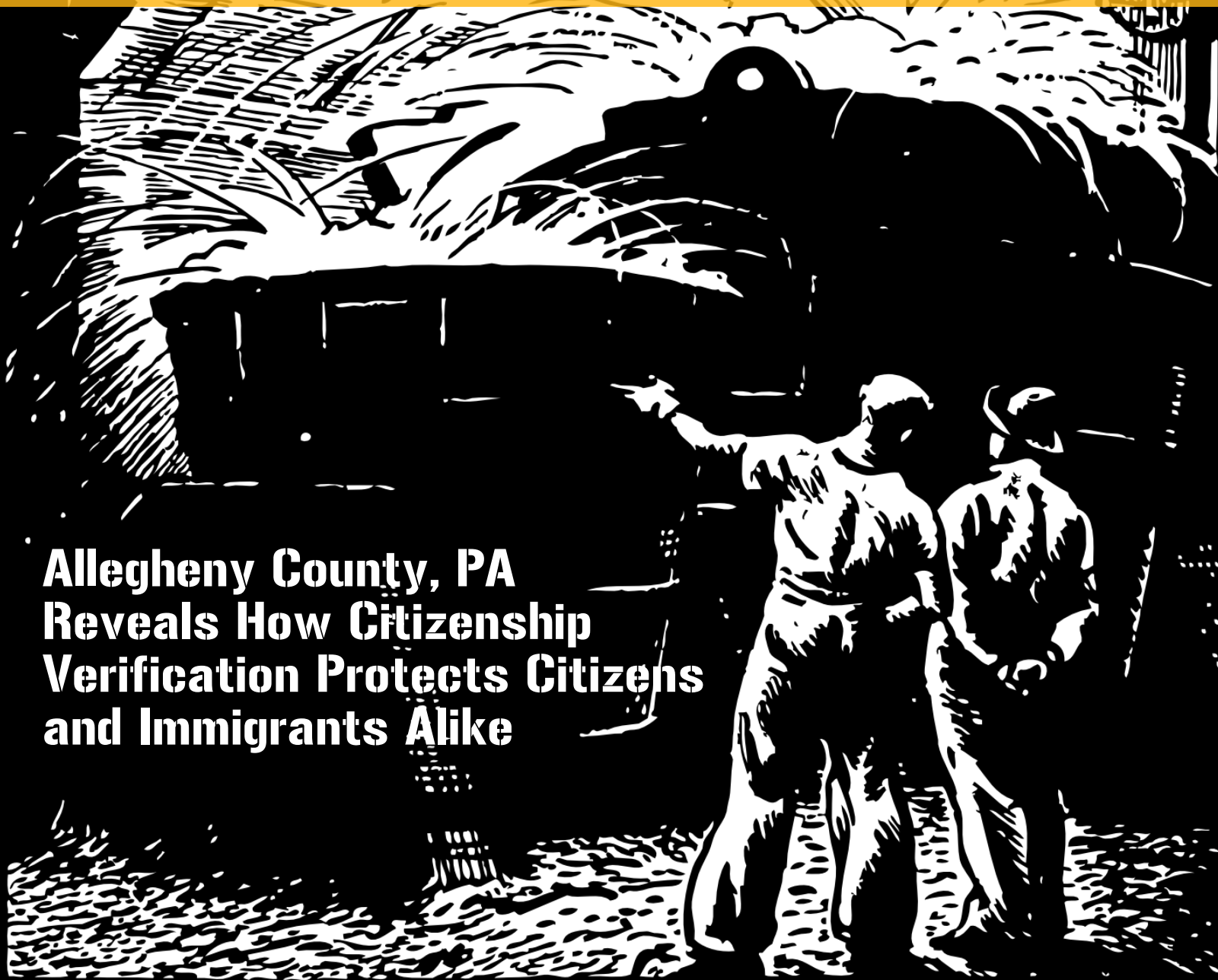




STEELING THE VOTE



**Allegheny County, PA
Reveals How Citizenship
Verification Protects Citizens
and Immigrants Alike**

PUBLIC INTEREST

—— LEGAL FOUNDATION ——

July 2018



INTRODUCTION

In late 2017, the Keystone State made national news after election officials, both statewide and local, admitted that noncitizens had been registering to vote at PennDOT offices for at least the last two decades. Often described as a “glitch,” the procedural flaw that permitted noncitizen registration was known to exist since the mid-1990s when the Commonwealth enacted National Voter Registration Act of 1993 (NVRA)—otherwise known as the Motor Voter law. According to officials, any person seeking a driver’s license—regardless of his or her immigration documents on the table during the transaction—was erroneously screened for interest in registering to vote. According to one Philadelphia City Commissioner, the number of noncitizens who entered the voter registration system during the last two decades exceeded 100,000.

