

**Testimony of
J. Christian Adams**

**Before the Pennsylvania House State Government
Committee**

**On
Stakeholder Election Integrity**

April 15, 2021

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Chairman Grove, 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 best practices for election officials. I served as an attorney in the Voting Section of the U.S. Department of Justice and brought cases related to the Voting Rights Act, National Voter Registration Act and Help America Vote Act. I also currently am a commissioner on the U.S. Commission on Civil Rights though I do not speak for the Commission on these issues.

The Public Interest Legal Foundation in recent years opted to develop a robust data analysis program with particular emphasis on voter registration list maintenance audit functions. In essence, the Foundation can see how well of a job states are doing to identify and timely remove registrants who are deceased, relocated, exist in duplicate (or worse), and may be claiming improper addresses as residences.

Our data findings are deployed in a variety of means, ranging from direct leads to voter registrars for potential follow-up maintenance, litigation, or *amicus* briefs.

This month, my Foundation settled a federal lawsuit with our legal expenses paid by the Pennsylvania Department of State.¹ The Commonwealth carried at least 20,000 dead registrants on the rolls going into the 2020 General Election and we weren't seeing reasonable official efforts made under federal law to mitigate the problem. The concluding agreement requires the DOS to incorporate data from the Social Security Death Index in its list-matching procedures to identify outdated records, just as my Foundation had done in October 2020 as the basis for the case.

While I am pleased with the settlement in this instance, I regret to remind this Committee that the Commonwealth is still separately locked in federal litigation with my Foundation to disclose records detailing Pennsylvania's longstanding glitches in the PennDOT motor voter registration system. Members of this Committee will likely recall how this system made national headlines after acknowledging that it exposed untold numbers of foreign national driver's license

¹ PILF; Lawsuit to Remove Dead Voters in Pennsylvania Ends with Win for Election Integrity (April 7, 2021), <https://publicinterestlegal.org/blog/lawsuit-to-remove-dead-voters-in-pennsylvania-ends-with-win-for-election-integrity/>

customers to the voting system since the 1990s. Many thousands reportedly accepted such offers to register over the years.

For more than three years, election officials in Harrisburg have committed considerable public resources to fight transparency on this issue. But here's the rub: the only thing more appalling than the resistance is the legal fallout felt among the true victims—the foreign nationals.

In the early weeks of litigation, PILF was granted access to portions of cancelled voter registration records belonging to foreign nationals in Allegheny County. Of the more than 130 records disclosed to us, we learned that the vast majority of unlawful registrations were initiated in PennDOT offices.² This was consistent with our research around the country, finding that foreign nationals do not randomly wake up and decide to commit voter registration fraud. Rather, they are most often trapped by faulty motor voter procedures in government offices and sometimes presume that the offer itself somehow translates to eligibility. An even greater percentage of this sample were only revealed as improperly registered *after they self-reported* in the hopes of keeping their naturalization on the rails.

I'm not here to beat up on Pennsylvania, my home state. I've yet to find a place in this country that has zero issues with foreign national registration and its interplay with local motor voter settings. But I do encourage this Committee to bear in mind: the Commonwealth simply can't acknowledge a decades-old flaw and then spend more years fighting to keep the granular facts out of the public domain.

Election integrity policies alone do not instill public confidence and tamp down misinformation or hysteria. Our election officials' behavior also plays a serious role. Secrecy in election administration is wholly antithetical to our American Republic.

Thank you for the opportunity to appear.

Date: April 15, 2021
Respectfully submitted,
J. Christian Adams

² PILF; *Stealing the Vote* (July 12, 2018), <https://publicinterestlegal.org/blog/stealing-the-vote-allegheny-county-reveals-how-citizenship-verification-protects-citizens-and-immigrants-alike/>

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J. Christian Adams is the President and General Counsel of the Public Interest Legal Foundation. He is also a commissioner for the U.S. Commission on Civil Rights. 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.