



Restoring Integrity and Trust in Elections

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I. Executive Summary

New Jersey recently acknowledged that about 6,600 people who had told the State they were not citizens had been registered to vote anyway. Each answered “no” to the citizenship question at the Motor Vehicle Commission, and yet the State still registered them. At least 340 went on to vote. The State found the defect in June 2024 but left the registrations in place, and said nothing publicly, for two years.

The State blames its vendor. Even accepting that, it misses the real problem. New Jersey’s automatic registration system could not stop noncitizens who said they were noncitizens, and no state law required officials to look for them. The failure surfaced only because thousands of records were missing a party affiliation, not because anyone was checking citizenship. Instead of fixing that, New Jersey plans to expand the same system in 2028 and stop asking at least some applicants about citizenship.

Federal law offers no help. It prohibits noncitizens from voting but gives states few tools to enforce that prohibition, and in some respects discourages them from removing noncitizens who are already registered. So, a registration turns on nothing more than the applicant’s own attestation, with no obligation to revisit existing records and identify the noncitizens a state has already registered.

My recommendations follow from these premises. New Jersey should confirm citizenship before it offers registration. It should also audit the rolls to identify those it has registered, drawing on records that should be easily accessible: its own motor vehicle data, jury records, and the federal SAVE system. It should do so while protecting any citizen flagged in error. And Congress should give states both the duty and the tools to keep noncitizens off the rolls.

II. Factual Background

On July 21, 2026, New Jersey Governor Mikie Sherrill announced that approximately 6,600 individuals who had identified themselves as noncitizens while applying for driver's licenses or identification cards at the state Motor Vehicle Commission (MVC) were nonetheless registered to vote between June 2023 and June 2024.¹ Each had answered "no" when asked on an electronic pin pad whether they were a United States citizen.² The MVC's system still transmitted their information to the Secretary of State and the affected individuals were registered by county officials.³ According to the State, these individuals "did not attest to being eligible to vote during this transaction."⁴ A preliminary state review found that roughly 400 of them subsequently cast ballots.⁵ A later accounting put the figure at approximately 340.⁶

¹ Governor Sherrill Holds Press Conference Regarding Voter Registration, YouTube (July 21, 2026), <https://www.youtube.com/watch?v=aoYZ9B0ezpQ>.

² *N.J. Motor Vehicle Comm'n, MVC System Error*, <https://www.nj.gov/MVCsystemerror2023/>.

³ See N.J.S.A. § 39:2-3.2(b)(1) (requiring the MVC Chief Administrator to transmit voter registration information to the Secretary of State, and directing the county commissioner of registration to register any eligible applicant who has not declined); N.J.S.A. § 19:31-6.5(a) (requiring the commissioner of registration to review each registration and, if found to be in order, to enter it into the Statewide voter registration system).

⁴ *N.J. Motor Vehicle Comm'n, supra note 2, Questions & Answers*, <https://www.nj.gov/MVCsystemerror2023/q&a/index.shtml>.

⁵ Joey Fox, *DOJ Cites 6,600 Noncitizen Registrations in Voter-Roll Lawsuit Against New Jersey*, N.J. Globe (July 22, 2026), <https://newjerseyglobe.com/governor/doj-cites-6600-noncitizen-registrations-in-voter-roll-lawsuit-against-new-jersey/>.

⁶ *Sherrill administration to remove 5,100 noncitizens from voter rolls*, N.J. Globe (Aug. 19, 2026), <https://newjerseyglobe.com/fr/sherrill-administration-to-remove-5100-noncitizens-from-voter-rolls/>.

