the highest order.

The D.C. Council has passed legislation that fundamentally violates American sovereignty, and it has done it right in the Nation's capital. This is a disgraceful episode in the District's history,

⁵ Engrossment of B24-300, *available at* <https://lms.dccouncil.gov/downloads/LIMS/47374/Meeting1/Engrossment/B24-0300-Engrossment1.pdf>.

⁶ D.C. Council Legislative Meeting (Oct. 4, 2022), *available at* http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=7695.

⁷ *Id.* (remarks by Councilwoman Mary Cheh beginning at 20:08).

⁸ Antonio Olivo, *From border town to 'border town,' bused migrants seek new lives in D.C. area*, WASH. POST (Sep. 7, 2022).

⁹ Press Release, *Operation Lone Star Combatting Record Numbers of Illegal Immigrants, Criminal Activity*, Office of the Texas Governor (Jul. 29, 2022), *available at* <https://gov.texas.gov/news/post/operation-lone-star-combatting-record-numbers-of-illegal-immigrants-criminal-activity>.

¹⁰ *See* U.S. Const. Art. 1, Sec. 8, cl. 17.

¹¹ B24-0507 - Elections Modernization Amendment Act of 2021 (dccouncil.gov)

¹² National Voter Registration Act of 1993, Sec. 8, *codified at* 52 U.S.C. § 20507.

¹³ *See supra* n. 2.

¹⁴ *See, e.g.*, The American Confidence in Elections Act, Subtitle D (H.R. 8528, 117th Cong.), *text available at* <https://www.congress.gov/117/bills/hr8528/BILLS-117hr8528ih.pdf>.

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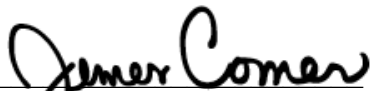
and Republicans on the House Committee on Oversight and Reform and the Committee on House Administration encourage you to reject these two bills.

Additionally, to assist us in understanding how the D.C. government will address the issues laid out in this letter, we request a staff-level briefing as soon as possible, but no later than October 27, 2022.

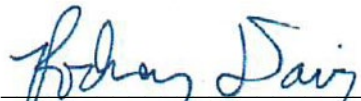
Thank you for your consideration of this important issue. To make arrangements to schedule the briefing or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074.

The Committee on Oversight and Reform is the principal oversight Committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Rules of the U.S. House of Representatives grant the Committee on House Administration broad jurisdiction over federal elections. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Rodney Davis
Ranking Member
Committee on House Administration



Nancy Mace
Ranking Member
Subcommittee on Civil Rights
and Civil Liberties
Committee on Oversight and Reform



Bryan Steil
Ranking Member
Subcommittee on Elections
Committee on House Administration

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight & Reform

The Honorable Zoe Lofgren, Chair
Committee on House Administration

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties, Committee on Oversight Reform

The Honorable G.K. Butterfield, Chairman
Subcommittee on Elections, Committee on House Administration