Following these shocking revelations, the Public Interest Legal Foundation invoked its federal right to inspect Pennsylvania Department of State records that would shed light on the true extent of the problem and, the Foundation hoped, spur commonsense reform that would protect voters and immigrants alike. The Department of State refused to allow inspection of its records, forcing the Foundation to file a lawsuit in federal court to gain access to information that Congress intended would be publicly available.¹

A similar request for voter registration records was made in Allegheny County. After initially resisting, Allegheny officials eventually produced hundreds of pages of records related to noncitizens who had registered to vote in the County over the last decade.

The records uncovered by the Foundation reveal how **139 individuals in Allegheny County alone reported or confirmed their ineligible noncitizen statuses** despite being registered to vote since 2006. The vast majority of these (71 percent) came forward with the hope their records did not hinder or derail their plans for citizenship naturalization. The remainder admitted their status after a typically unrelated list maintenance action occurred. These records further show that 27 percent of self-reporting noncitizens cast at least one ballot prior to their admission of ineligibility and removal from the rolls. This report will further account for the confusion and unlawful votes suffered in the wake of this entirely avoidable matter.



The data presented in this report requires an important caveat. The noncitizens found on the rolls in Allegheny County are only the ones who *self-reported* their noncitizen status to election officials. Given the twenty-year period during which the so-called registration “glitch” persisted, one thing is for sure: the total number of noncitizens who found their way into Pennsylvania’s voter registration system far exceeds the number of noncitizens who have outed themselves to date.



The full extent of noncitizen registration and voting throughout the Commonwealth remains a mystery mostly due to the obstructionist tactics of the Department of State, which refuses to turn over records that might show just how many noncitizens are presently registered to vote. The records uncovered by the Foundation in Allegheny County, however, begin to paint a picture of a troubling problem that has affected immigrants and citizens in every corner of the Commonwealth, according to state officials.

The Commonwealth now assures the public that it no longer offers voter registration before citizenship status is known—only U.S. citizens who can legally register now see the prompts that facilitated noncitizen registration. However, this alone cannot reduce the risk of ineligible registration and voting. To better protect citizens and noncitizens alike, Pennsylvania lawmakers must do more to verify citizenship, including sharing PennDOT proof of identity records with the Department of State. To aid this goal, this report outlines commonsense remedial measures that Pennsylvania should consider and adopt. By doing so, the Keystone State could join the growing ranks of pioneers like Virginia and Arizona, which are taking proactive measures to protect immigrants and safeguard the right to vote of all citizens.



SUMMARY OF FINDINGS

139

Noncitizen registrations cancelled
in Allegheny County through self-
reporting since 2006

Party Registration

74



38

Undeclared

23



2



2

Independent

Method of Registration

87



23

Unknown

16

Self

13



6

Average number
of years a
noncitizen was
registered to vote
before removal

27

Percent of
noncitizens who
cast at least one
ballot prior to
removal from the
voter rolls

WHAT IS 'MOTOR VOTER?'

The problems with the voter rolls in Pennsylvania and other states can be traced to 1993. Within months of assuming the Presidency, Bill Clinton signed into law the National Voter Registration Act ("NVRA"), a sweeping piece of legislation that proponents claimed would increase the number of registered voters and participation in our elections. One thing is for sure— defects in the legislation also increased the number of ineligible voters on voter rolls.



The NVRA, commonly known as "Motor Voter," requires each state to offer voter registration to any individual that applies for a driver's license. This provision of the law requires the applicant to swear to his or her citizenship under penalty of perjury, but does not explicitly authorize (nor explicitly deny) the state's ability to verify citizenship through formal documentation. Instead, the law provides that the states "may require only the minimum amount of information necessary to . . . enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."²

Attempts by various states to require registrants to provide documentary proof of citizenship during registration for federal elections have been thwarted by lawsuits brought by left-leaning groups. Like other states, Pennsylvania requires applicants to merely check a box in order to "prove" their citizenship status. In other words, it's nothing more than the honor system. If a noncitizen checks "Yes" to the citizenship question in any setting, they are simply enrolled without any further verification, even if they presented a Green Card to identify themselves at the time of registration.

2	Are you a citizen of the U.S.?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Will you be 18 years or older on or before election day?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

The honor system has proven to be inadequate. This honor system not only risks corrupting the voter rolls, it exposes noncitizens to potential legal difficulties later in life.