The State has placed blame squarely on an alleged “software error” by MVC’s longtime vendor, IDEMIA, stating that any record for someone who answers “no” to the citizenship question should not be transmitted to the State’s Division of Elections for registration.⁷ IDEMIA maintains that its system accurately recorded and transmitted both the negative citizenship response and the applicant’s registration selection, following a process approved by the State, and that the underlying data remained available to state officials throughout.⁸ IDEMIA further explained that New Jersey’s written specifications governed the order of the questions presented to applicants: First, whether the applicant wished to register to vote. Second, whether the applicant was a United States citizen. And third, only for those who answered yes to citizenship, a selection of party affiliation.⁹ An applicant who answered “yes” to registering to vote, but “no” to citizenship was therefore never asked to select a party, though the record was still retained because the system preserved the records of everyone who answered “yes” to the first question.¹⁰ IDEMIA stated that New Jersey officials tested and approved the software before its 2023 launch.¹¹ IDEMIA’s explanation that these individuals requested voter registration also somewhat contradicts Governor Sherrill’s statement that these individuals were registered “through no fault of their own.”¹² Which account is correct remains unresolved. What is not in dispute is that the State possessed a written

⁷ Governor Sherrill Holds Press Conference Regarding Voter Registration, YouTube (July 21, 2026), <https://www.youtube.com/watch?v=aoYZ9B0ezpQ>; *Registering noncitizens to vote in NJ not our error; contractor says*, USA Today (July 24, 2026), <https://www.usatoday.com/story/news/politics/2026/07/24/new-jersey-voter-registration-contractor-denies-fault/91014396007/>.

⁸ *Supra* note 7.

⁹ *Registering noncitizens to vote in NJ not our error; contractor says*, USA Today (July 24, 2026), <https://www.usatoday.com/story/news/politics/2026/07/24/new-jersey-voter-registration-contractor-denies-fault/91014396007/>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Thousands of non-citizens registered to vote in NJ, Sherrill says*, NJ Spotlight News (July 22, 2026), <https://www.njspotlightnews.org/2026/07/thousands-of-non-citizens-registered-to-vote-in-nj-sherrill-says/>.

record of each applicant's own statement that he or she was not a citizen, identified the defect in June 2024, and left the resulting registrations on the rolls for two years.

Notably, the problem surfaced only because of that missing party information. In June 2024, the Division of Elections flagged approximately 6,600 records that lacked a party affiliation, which eventually revealed the underlying failure.¹³ The citizenship answer was in those same records, produced in the same transaction, and yet, for some reason, it was the lack of party affiliation that tipped officials off. Nothing in New Jersey's process looks for noncitizens on the rolls, and no law requires anyone to.

The State corrected the intake process in June 2024, when the MVC asked IDEMIA to change the system so that an applicant answering "no" to the citizenship question would be marked as declining voter registration.¹⁴ The State did not remove the existing registrations, notify the affected individuals, or disclose the matter publicly for approximately two years.¹⁵ Governor Sherrill, who took office in January 2026, has said she learned of the problem just days before her July 21 announcement and immediately ordered an outside investigation by a law firm.¹⁶

Recent reports indicate the State has removed approximately 5,100 of these registrations, marked as rejected and referred 1,450 to the counties for further review, and identified approximately 220 individuals as having older registration records suggesting they may be eligible

¹³ *Registering noncitizens to vote in NJ not our error, contractor says*, USA Today (July 24, 2026), <https://www.usatoday.com/story/news/politics/2026/07/24/new-jersey-voter-registration-contractor-denies-fault/91014396007/>.

¹⁴ *New Jersey Begins Purging Improper Voter Registrations*, Jersey Vindicator (July 28, 2026), <https://jerseyvindicator.org/2026/07/28/new-jersey-begins-purging-improper-voter-registrations/>.

¹⁵ *Contractor disputes Mikie Sherrill's claims of NJ voter registration software error*, Politico (July 23, 2026), <https://www.politico.com/news/2026/07/23/contractor-disputes-mikie-sherrills-claims-of-nj-voter-registration-software-error-01010689>.

¹⁶ *NJ to Disclose Records on How Foreign Nationals Registered to Vote*, NJ Spotlight News (Aug. 24, 2026), <https://www.njspotlightnews.org/2026/08/nj-to-disclose-records-on-how-foreign-nationals-registered-to-vote/>.

voters.¹⁷ The State has declined to provide records to the Department of Justice (DOJ), citing privacy laws.¹⁸

