

September 15, 2026

**Testimony Before the
U.S. House of Representatives Subcommittee on Oversight of the Judiciary Committee**

Josh Findlay, Director, National Election Protection Project, Texas Public Policy Foundation and
Senior Fellow for Election Policy, America First Policy Institute

Good morning, Chairman Van Drew, Ranking Member Crockett, and members of the Subcommittee on Oversight of the U.S. House Judiciary Committee.

Thank you for giving me the opportunity to testify on noncitizen voting in New Jersey.

My name is Josh Findlay, and I serve as the Director of the Texas Public Policy Foundation's National Election Protection Project and as a Senior Fellow for Election Policy at the America First Policy Institute. My work focuses on election confidence and protecting the security and transparency of the voting process.

Any vote cast by a noncitizen dilutes the vote of an American citizen. That is voter suppression. The Left has claimed for years that citizenship verification and voter identification are unnecessary because noncitizens rarely appear on voter lists and that they almost never vote. However, recently in New Jersey, almost 400 legitimate New Jersey citizens had their votes canceled out by a noncitizen vote. That's what we know of.

Even a small number of illegal votes matters. In 2025 alone, New Jersey had at least three races decided by one vote or less.

Warnings about weaknesses in the state's voter registration system and noncitizens on its lists had been raised for months. In fact, in some instances, it seems that registering noncitizens to vote may have been a feature of the system and not a "glitch," as Governor Sherrill called it.

In May, Democratic State Senator Jim Beach and Republican State Senator Kristin Corrado noted that people who identified themselves as noncitizens in the state's online driver's license system were still being prompted to register to vote. The Senators proposed straightforward legislation: people who identify as noncitizens should not be prompted to register to vote. It seems shocking that the state needed legislation to fix a state system that prompted people to break the law.

A month later, the New Jersey Republican Party Election Task Force identified "that hundreds of non-citizens were registered to vote," with "at least 30 documented cases uncovered of non-citizens illegally casting votes, in some cases in multiple elections and for many years."

In New Jersey, the problem was built into the process. The default should be that voters must verify their eligibility before being added to the lists, not that people are added to the lists and we merely hope that the state catches them before they have voted too many times.

Even small numbers matter. They decide races and disenfranchise U.S. citizens. And New Jersey may just be the tip of the iceberg on this issue.

These questions are not only being raised in New Jersey. In fact, they are quite common among states with less secure election laws. In California, the Secretary of State's office admitted that it "does not contain a voter status reason for cancellation due to non-citizenship."

According to the National Conference of State Legislatures, 24 states and the District of Columbia automatically register voters and add drivers to the voter lists. In 19 states and in the District of Columbia, illegal aliens are issued driver's licenses. In states like Massachusetts and Michigan, applicants can be automatically enrolled through motor vehicle transactions rather than being required to affirmatively register.

Last October, during a hearing, Minnesota State Representative Patti Anderson asked Elections Director Paul Linnell if the 2023 legislation signed by Governor Tim Walz that gave driver's licenses to illegal aliens would also enable those illegal aliens to vote under Minnesota law. Director Linnell replied that it would. This should seem incredible, not commonplace.

Automatic voter registration presents a great risk to noncitizens. Section 237(a)(6) of the Immigration and Nationality Act—which was signed by President Bill Clinton—says, “Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.” People who support the so-called “rights” of illegal aliens should ask themselves: if your state gives driver's licenses to noncitizens, automatically registers them to vote, and then mails them a live ballot because they are on the voter lists, aren't you endangering the very population you allegedly support?

Section 303 of the Help America Vote Act (HAVA) requires states to register voters with their driver's license numbers or their Social Security numbers. If an applicant for voter registration does not have one of those two numbers, the law requires states to assign a unique identifying number and to register the voter anyway. Policymakers engaging in this debate should consider who doesn't have a driver's license or a Social Security number and ask why such a loophole exists. Fortunately, Section 303 of HAVA also provides states with a solution: “The state shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with state law.” States have the ability to require proof of citizenship for such voters, under this law already passed by Congress.

The answer to the problem is not to *remove* names after they appear on voter lists, but rather to prevent improper registrations from occurring *in the first place*. This is why Congress needs to pass the SAVE America Act to ensure that only eligible citizens can participate in American elections. The SAVE America Act is commonsense legislation that is supported by a tri-partisan supermajority—more than 70% of Democrats, Republicans, and Independents believe that voters should prove who they are when they go to vote and that only American citizens should be able to vote.

States should be required to fix their online voter registration systems, and requiring proof of citizenship would fix the problem of accidental illegal voter registrations. In many cases, the problem starts before an applicant reaches the voter registration form. When states issue driver's licenses to non-citizens and connect those systems to automatic voter registration, they create a pipeline that can place ineligible applicants on voter lists.

Election integrity begins with secure voter registration and clean voter lists. It requires maintaining accurate voter lists and transparency when something goes wrong.

Thank you for allowing me to be here today. I look forward to your questions.