

**Testimony of
J. Christian Adams**

Before the House State Government Committee

On

**Public hearing-Update on preparations for the November election
and efforts to protect and improve the integrity of elections.**

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Chairman Metcalfe, Ranking Member Cohen, members of the Committee, thank you for the invitation to testify today.

I am the President and General Counsel of the Public Interest Legal Foundation, a non-partisan charity devoted to promoting election integrity and preserving the constitutional decentralization of power so that states may administer their own elections. I have brought cases in federal court against the City of Philadelphia on behalf of the American Civil Rights Union. We believe the City of Philadelphia and perhaps other jurisdictions around Pennsylvania have failed to conduct adequate list maintenance in keeping voter rolls updated and accurate. I discuss these matters below and the attached report provides additional details.

I also served for five years as a career attorney in the Voting Section at the United States Department of Justice from 2005 through 2010. I have spent many long hours inside Pennsylvania polling locations monitoring elections. Those experiences have led me to believe that Pennsylvania is a place where every elected official should be completely intolerant of any criminal behavior touching on Pennsylvania elections.

I appear before you today because there are serious problems with Pennsylvania voter rolls that only this body may be able to fix. Simply, ineligible voters are routinely being kept on the list of ineligible voters and local election officials are not taking the situation seriously.

Only eligible citizens who are entitled to cast ballots on election day should appear on the voter registration rolls. Unfortunately, in Pennsylvania's largest jurisdiction, that has not been the case.

Congress has acknowledged how important clean and accurate voter rolls are and passed Section 8 of the National Voter Registration Act and parts of the Help America Vote Act to ensure that ineligible registrations are discovered and removed from the lists of eligible voters.

But some jurisdictions do nothing to prevent ineligible persons from registering or to discover and remove them. Philadelphia is among them.

Through litigation representing the American Civil Rights Union, the Public Interest Legal Foundation has unearthed evidence showing that **many aliens have populated the voter rolls in Philadelphia. Dozens have voted in past elections.**

Many of these ineligible aliens have been on the rolls for decades. The Public Interest Legal Foundation has completed a detailed report cataloging our findings examining the Philadelphia voter rolls and attached it to my submitted written testimony. Our report has records we obtained listing the names of alien registrants and the dates which they last voted in an election.

Please take careful note – when an alien votes in an election it is a felony. One would hope when election crimes are discovered that they be vigorously prosecuted by local and federal authorities. Failing to prosecute election crimes encourages more election crimes.

Moreover, as this State has learned over the last few years, **failing to take election crimes seriously fosters a lawless culture across government where officials devoted time and resources to making excuses for lawless behavior rather than prosecuting election related crimes.** The last time I appeared before this Committee, I testified about this danger, and unfortunately the situation only grew worse.

In our litigation against the City of Philadelphia, we discovered that aliens were registering to vote. Foreigners are not eligible to vote in Pennsylvania. Other states have adopted citizenship verification procedures to prevent this from happening. **Unfortunately, some of these foreigners in Philadelphia also voted, as the records we obtained plainly show.**

Many say voter fraud doesn't exist. Our report has the records to prove otherwise. Perhaps those voter fraud deniers are ok with a little bit of fraud. But how much is acceptable? Pennsylvania government officials can do something about the fraud we have discovered. If some officials resist a solution, one could reasonably conclude they find this level fraud to be acceptable.

Ultimately, the number of illegal votes doesn't matter when the integrity of the process is at stake. Nobody should tolerate voter fraud, whether it comes in bunches as we describe here, happens occasionally, or decides the outcome of an election. No excuses should be made for the lawless who taint the electoral process.

The problem we describe in our report certainly extends far beyond the City of Philadelphia, and far beyond just the aliens in Philadelphia who were caught by happenstance. Philadelphia just happens to be the lone place which we sued to obtain these records. **The easiest thing this legislature can do is to seek from**

other local election officials the *exact same documents* which we obtained from Philadelphia – the list of aliens who were caught on the polls and their voting history. A phone call from Committee staff should suffice. If not, let us know so we may consider litigation against the election official to obtain the materials.

The list of aliens in Philadelphia we provide who registered to vote are just the ones we know about because *they voluntarily asked to be removed from the rolls.* The City, and as far as we know, the State, does nothing to actively prevent or discover noncitizen registration. For example, to our knowledge the State does not use the Federal SAVE (Systematic Alien Verification for Entitlements) database. This means lots more aliens are certainly still on Philadelphia voter rolls which have not been discovered.

Worse, the system is failing to respond to aliens participating illegally in our elections as law enforcement officials have not vigorously prosecuted this voter fraud. Make no mistake, when an alien registers to vote, it is voter fraud. It's also a federal felony.

If that wasn't bad enough, PILF also discovered that incarcerated felons are not removed from the rolls in Philadelphia. Felons are ineligible to vote in Pennsylvania while they are incarcerated or in half-way houses. City election officials are not taking any steps whatsoever regarding these convicted felons, such as placing them on inactive status or notating their records. Indeed, they seem surprised our organization even cared. It is important to note that City election officials were adamant that they need to pay any attention to ineligible felons and made these arguments both to representatives of PILF's client – the American Civil Rights Union – as well as in court papers.

When election officials don't care about ineligible voters on the rolls, who will?

Unfortunately, the United States District Court agreed that even if thousands of ineligible felons are on the list of eligible voters in Philadelphia, that federal list maintenance obligations are not implicated. That does not mean state obligations cannot fix the problem. That court decision will be appealed, but in the meantime, this body can do something about the fact that Pennsylvania voter rolls contain the names of thousands of convicted and incarcerated felons who will not be eligible to cast any type of ballot in November.

Aliens and ineligible felons being on the list of eligible voters must not be permitted to persist. Clean rolls are the most important ingredient for clean elections. If Pennsylvania voter rolls merely noted that the registrant was a recently convicted felon, election officials could take extra care to ensure that that person does not cast an illegal ballot. Absentee ballots move to prisons all the time, and plenty of felons are in half-way houses with relative freedom to cast a regular ballot.

The attached report catalogues and highlights our findings about problems of ineligible registrants in the City of Philadelphia from the list maintenance documents we obtained through National Voter Registration Act records requests. Most certainly, the problem is not confined to the City of Philadelphia.

Thank you for the opportunity to appear.

Date: October 4, 2016
Respectfully submitted,
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J. Christian Adams is the President and General Counsel of the Public Interest Legal Foundation. He is a native of Westmoreland County. PILF is dedicated to fostering election integrity and preserving the constitutional power of states in administering elections. He served from 2005 to 2010 in the Voting Section at the United States Department of Justice where he brought a wide range of election cases to protect racial minorities in South Carolina, Florida, and Texas. He litigates election law cases throughout the United States. He received the Department of Justice award for outstanding service and numerous other Justice Department performance awards. Prior to his time at the Justice Department, he served as General Counsel to the South Carolina Secretary of State. He has a law degree from the University of South Carolina School of Law. He is a member of the South Carolina and Virginia Bars.