Several important questions remain unanswered. First, New Jersey has not explained why it took no immediate action to remove these registrations. Why did it leave noncitizens on the voter rolls for two years after it learned of the defect? Second, the State has not explained why the defect was not publicly announced until July 2026, or what specifically prompted its disclosure at that time. The State and its auditing law firm must be pressed to question the former Governor, Lt. Governor (who also serves as Secretary of State), and the Elections Director for an explanation on why this was not made public and why they took no remedial action. Third, it remains unknown whether the June 2023 to June 2024 vulnerability window identified by Governor Sherrill is accurate, or whether the announced numbers encompass the full scope of affected registrations. Legislators and DOJ have questioned her on both statements.¹⁹ Fourth, significant discrepancies remain between Governor Sherrill's and IDEMIA's accounts of how this occurred, including whether IDEMIA was simply following the protocols the State itself specified. For example, were these applicants asked whether they wished to register to vote before being asked the citizenship

¹⁷ *Sherrill administration to remove 5,100 noncitizens from voter rolls*, N.J. Globe (Aug. 19, 2026), <https://newjerseyglobe.com/fr/sherrill-administration-to-remove-5100-noncitizens-from-voter-rolls/>.

¹⁸ *Mikie Sherrill refuses DOJ demand for data on NJ noncitizen voters, citing privacy laws*, Politico (July 28, 2026), <https://www.politico.com/news/2026/07/28/sherrill-doj-demand-data-noncitizen-voters-privacy-01013856>.

¹⁹ New Jersey legislative leaders have asked the firm conducting the State's investigation whether its review extends beyond the June 2023 to June 2024 period and beyond the automatic voter registration system. *See* Letter from Senate Minority Leader Anthony M. Bucco & Assembly Minority Leader John DiMaio to Chiesa Shahinian & Giantomasi PC (Aug. 24, 2026), https://www.senatenj.com/DocumentCenter/View/4858/CSG-Letter_Bucco_DiMaio. In addition, "[t]he New Jersey Attorney General's Office has asked Monmouth County election officials to turn over paper voter registration forms from 2022, 2023 and 2024 The request follows disclosures by Republican State Chairman Christine Hanlon that the New Jersey GOP's Election Integrity Task Force had identified noncitizens who registered using paper applications" Joey Fox, *Attorney General Seeks Records to Validate GOP Chair Claim*, N.J. Globe (July 27, 2026), <https://newjerseyglobe.com/local/attorney-general-seeks-records-to-validate-gop-chair-claim/>.

question? Finally, how many of these individuals presented documentation during the MVC transaction that identified them as noncitizens?

III. Relevant Legal Background

New Jersey currently administers what is known as “front-end opt-out” automatic voter registration (AVR).²⁰ Under state law, the MVC provides for every eligible applicant for a driver’s license or non-driver identification card to be registered to vote or to have an existing registration updated as part of the same transaction, unless the applicant affirmatively declines.²¹ The MVC collects the voter-registration information and transmits it electronically to the Secretary of State, and the statute expressly requires that no record be transmitted for an applicant who has declined.²² State law then requires the county Commissioner of Registration to “register to vote or update an existing registration for any *eligible* applicant who has not declined voter registration.”²³ Noncitizens are ineligible to vote in New Jersey.²⁴ New Jersey also has similar AVR processes for other state agencies.²⁵

State law further provides that if a person not entitled to vote is nonetheless registered through this process, the registration is presumed to have been effected with official authorization and the person is not deemed to have committed a crime absent a knowing and willful false statement.²⁶

The AVR statute contains no mechanism to withhold voter registration from MVC customers who present documentation or identification evidencing noncitizen status while applying for a

²⁰ *Automatic Voter Registration*, National Conference of State Legislatures (Aug. 19, 2026), <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration>; N.J.S.A. §§ 39:2-3.2, 39:3-10m.

²¹ N.J.S.A. § 39:2-3.2(a).

²² N.J.S.A. § 39:2-3.2(b)(1).

²³ *Id.*; *see also* N.J.S.A. § 19:31-6.5 (requiring the commissioner of registration to review each registration and, if found to be in order, to enter it into the Statewide voter registration system).

²⁴ N.J.S.A. § 19:4-1.

²⁵ N.J.S.A. § 19:31-6.14.

²⁶ N.J.S.A. § 39:2-3.2(e).

driver's license. Instead, New Jersey's AVR relies entirely on an individual's attestation of citizenship, even when the MVC is provided information that conclusively demonstrates the customer is a noncitizen.