NONCITIZENS DISCOVERED ON THE ROLLS IN PA

The Allegheny County research effort did not occur in a vacuum. Years before the alarming official statements and lacking transparency from Harrisburg, several research efforts were already indicating problems with noncitizen voter registration in the Commonwealth. In 2012, the City of Philadelphia published and circulated a “snapshot” report detailing 19 instances where noncitizens admitted to ineligible voter registration after the fact.³ Seven of those cast at least one ballot in their lifespans as registered voters.⁴ In 2016, the Public Interest Legal Foundation released an updated look at the City, reporting that from 2013 to 2015, another 86 noncitizens self-reported their ineligible registrations. Of those, 40 cast at least one ballot.⁵ By 2017, the Commonwealth released data indicating more than 1,000 similar self-reports.⁶

As the data disclosures and official admissions to pre-existing knowledge of a “glitch” allowing noncitizens to register in PennDOT offices became national news, Pennsylvania Secretary of State Pedro Cortes quietly resigned on October 11, 2017.⁷

In December, Philadelphia City Commissioner Al Schmidt—whose three-member commission administers registration and elections in Pennsylvania’s largest jurisdiction—testified in Harrisburg that potentially 100,000 noncitizens could be matched between voter rolls and PennDOT customer lists. Commissioner Schmidt challenged the Commonwealth’s claim that PennDOT was suffering a “glitch” in its Motor Voter duties. What the Commonwealth had done, Schmidt claimed, was create a “Trojan horse” responsible for 75 percent of all ineligible registrants.⁸

Throughout the latest round of admissions and data releases on the matter, the Foundation pressed various Pennsylvania counties and the Department of State to release more records to the public. As previously noted, inspection rights invoked under the National Voter Registration Act were rebuffed from Harrisburg, eventually leading to federal litigation.⁹ After the suit commenced, the Commonwealth quietly began a list maintenance operation by sending official mailers to more than 7,700 potential noncitizen registrants despite their subsequent claims before the court that no such operations (and accompanying data) existed.¹⁰



Number of noncitizen matches between voter rolls and PennDOT records, according to a Philadelphia City Commissioner

To date, the Department of State has refused newspapers, legislators, and private organizations like the Foundation access to noncitizen data.¹¹ Some counties, however, like Allegheny, did release data responsive to the Foundation’s requests.

THE 'GLITCH' THAT WASN'T

Philadelphia Commissioner Schmidt's use of the term "Trojan horse" is fitting when describing how the Commonwealth exposed immigrants to voter registration. Given that all one needs in Pennsylvania to demonstrate eligible citizenship in voter registration is the ability to check a box attesting the same, a noncitizen will easily slip through the system when the opportunity is offered by a state officer to an immigrant whose grasp on the English language is limited. **It takes years (an average of six in Allegheny County) before an event triggers a noncitizen to come forward and report their illegal registration at great risk to their own personal interests.** But until that time comes, a noncitizen looks identical to a citizen when looking at voter registration data.

The Department of State moved to assuage concerned citizens by admitting to a system "glitch" in PennDOT's Motor Voter procedures. At the same time, Commonwealth officials added the fact they were **aware of the problem since the mid-1990s.**¹² The facts on the matter demonstrate that what occurred throughout Pennsylvania was anything but a "glitch."

When a noncitizen approaches PennDOT for a new driver's license, they are held to a higher standard than when registering to vote. Immigrant customers are required to provide all of the following to prove identity: original immigration paperwork denoting legal presence; valid foreign passport; and Social Security documentation.¹³ With these documents on the table, no properly trained PennDOT employee would engage a customer about their interest in voter registration—yet every customer was treated as if they were eligible citizens.

Early on, PennDOT blamed procedural reforms in August 2016 that re-ordered the battery of questions and prompts that a driver's license customer sees to "immediately" screen for voter registration. Though this might explain confusion suffered in the past two years, the records reviewed by the Foundation describe how noncitizens were passing into the voter rolls regardless of the order of questions in the decade before. Scores of noncitizens complained not about the order of inquiry—but the fact they were offered registration in a language they did not completely understand. Some even complained about feeling pressure to register from PennDOT employees when they shared their confusion by the prompts.

Dear Sirs and Madams;

My name is Turan [REDACTED] On this day 02/18/2009 I went to get my License at Penn DOT Bridgeville license center. THEY thought I could vote for elections! **And they made me fill up applications for voter registration and I started fill it up!** Because I thought that was any other paper needed to be filled up in order to get my license.

I am just a Green card holder (permanent resident) and I don't speak English nor I am NOT A Citizen! She should not offer any voting registration to any foreign person who doesn't speak English.

Because of that I would want you to CANCEL my voting registration

Thank you for your understanding and your help!!!

THE 'GLITCH' THAT WASN'T cont...

Many remain skeptical of the Commonwealth's explanation, including Philadelphia Commissioner Schmidt, who, when testifying before the Pennsylvania General Assembly, challenged the assertion that the registration of noncitizens was the result of a simple "glitch":

A "glitch" is the completely wrong term for this. A "glitch" would be a program that is designed to do one thing, but it does something else. This is more "thoughtlessness." And, it's "thoughtlessness" for now more than 20 years.¹⁴

At least one Allegheny County noncitizen registrant case should have triggered red flags throughout the Department of State and PennDOT nearly a decade before the 2017 admissions. Days after the 2008 election, the Allegheny County Election Division received a concerned citizen's complaint from a person who overheard a coworker "bragging" about his noncitizen wife's vote for President of the United States.¹⁵ The County was able to identify the potential noncitizen voter and then confirm her application originated from PennDOT in 2007.¹⁶

An email was then sent to the Department of State, asking if "PennDOT [has] citizenship requirements for [driver's licenses], if not, are applicants asked if they are citizens?" The same email added that the County previously "cancelled 3 or 4 non citizens" that year from PennDOT.¹⁷

The Department of State responded by writing that PennDOT does ask about citizenship during the voter registration screening, but promised to forward the larger matter to get more information. The Commonwealth election chief at the time added that **"voting falsely is a federal offense [sic]. I recommend talking with your solicitor if it comes to that."**¹⁸ The registrant in question later acknowledged in writing in 2009 to being a noncitizen, but the records are silent if prosecution was pursued in any way.¹⁹

Glitches are by nature emergent and usually temporary. Pennsylvania's application of the Motor Voter law prematurely exposed all immigrant customers to registration while eligible citizens suffered vote dilution. Ending voter registration screening for all PennDOT customers was one necessary reform the Commonwealth was wise to finally enact, but the job is not yet done.

From: Boscia, Diane
To: OLeary, Molly
Sent: Mon Nov 10 17:49:52 2008
Subject: Voter info

The second case involves a possible non citizen who registered to vote through PenDOT.

(We've cancelled 3 or 4 non citizens this year who were DOTIA's)

A very concerned voter called today as a co-worker, John [REDACTED] claimed (was bragging about) his wife who is not a citizen was able to vote.

Excerpt from email between Department of State and Allegheny County

PA'S PATCHWORK DETECTION SYSTEM

Pennsylvania, like too many states, does not employ a comprehensive system of verifying and removing noncitizen voters from the rolls. County and Commonwealth officials are dependent on ineligible voters volunteering their statuses—often at great personal and legal risk—to keep records clear of unlawful entries. The Foundation's review of documents belonging to previously cancelled noncitizen registrants reveals a patchwork system of reactionary detection that takes several years to work—if ever.

During the review of the 139 noncitizen registration files disclosed by Allegheny County, clear trends emerged on how ineligibility is discerned over an average period of six years per person. Either a personal immigration trigger forces a noncitizen to approach officials with their status clarification, or a typically unrelated government procedure draws an admission from the noncitizen.

Seventy-one percent (71%) of cancellations initiated when a noncitizen was compelled to contact Allegheny County due to a pending immigration matter or fear of future jeopardy. Pennsylvania's statewide voter list database system categorized the vast majority (63 percent) of cancellations as originating in the Motor Voter system. Noncitizens—32 cases in particular—specifically named PennDOT's system as a cause of confusion when writing their admissions. Some mention confusing advice given by PennDOT employees when registration was offered. Many note that a language barrier tripped them up when being screened for voter registration interest in English only.



Noncitizen registrations that originated in the PennDOT 'Motor Voter' system

Noncitizens commonly referenced the fact they were seeking to convert their legal permanent resident status or marriage visa to naturalized citizenship when cancelling their registrations. This is done because the federal application for naturalization²⁰ engages the user in a specific set of questions regarding previous claims of U.S. citizenship and voter participation. An established voting history atop an illegal registration has proven to convert a citizenship track into a deportation order.²¹ Immigration officers regularly demand all records contained within a noncitizen voter registrant's file and make determinations on future immigration status. Allegheny County documents detail how noncitizens currently naturalizing or planning to do the same will reach out to clear their records and express surprise, outrage, and sometimes contrition by the facts in their respective files. **Allegheny County maintains a pre-printed letter for noncitizens to sign when they express a desire to de-register—formally closing their file.**



PA'S PATCHWORK DETECTION SYSTEM cont...