Although MVC's identification requirements to receive a driver's license would not necessarily always enable it to determine a customer's citizenship status, it frequently would. For example, those New Jerseyans who obtain a REAL ID driver's license must provide proof of identity and legal presence in the United States.²⁷ Many of these documents will affirmatively establish the citizenship status of the customer, such as a U.S. Passport, birth certificate, or Certificate of Naturalization.²⁸ Conversely, other documents would affirmatively establish the individual is a noncitizen, such as a "[v]alid, unexpired Permanent Resident Card" or an "employment authorization document . . . issued by DHS."²⁹

New Jersey also offers non-REAL ID compliant "standard" driver's licenses, including to undocumented aliens.³⁰ Although the documentation required to obtain these driver's licenses may not always conclusively identify an MVC customer's citizenship status, it frequently will. For example, acceptable forms of identification include a Refugee Travel Document, U.S. Re-entry Permit, and a foreign government issued passport.³¹ In addition, a standard license applicant must provide proof of a Social Security number or, if the applicant has none, proof of an Individual Taxpayer Identification Number (ITIN).³² Because an ITIN is issued only to individuals who are

²⁷ N.J.S.A. § 39:3-10(r).

²⁸ 6 C.F.R. § 37.11(c).

²⁹ *Id.*

³⁰ N.J.S.A. § 39:3-10(w).

³¹ N.J.A.C. 13:21-8.2(c); *see also* N.J. Motor Vehicle Comm'n, Standard License Requirements, https://www.nj.gov/mvc/pdf/license/Standard_License_Sheet_Engl.pdf.

³² N.J.S.A. § 39:3-10(f)(1). Only an applicant who is ineligible for a Social Security number and has no ITIN may instead submit a signed, notarized affidavit. *See* Standard License, N.J. Motor Vehicle Comm'n, https://www.nj.gov/mvc/pdf/license/Standard_License_Sheet_Engl.pdf. *See* N.J.S.A. § 39:3-10; N.J.A.C. 13:21-8.2(b)(7).

ineligible for a Social Security number,³³ an applicant who lacks one will provide the MVC an ITIN, which is itself documentary evidence indicating noncitizen status.³⁴

New Jersey law contains no provisions for identifying noncitizens on its voter rolls by sharing data with other state agencies like it does for the deceased and felons.³⁵ This includes the MVC. Although the AVR statute directs the MVC to transmit registration information to the Secretary of State, it does not require transmitting citizenship-status information or periodically reconciling previously transmitted records. New Jersey does not query the federal Systematic Alien Verification for Entitlements (SAVE) system for voter registration purposes at all. Yet for REAL ID applicants the MVC already runs SAVE in the same transaction to verify lawful presence, so the State obtains a federal confirmation of the applicant's immigration status that it never applies to the voter registration it simultaneously transmits.³⁶

In practice, the State's only citizenship check comes at the time of registration, and it relies on nothing more than the individual's own attestation. Once officials enter a registration into the statewide system, no provision of New Jersey law requires them to revisit it. That helps explain why these registrations sat on the rolls for two years after the defect was identified.

IV. New Jersey Registered Thousands of Noncitizens in Violation of State Law

Although many facts regarding this failure remain in dispute or are unclear at this stage of the investigation, it is apparent that New Jersey's registration of thousands of noncitizens violated state

³³ *Individual Taxpayer Identification Number (ITIN)*, Internal Revenue Service, <https://www.irs.gov/tin/itin/individual-taxpayer-identification-number-itin> (last visited Sept. 13, 2026).

³⁴ *Id.*

³⁵ N.J.S.A. § 19:31-32.

³⁶ 6 C.F.R. § 37.13 (requiring lawful-status verification through SAVE); SAVE Agency Search Tool, U.S. Citizenship and Immigration Services, https://www.uscis.gov/save/about-save/save-agency-search-tool?topic_id=&agency_state_code%5B0%5D=34&agency_zip_code=&markerVal=&items_per_page=25 (last visited Sept. 13, 2026).

law. First, the AVR statute directs the Secretary of State and the MVC's Chief Administrator to "provide for an *eligible applicant*" to be "automatically registered to vote" as part of the same license transaction.³⁷ That registration must satisfy the voter qualification requirements of state law, which include United States citizenship.³⁸ Second, the statute specifies how an individual satisfies that citizenship requirement: every application must be accompanied by a notice of the eligibility requirements and the penalties for false registration, "which . . . shall contain an affirmation that the applicant meets each such requirement and shall require the signature of the applicant, under penalty of law."³⁹ Both the State and IDEMIA have acknowledged that these individuals gave no such affirmation.

State law also permits the county Commissioner of Registration to register only an "*eligible applicant* who has not declined voter registration" and only when the application is "found to be in order."⁴⁰ Someone who just affirmed he was not a citizen is not an eligible applicant. Yet the role of county officials in accepting these registrations has been largely ignored. No one has explained what these transmitted records contained, whether the absence of the required attestation was apparent to the officials who accepted them, or why applications lacking that affirmation were nonetheless "found to be in order." And if for some reason the transmitted records did not contain the citizenship attestation, MVC violated the AVR statute, which requires it to ensure that "the information necessary for voter registration is collected from the application and promptly transmitted electronically to the Secretary of State."⁴¹ Either county officials received the

³⁷ N.J.S.A. § 39:2-3.2(a) (emphasis added).

³⁸ *Id.*; N.J.S.A. § 19:4-1.

³⁹ N.J.S.A. § 39:2-3.2(c)(2).

⁴⁰ N.J.S.A. § 39:2-3.2(b)(1) (emphasis added); *see also* N.J.S.A. § 19:31-6.5(a) (directing the commissioner of registration to review each registration and register the applicant only if the application is "found to be in order").

⁴¹ N.J.S.A. § 39:2-3.2(b)(1).

attestation and registered these applicants without it, or the MVC failed to transmit information the statute requires. Either way, the State did not follow its own law.

V. New Jersey's Response: Expanding AVR Without Fixing Its Central Flaw

Pursuant to legislation enacted in 2025, New Jersey will be further expanding AVR to a “back-end opt-out” process, effective 2028.⁴² This system will automatically register certain individuals and give them the opportunity to decline only after they are registered, by returning a postage-paid form the State mails them.⁴³

The legislation, at least in one regard, concedes the weakness of the current system. Specifically, only an individual who obtains a REAL ID and “provides . . . documentation demonstrating United States citizenship” will be automatically registered through the back-end opt-out.⁴⁴ The legislation explicitly prohibits MVC from transmitting information for registration for someone who “provides a document that conclusively demonstrates that the person is not a United States citizen.”⁴⁵

The legislation demonstrates that New Jersey has the capacity to do more than simply rely on an attestation to determine eligibility. But the new system takes the decision, including the citizenship attestation, entirely out of the hands of the MVC customer who, at least under current law, must attest to his or her eligibility. These 6,600 individuals told New Jersey the truth about their citizenship status and were registered anyway. The lesson New Jersey learned? Stop asking the question at all. New Jersey's response trades one safeguard for another rather than keeping both in place.

⁴² CHAPTER NJ LEGIS 204 (2025), 2025 NJ Sess. Law Serv. Ch. 204 (SENATE 1636), https://www.njleg.state.nj.us/bill-search/2024/S1636/bill-text?f=S2000&n=1636_S4.

⁴³ N.J.S.A. § 39:2-3.2(b)(3) (eff. Jan. 12, 2028).

⁴⁴ *Id.* at (b)(1).

⁴⁵ *Id.*

For REAL ID transactions, the applicant's signed attestation of eligibility is eliminated and a documentary determination is put in its place, leaving vendor errors and other system malfunctions with no redundant safeguard to catch them. That is precisely what recently occurred in Oregon, whose back-end opt-out AVR system New Jersey will soon replicate. Errors in recording which documents applicants presented during Oregon DMV transactions "resulted in 1,948 individuals being registered to vote who did not provide proof of their eligibility," including "proof of citizenship."⁴⁶ The errors began in 2021 and were not discovered until September 2024.

New Jersey has just demonstrated how long a defect in this system can operate undetected and go unremedied. It is the last state that should reduce itself to a single failure point.