One loophole to this system became apparent when PILF found no evidence of self-reports originating from a noncitizen's need to renew a Green Card status. As a matter of fact, the I-90 Form²² maintained by the U.S. Customs and Immigration Service does not contain any questions related to voting—essentially foreclosing the need to cancel an unlawful voter registration.

The second trigger for a noncitizen self-report derives from official activities undertaken by the County or other government agencies. The Foundation was able to identify four primary activities which would later inspire noncitizens to admit their ineligible statuses in response.

Husted Inactivity Trigger

Well before the Supreme Court confirmed in 2018 that states could use a period of inactivity and unresponsiveness to official inquiries to “prune” voter lists of ineligible registrations,²³ Allegheny County cancelled nearly 16 percent of all disclosed noncitizens as a byproduct of this list maintenance practice. After a period of nonvoting for five consecutive years, Pennsylvania counties will mail letters to the registrants notifying them of the trend and asking them to “verify your voter information ... make necessary changes” and do so at least 30 days before the upcoming federal election. Rather than note the address on file needed an update or explain that no candidates drove a letter recipient to the ballot box, 22 noncitizens responded by outing their citizenship statuses.

Jury Data Transfers

In Pennsylvania, jury wheels are primarily populated using voter registration lists.

When an individual claims he is not a citizen when responding to a jury duty notice, the notice is collected and sent to voter registration officials, who cancel the registration of any self-identifying noncitizens. The Foundation recognizes Allegheny County's detection method as a best practice worthy of utilization across the country.²⁴ In the County, 14 noncitizens were positively identified and cancelled after they confirmed their lack of citizenship when responding to a jury duty notice.

National Change of Address

Counties and locales around the nation commonly tap into the National Change of Address (NCOA) system operated by the U.S. Postal Service to keep tabs on registrants who leave their respective jurisdictions without direct notice stating they are moving away. When an NCOA match occurs, the County sends a letter to the registrant's new address to confirm details. In one Allegheny County case, a letter was returned with an admission of noncitizenship.

Federal Inquiry

One record was cancelled as the result of a USCIS inquiry to the County about a potential noncitizen registrant. Though this is not a list maintenance practice like the above examples per se, there is at least some evidence of an open line of communication between local officials and immigration agents—and should be commended.

Outliers

In one case, a citizen complained about a coworker's noncitizen wife being able to vote in the 2008 Election. In another, a noncitizen was apparently registered by accident even after they checked “NO” on the question about citizenship eligibility.

CASE STUDIES

The Foundation chose to highlight 10 cases where noncitizens came clean by one reason or another about their ineligible status. The records, generally comprised of direct statements from the noncitizens, illuminate system failures and the stakes involved when bad policy and bad training combine against an immigrant in the voting system.²⁵



Name: **Alister**²⁶
Registration Year: **2004**
Cancellation Year: **2009**
Method: **Third-Party Drive**
Voted: **Yes**

Alister was a university student prompted to register by a third-party drive on campus ahead of the 2004 Election. He wrote later in 2009 that he was unaware only citizens could vote and did not recall any question on the voter registration form about citizenship eligibility. He voted in the 2004 Presidential election. He apologized five years later for the incident and thanked the County for “the opportunity to explain myself, because that’s one of the reasons why the USA is so great.” Alister’s record contained a copy of his completed voter registration form, which indicates the checkbox for “YES” on citizenship was marked. It is unclear if the third-party circulator completed that portion of the form thereafter.

To whom it may concern,

During my sophomore year at Cal U of Pennsylvania, I inadvertently signed up to vote during a “get voters to the poll drive”. I was not aware at that time that legal aliens were not permitted to vote. I only did so as part of the “drive” on campus to get college students registered. I was not asked to show any identification other than my college ID. At the time, I do not recall being asked if I was a citizen nor do I remember any indication of that on the application that I signed. I have never denied the fact that I was not a US citizen and I find it unusual that the application was processed as such. When the voter’s registration card came in the mail, I did vote in the 2004 election, I however understand now that that was wrong and I am very sorry.

I have been in the USA since I was 5 years old and I love this country and would do anything I could to defend it, and be an upstanding citizen, so I am willing to accept the consequences that I have incurred. Thank you for allowing me the opportunity to explain myself, because that’s one of the reasons why the USA is so great.

Sincerely,

Alister [REDACTED]

CASE STUDIES

2

Name: **Angelo**²⁷
Registration Year: **1998**
Cancellation Year: **2014**
Method: **Motor Voter**
Voted: **Yes**

Angelo represents yet another example where citizenship verification can correct for false assumptions on the part of the noncitizen. After he moved to Pittsburgh, Angelo followed the PennDOT voting prompts under the admittedly mistaken belief that his completed military service record would directly confer U.S. citizenship. His voting record consists of ballots cast nearly every year from 2001 to 2014.