The legislation also maintains the same security weakness that will continue to leave New Jersey open to noncitizen registration. The type of documentation an MVC customer provides when obtaining a "standard" driver's license or non-driver identification card is irrelevant to whether MVC will offer voter registration. Although a standard license applicant will have to "affirmatively select or affirmatively decline voter registration," the legislature amended the bill to remove a safeguard that would have prohibited MVC from offering registration to "any person who . . . provides a document that conclusively demonstrates that the person is not a United States citizen."⁴⁷

In sum, New Jersey put the safeguard where it was arguably least needed and then left it out where it is needed most. To get a REAL ID, you must prove you are in the country lawfully. So, the MVC is already more likely to be looking at a document that shows whether the applicant is a

⁴⁶ Or. Sec'y of State, *DMV Automatic Voter Registration Error*, <https://sos.oregon.gov/elections/Pages/DMV-Automatic-Voter-Registration-Error.aspx>.

⁴⁷ P.L. 2025, CHAPTER 204, approved January 12, 2026, Senate, No. 1636 (Fourth Reprint), bracketed at § 6, subsec. (c)(1), https://pub.njleg.state.nj.us/Bills/2024/AL25/204_.PDF.

citizen. The standard license is the one option available to someone who cannot (or chooses not to) prove lawful presence at all. And that's where New Jersey decided the documents an applicant presents will make no difference to whether he or she is offered registration.

VI. Federal Law Bars Noncitizen Voting Without Providing the Tools to Enforce It

Federal law prohibits noncitizens from voting in federal elections and imposes various criminal penalties for noncitizen registration and voting.⁴⁸ However, it does little to enforce these prohibitions beyond requiring that voter registration applicants attest to their citizenship.⁴⁹ It certainly did little to prevent what occurred in New Jersey. In fact, some states have interpreted clumsy language in the National Voter Registration Act (NVRA) to require agencies designated under the law, such as motor vehicle departments and Medicaid offices, to offer registration to all individuals who apply, regardless of citizenship status.⁵⁰

In addition, § 8 of the NVRA, the principal federal statute requiring states to maintain accurate voter rolls, is interpreted to impose no duty on states to remove noncitizen registrants, and in fact inhibits them from doing so.⁵¹ Section 8's prohibition on states conducting systematic list

⁴⁸ See, e.g., 18 U.S.C. § 611 (making it unlawful for any alien to vote in a race for federal office); 18 U.S.C. § 1015(f) (false claim of U.S. citizenship to register or vote); 52 U.S.C. § 20511(2) (National Voter Registration Act's criminal penalties for submission of registration applications known to be materially false, fictitious, or fraudulent).

⁴⁹ See, e.g., 52 U.S.C. § 20504(c)(2)(B)-(D) (requirement that registration forms completed at motor vehicle driver's license agencies require only the minimum information required to assess applicant's eligibility and include an attestation that applicant meets requirements including citizenship); 52 U.S.C. § 20506(a)(6) (similar requirements for other NVRA-designated voter registration agencies); 52 U.S.C. § 20508 (specifying contents of mail voter registration form that are similar to forms specified in §§ 20504 and 20506).

⁵⁰ When South Carolina's Medicaid agency was found to be distributing voter registration forms to noncitizens, a spokesman explained that the agency was mandated to do so under Section 7 of the NVRA, and that the forms go to everyone applying for benefits. See *South Carolina Agency: The Feds Force Us To Give Voter Registration To Foreign Nationals*, The Federalist (May 7, 2024), <https://thefederalist.com/2024/05/07/south-carolina-agency-the-feds-force-us-to-give-voter-registration-to-foreign-nationals/>. A state investigation concluded the practice complied with federal law. See *South Carolina Investigation Finds Voter Registration Forms Given to Non-Citizens Were in Compliance with Federal Law*, WLTX (May 16, 2024), <https://www.wltx.com/article/news/local/sled-voter-registration-forms-non-citizens-nvra-law/101-7a94269b-d94b-434e-9606-b0b4511dfad3>.