3

Name: **Beulah**²⁸
Registration Year: **2012**
Cancellation Year: **2013**
Method: **Third-Party Drive**
Voted: **Yes**

Beulah's case involves accusations of alleged identity theft at the hands of a third-party registration drive. A letter composed by Allegheny County memorialized her meeting with officials where she explained that her wallet containing an identification card was stolen in 2012 and an application for voter registration was later submitted in her name. The County added that "many forms we have received via this method have been suspicious and have resulted in investigations."

Dear Sirs,

Beulah [REDACTED] came into our office to cancel her voter registration. She wrote an explanation of how she was fraudulently registered after having her wallet stolen with her identification enclosed. We looked into her registration record and found that she was registered as Beulah [REDACTED] through a voter registration drive.

Many of the forms we have received via this method have been suspicious and have resulted in investigations.

Allegheny County internal memorandum

CASE STUDIES

4

Name: **Conroy**²⁹
 Registration Year: **2000**
 Cancellation Year: **2008**
 Method: **Motor Voter/Third-Party Drive**
 Voted: **Yes**

Conroy presents a straightforward case demonstrating how the checkbox honor system for verifying citizenship can fail. He first registered to vote via PennDOT in 2000 and then again through a voter registration drive. Each time, he checked a box indicating U.S. citizenship and eligibility to vote. His record shows a ballot cast in 2004. In 2008, he wrote that he “did not no I had to be a U.S. citizen to vot.” [sic]

1	Are you a citizen of the United States of America?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If you checked "No" in response to either of these questions, do not complete this form.	
2	Will you be 18 years of age on or before election day?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<input type="checkbox"/> New Registration <input type="checkbox"/> Change of Name <input type="checkbox"/> Change of Address <input type="checkbox"/> Change of Party <input type="checkbox"/> I am a Federal or State employee and wish to retain my voting residence in the county where I last resided.					
3	Mr Mrs Miss	Last Name	First Name	Middle Name/Initial	Jr Sr II III IV
DL # XXXXXXXXXX OR SSN (last 4 digits) XXXX					

Pennsylvania voter registration application

5

Name: **John**³⁰
 Registration Year: **2000**
 Cancellation Year: **2010**
 Method: **Self**
 Voted: **Yes**

For the first five years as a registered voter, John cast ballots in the 2002 and 2004 general elections. He stopped voting from there and by 2009, Allegheny County was not sure if he was still home. A “Five Year Notice” letter was sent to his address, indicating his inactivity and seeking updated information to keep the registration in “active” status. John wrote back that he is a legal permanent resident from the United Kingdom and wished to be removed from the roll.

6

Name: **Abdel**³¹
 Registration Year: **2009**
 Cancellation Year: **2009**
 Method: **Motor Voter**
 Voted: **No**

Shortly after a voter ID appeared in the mail, Abdel wrote to Allegheny County looking to correct the mistake. He noted through the help of his attorney that the questions involving voter registration posed to him by PennDOT were in English—a language he did “not have a good command of” and “did not comprehend that [he] was registering to vote.” His record was cancelled thereafter.

CASE STUDIES

7

Name: **Turan**³²
Registration Year: **2009**
Cancellation Year: **2009**
Method: **Motor Voter**
Voted: **No**

Turan, despite his short span as a registered voter, wrote to Allegheny County squarely placing blame for his registration on PennDOT. In a typed letter, he exclaimed that “[PennDOT] thought I could vote for elections! And they made me fill up applications for voter registration and I started to fill it up!” He added, “I don’t speak English nor am I NOT A Citizen! [sic] She should not offer any voting registration to any foreign person who doesn’t speak English.”

8

Name: **Sadik**³³
Registration Year: **2016**
Cancellation Year: **2016**
Method: **Third-Party Drive**
Voted: **No**

Sadik says he was approached by a man offering job assistance and was given a stack of applications to complete. One of those, he says, was a voter registration form in English. Sadik notes that he has refugee status after leaving Sudan. “I spoke no English and didn’t understand what I was signing ... If I knew that I was registering to vote, and that I was not allowed to vote, I would not have registered.”

To whom it may concern:

I am writing to request that I be deregistered to vote in Allegheny County. I am a Refugee from Sudan and not a U.S. Citizen, and therefore am not eligible to register to vote or vote in the United States. I mistakenly registered to vote because a man approached me to help me find a job and I gave him my information, he gave me forms to sign and one of them was apparently a voter’s registration form. As a refugee in the United States when this happened, I spoke no English and didn’t understand what I was signing. Even today my English is not perfect and I sometimes have difficulty understanding things especially when spoken fast. If I knew that I was registering to vote, and that I was not allowed to vote, I would not have registered.