⁵¹ See 52 U.S.C. § 20507.

maintenance activities during the 90-day period preceding a federal election has been interpreted to limit states' ability to remove noncitizens during that period.⁵² Although the Supreme Court is currently considering that issue and has previously viewed the NVRA's application to noncitizen removals with some skepticism,⁵³ the more basic problem remains. Even a favorable ruling would only clarify when a state may remove noncitizens from the voter rolls. Nothing in federal law requires a state to actually remove them.

Another federal law, the Help America Vote Act (HAVA), requires registration applicants to provide their driver's license number, if they have one, or the last four digits of a Social Security number if they do not, and directs states to verify that information against motor vehicle and Social Security records.⁵⁴ Neither identifier establishes citizenship, but both can make citizenship verification possible. HAVA does not require any verification of citizenship, however, even if the information it requires states to collect can be useful for utilizing the SAVE system or conducting citizenship checks against motor vehicle records.

Finally, there is the availability of USCIS's SAVE system. Federal law requires the Department of Homeland Security to respond to inquiries from state and local agencies seeking to verify an individual's citizenship or immigration status "for any purpose authorized by law."⁵⁵ But no federal statute requires a state to ask. Several states use SAVE to verify citizenship or remove noncitizen registrants, but New Jersey is not among them, even though it uses SAVE for other purposes.⁵⁶

⁵² See *Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025), *cert. granted sub nom. Republican Nat'l Comm. v. Mi Familia Vota*, No. 25-1017, 2026 WL 1855101 (U.S. June 29, 2026); see also *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335 (11th Cir. 2014).

⁵³ *Beals v. Va. Coal. for Immigrant Rights*, No. 24A407 (U.S. Oct. 30, 2024) (order granting stay).

⁵⁴ 52 U.S.C. § 21083(a)(5)(A)–(B).

⁵⁵ 8 U.S.C. § 1373(c).

⁵⁶ SAVE Agency Search Tool, U.S. Citizenship and Immigration Services, https://www.uscis.gov/save/about-save/save-agency-search-tool?topic_id=&agency_state_code%5B0%5D=34&agency_zip_code=&markerVal=&items_per_page=25 (last visited Sept. 13, 2026).

VII. Recommendations for New Jersey and Congress

RITE does not usually take official positions on legislation, but our experiences in investigating and litigating these issues compel us to offer practical recommendations that can help prevent a repeat of New Jersey and guard our elections against noncitizen registration, particularly when it occurs through motor vehicle and other state agencies.

A. New Jersey-Specific Recommendations:

- 1. Bolster MVC's Verification Procedures:** Ideally, New Jersey would abandon AVR entirely, but the current political reality makes that unlikely. New Jersey should thus pass legislation to maintain its front-end opt-out registration at the MVC and only offer registration to those who provide documentation evidencing citizenship status. At worst, it should ensure no customers are offered registration when they provide documentation evidencing noncitizen status. It should also ensure the citizenship question is asked and answered before any offer of voter registration is made.
- 2. Audit All Existing Registrations Against MVC Records:** New Jersey election and MVC officials should work together to perform a comprehensive audit of the State's voter file to identify noncitizens on the voter rolls independent of those identified in the recent incident. It is almost certain that, given New Jersey's lack of citizenship checks, numerous other noncitizens are registered to vote. MVC should fully cooperate with election officials to provide whatever information they may have regarding the citizenship status of registered voters who are also in the MVC system.
- 3. Require Data-Sharing between MVC and the Secretary of State:** Thereafter, New Jersey should require the MVC to regularly provide data to the Secretary of State regarding the citizenship status of those within MVC's records. Even if New Jersey establishes more robust front-end protections making noncitizen registration through MVC more difficult, ongoing data sharing will ensure it identifies those who registered before those protections were in place and noncitizen registrations through other sources (e.g., third-party voter registration drives). To the extent other state agencies maintain useful records, they should similarly be required to share the information with the Secretary.
- 4. Cross-Reference Voter File with Jury Records:** New Jersey compiles its "juror source list" partly from the list of registered voters.⁵⁷ Public reporting indicates that roughly 75,000 individuals annually, over the last three years,

⁵⁷ N.J.S.A. § 2B:20-2 (2025).

have self-reported juror disqualification based on noncitizenship.⁵⁸ Jurors certify as to the truthfulness of their answers, including their citizenship status.⁵⁹ There is currently pending legislation that would enable the Secretary of State and Administrative Office of the Courts to match jury records with the voter file for the purposes of removing noncitizens from the voter rolls.⁶⁰ Because any records-matching process carries a risk of false positives, the State should establish guardrails, including notice and an opportunity for any individual flagged as a noncitizen to provide evidence of citizenship, along with any additional verification of the underlying data the State deems necessary, before canceling a registration.