At this time, could you please deregister me from the registration rolls and provide a copy of my entire voter registration file including all documents, signatures and forms that may explain how I was registered to vote without realizing it.

Thank you for your assistance with this matter.

CASE STUDIES

9

Name: **Yoanki**³⁴
Registration Year: **2006**
Cancellation Year: **2010**
Method: **Motor Voter**
Voted: **No**

Yoanki visited a PennDOT office and four years later reported that his registration arose out of a language barrier and an employee trying to communicate about voting all the same. The noncitizen noted in a handwritten letter that the employee asked about political party preference, which he reportedly said “Republican.” Curiously, PennDOT registered him as a Democrat for a period of time. Yoanki wrote that he wanted to “fix the error” and did not want “any problem with the law.”

10

Name: **Karen**³⁵
Registration Year: **1996**
Cancellation Year: **2008**
Method: **Motor Voter**
Voted: **No**

Karen’s record is strikingly similar to the notorious Margarita Fitzpatrick case. Karen came to the U.S. on a fiancé visa and was exposed to Motor Voter at PennDOT. She wrote that when she was offered registration, “I asked the attendant if I should fill it out. I told her that I didn’t think I was qualified to vote as I wasn’t a citizen. She thought I should fill it out anyway, and that I would be rejected if I was not qualified.”

To Whom It May Concern:

I am writing to request that my name be removed from the voter registration list.

I am not eligible to vote as I am not an American citizen.

I had just come into the United States on a fiancé visa, and applied for a drivers license on August 1, 1996. When it came to the “register to vote” part of the application, I asked the attendant if I should fill it out. I told her that I didn’t think I was qualified to vote as I wasn’t a citizen. She thought I should fill it out anyway, and that it would be rejected if I was not qualified.

I have never voted in any election, and will not do so until I am a citizen.

Please remove my name from the voter registration list, and provide documentation to that effect, as well as a copy of my “voting record” that I may forward with my citizenship application.



PROPOSED SOLUTIONS

Pennsylvania's admitted and demonstrated issues require more than simply ending the procedure that offers voter registration to noncitizens in PennDOT offices. Motor Voter's honor system to verify citizenship has shown itself to be inadequate. A suite of reforms is necessary to prevent citizens and immigrants alike from illegal registrations. The Foundation recommends the following:

- ✓ Pennsylvania should consider systems like seen in Virginia and Arizona where new applicants for voter registration are queried against other state databases, typically driver's license customer lists, to access proofs of U.S. citizenship contained in those systems. The PennDOT system already captures alien ID numbers and other original documents to clearly delineate between citizens and not. This reform places no up-front burden on new registrants, compared to documentary proof of citizenship laws like seen in some other states.
- ✓ Alternatively, Pennsylvania should utilize federal databases like SAVE to help identify noncitizens more quickly. Pennsylvania should use all available data, in addition to jury recusal information, to help maintain accurate and current voter rolls.
- ✓ The database, known as E-Verify, that is being used by U.S. employers to check the citizenship status of prospective employees should be made available to election officials and administrators to better identify registered voters and pending applicants who are not actually citizens.
- ✓ Pennsylvania election officials of all jurisdictions should always seize opportunities to better educate the public on issues related to voter eligibility and election integrity. Too many legal permanent residents thought they could vote and did so. The public must also be better informed to the limited role PennDOT plays in keeping voter records reliable. The offices are not arbiters of voter eligibility and simply pass along the data they are given. PennDOT employees must be continuously trained to not offer voter registration in any circumstance when foreign identifying documents are on their desk.
- ✓ The U.S. Department of Homeland Security should open new information-sharing channels between agencies to include Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Citizenship and Immigration Services (USCIS) and Homeland Security Investigations (HSI) with state and local election officials to more easily identify non-citizens coming into contact with the federal immigration system.
- ✓ Law enforcement at both the federal and state level should exercise their authority to investigate and prosecute cases of voter fraud.



¹ Section 20507(i) of the NVRA requires election officials to “make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.”

² 52 U.S.C. § 20504.

³ “Schmidt Investigation Alleges Illegal Voting in Primary,” Philadelphia Public Record (July 18, 2012), <http://www.phillyrecord.com/2012/07/schmidt-investigation-finds-illegal-voting-in-primary/>.

⁴ Id.