5. **Utilize the SAVE System:** Although Governor Sherrill has criticized the use of SAVE, the reality is that it is an extremely helpful tool for states to identify and remove noncitizen registrants. At a minimum, the State should utilize SAVE as a starting point to identify them, subject to the same safeguards described in Recommendation 4 above to protect any citizens mistakenly flagged as noncitizens.

B. Federal Recommendations:

1. **Enact Meaningful Citizenship Verification Requirements:** Governor Sherrill was mistaken when claiming the SAVE America Act would not have prevented this failure from occurring. The Act provides that a state “shall not accept and process an application to register to vote in an election for Federal office unless the applicant presents documentary proof of United States citizenship.”⁶¹ Because these individuals presented no such proof, the Act would have kept them off the rolls regardless of any system or vendor error.

However, even more modest federal reforms directed specifically at NVRA-designated registration agencies could have prevented this from occurring, notably the same types referenced above in “Bolster MVC’s Verification Procedures.” Obtaining some bipartisan agreement to reform the NVRA’s “Motor Voter” and other agency registration processes so that anyone who presents documentation evidencing noncitizen status during the non-registration portion of the transaction is not offered registration would go a long way toward filtering out noncitizen registration. At a minimum, Congress could amend the NVRA to confirm that states may require documentary proof of

⁵⁸ *Republicans renew push to match voter rolls with jury records*, N.J. Globe (July 27, 2026), <https://newjerseyglobe.com/legislature/republicans-renew-push-to-match-voter-rolls-with-jury-records/>.

⁵⁹ N.J. Courts, Quick Reference Guide – My Jury Service (MJS) (rev. Apr. 3, 2024), <https://www.njcourts.gov/sites/default/files/jurors/quickreferenceguide-jury.pdf>.

⁶⁰ *Assemb. B. 509, 222d Leg., Reg. Sess.* (N.J. 2026), <https://www.njleg.state.nj.us/bill-search/2026/A509>.

⁶¹ SAVE America Act, H.R. 7296, 119th Cong. § 2 (2026), <https://www.congress.gov/bill/119th-congress/house-bill/7296>.

citizenship for federal registration, undoing judicial readings of the law that Congress likely never intended.⁶²

2. **Mandate the Use of SAVE and Continue to Ease Access:** Congress could also mandate that states utilize SAVE to verify citizenship at the point of registration and to identify noncitizens on the rolls. To achieve a broader consensus, it could defer to states, at least on how they act on noncitizen flags. Congress could codify the current Trump administration policy of providing states free access to SAVE.
3. **Amend HAVA to Require Citizenship Verification Using Data States Already Collect:** HAVA already requires registration applicants to provide a driver's license number or the last four digits of a Social Security number, and directs states to verify that information against motor vehicle and Social Security records. Congress could use those identifiers to verify citizenship, specifically by matching them through SAVE and state motor-vehicle citizenship records.
4. **Modify the NVRA's List Maintenance Provisions to Require Citizenship Removal:** Congress should amend § 8 of the NVRA to specify that states have a responsibility to remove noncitizens from the voter rolls, just as they do the deceased, ineligible felons, and nonresidents.
5. **Specify that the NVRA's 90-day Blackout Is Inapplicable to Noncitizen Removals:** Although the Supreme Court may clarify this soon, Congress could still amend the NVRA to specify that states may remove confirmed noncitizens even during the 90-day period before a federal election. It could pair that authority with protections ensuring that any citizen removed in error may cast a provisional ballot and challenge the determination.

⁶² See, e.g., *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013) (holding that the NVRA's requirement that States "accept and use" the federal mail voter registration form preempted Arizona's requirement of documentary proof of citizenship for federal registration).