⁵ “Aliens & Felons: Thousands on the Voter Rolls in Philadelphia,” Public Interest Legal Foundation (2016), <https://publicinterestlegal.org/files/Philadelphia-Litigation-Report.pdf>.

⁶ Chris Brennan, “Glitch let ineligible immigrants vote in Philly elections, officials say,” Philadelphia Inquirer (Sept. 20, 2017), <http://www.philly.com/philly/news/politics/city/philly-voter-fraud-trump-immigrants-registration-commissioners-penn-dot-20170920.html>.

⁷ Later reports indicated Cortes may have been fired by the governor. Angela Coulombis, “Former Pa. election czar was fired, records show,” The Inquirer (Nov. 20, 2017), <http://www.philly.com/philly/news/politics/pedro-cortes-ousted-gov-wolf-secretary-state-20171120.html>.

⁸ Brendan Kirby, “Noncitizen Voters in Pennsylvania Not a ‘Glitch,’ Philly Official Says,” PoliZette (March 13, 2018), <https://www.lifezette.com/polizette/noncitizen-voters-in-pennsylvania-not-a-glitch-philly-official-says/>.

⁹ *PILF v. Torres*, Case No. 1:18-cv-00463 (M.D. Pa.).

¹⁰ PILF, “PA Contradicts Own Claim of ‘No’ Noncitizen Voter Records,” (May 10, 2018), <https://publicinterestlegal.org/blog/pa-contradicts-own-claim-of-no-noncitizen-voter-records/>.

¹¹ Editorial Board, “Are there thousands of ineligible immigrants registered to vote in Pa.? We don’t know yet,” *The Philadelphia Inquirer* (April 5, 2018), <http://www.philly.com/philly/opinion/editorials/ineligible-voters-immigrants-pa-motor-voter-20180405.html>.

¹² See endnote 6.

¹³ PennDOT Form DL-180, <http://www.dot.state.pa.us/Public/DVSPubsForms/BDL/BDL%20Form/DL-180.pdf>.

¹⁴ Motor Voter, Unlawful Voting and Cyber Security: Joint Hearing before the Senate State Government Committee and the Senate Transportation Committee, Dec. 12, 2017, video available at <http://stategovernment.pasenategop.com/121217/> (cited testimony begins at 107:20).

¹⁵ See pages 3 and 10 in the registration file for Fusako, available here: https://publicinterestlegal.org/files/Fusako_Redacted.pdf

¹⁶ Id. at 1.

¹⁷ Id. at 10-11.

¹⁸ Id. at 10.

¹⁹ Id. at 4.

²⁰ USCIS Form N-400, Part 12, <https://www.uscis.gov/n-400>.

²¹ NBC News; Grandmother Deported for Voter Fraud Leaves U.S. in Tears (Aug. 5, 2017), <https://www.nbcnews.com/politics/immigration/grandmother-deported-voter-fraud-leaves-u-s-tears-n789766>.

²² USCIS, I-90 Application to Replace or Renew Permanent Resident Card, <https://www.uscis.gov/i-90>.

²³ *Husted v. A. Philip Randolph Inst.*, No. 16-980, 2018 U.S. LEXIS 3504, at *8-9 (June 11, 2018).

²⁴ PILF, *Best Practices for Achieving Integrity in Voter Registration* (June 21, 2017), <https://publicinterestlegal.org/blog/best-practices-achieving-integrity-voter-registration/>.

²⁵ Registration records referenced in case studies are available here: <https://publicinterestlegal.org/steeling-the-vote/>.

²⁶ Registration case file for Alister is available here: https://publicinterestlegal.org/files/Alister_Redacted.pdf.

²⁷ Registration case file for Angelo is available here: https://publicinterestlegal.org/files/Angelo_Redacted.pdf.

²⁸ Registration case file for Beulah is available here: https://publicinterestlegal.org/files/Beulah_Redacted.pdf.

²⁹ Registration case file for Conroy is available here: https://publicinterestlegal.org/files/Conroy_Redacted.pdf.

³⁰ Registration case file for John is available here: https://publicinterestlegal.org/files/John_Redacted.pdf.

³¹ Registration case file for Abdel is available here: https://publicinterestlegal.org/files/Abdelmounim_Redacted.pdf.

³² Registration case file for Turan is available here: https://publicinterestlegal.org/files/Turan_Redacted.pdf.

³³ Registration case file for Sadik is available here: https://publicinterestlegal.org/files/Sadik_Redacted.pdf.

³⁴ Registration case file for Yoanki is available here: https://publicinterestlegal.org/files/Yoanki_Redacted.pdf.

³⁵ Registration case file for Karen is available here: https://publicinterestlegal.org/files/Karen_Redacted.pdf.

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