

Written Statement of Jason N. Sena, Esq.
Before the U.S. House of Representatives
Committee on the Judiciary, Subcommittee on Oversight

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Chairman Van Drew, Ranking Member Crockett and Members of the Subcommittee:

Thank you for the opportunity to appear before you to discuss the apparent causes of the improper voter registration of non-citizens in New Jersey that recently came to light. By way of background, I have been a licensed attorney in New Jersey for nearly 15 years, regularly practice in the field of election law and am a registered voter in my state. I have followed the issue of non-citizen voter registrations in New Jersey closely.

The ability to vote is a sacred privilege enjoyed by all eligible U.S. citizens. The mechanics of voter registration typically involve non-discretionary, administrative duties performed by government officials. These duties do not involve the exercise of discretion; an election official either determines that a voter is eligible based on the information submitted on their application, or that they are not. Voter registration is not a partisan issue.

As the Committee is aware, in July 2026, the State of New Jersey publicly admitted that “roughly 6,600 people who indicated that they were not U.S. citizens between June 2023 and June 2024” were registered to vote due to “a serious software error in New Jersey’s Motor Vehicle System[.]”¹ The State’s decision to come forward with this information, which was known for years going back to the last gubernatorial administration, seems to have been precipitated by a public announcement of the initial results of voter roll due diligence conducted by a major political party using public records, which revealed the presence of non-citizens on the voter rolls.² After admitting that non-citizens were permitted to register to vote, the State later disclosed that “[a]pproximately 5,100 registered individuals have been placed in deleted status in the system, since they were only registered because of the system error”³

Despite the State’s admission, publicly available information indicates that non-citizens were permitted to register to vote outside of that timeframe and through other non-MVC methods.

I. State Law Requires Election Officials to Determine Voter Eligibility

The State blamed the MVC software provider for the alleged “software error” resulting in the registration of non-citizens: “These individuals answered ‘no’ when asked on a keypad whether they were a U.S. citizen when applying for drivers’ licenses and identification cards, but through

¹ Office of the Governor, July 21, 2026 Press Release, <https://www.nj.gov/governor/news/2026/20260721a.shtml>

² New Jersey Republican State Committee, June 8, 2026 Press Release, <https://www.njgop.org/2026/06/08/njgop-election-integrity-task-force-uncovers-evidence-of-hundreds-of-non-citizens-on-new-jerseys-voter-rolls/>

³ Office of the Governor, August 19, 2026 Press Release, <https://www.nj.gov/governor/news/2026/approved/20260819a.shtml>

no fault of their own, **the system** registered them anyway.”⁴ The vendor disputed that allegation, claiming that the State approved the design of the system and that the error arose when the MVC itself sent noncitizens’ data to the state Division of Elections. The vendor represented that the 6,600 individuals in question checked “yes” to wanting to register to vote and “no” to being a US Citizen and that the software accurately recorded that information, which was then transmitted to the State for further handling.⁵

The State’s attempt to blame the MVC software vendor for unlawfully registering non-citizens is based upon the false premise that the MVC itself performs voter registration. It does not; it transmits voter registration information that it collects to election officials, who then perform the ministerial task of determining voter eligibility and, once confirmed, registering the applicant. Indeed, the Secretary of State and the Chief Administrator of the MVC are required to enter into an agreement to match information in the Statewide Voter Registration System with information in the MVC database for that purpose, “including social security numbers, to the extent required to enable verification of the accuracy of the information provided on applications for voter registration.”⁶

The law requires election officials to determine voter eligibility based upon the information provided by the applicant; whether that information is transmitted from the MVC or through other means to an election official. County Commissioners of Voter Registration “shall be responsible for verifying the accuracy of the name, address **and other data** of registered voters in the commissioner’s respective county as contained in the system.”⁷ There is a clear legal duty for election officials, not the MVC, to verify all of the information on a voter registration application and ultimately make a determination on eligibility. Even if an error in the MVC software resulted in non-citizens’ information being transmitted to the Division of Elections, the duty to determine eligibility rests with election officials.

Since non-citizens indisputably ended up on the voter rolls, we know that the legally required verification of the information provided by the registrants did not properly occur. Whether a person is a U.S. Citizen or not is a knowable fact, and is something that must be known by election officials as a matter of law to process any voter registration application. It is unclear how or why the required verification was not performed properly or whether the State even provides county election officials with the tools necessary to perform that function.

This unfortunate situation vindicates concerns raised by opponents of the legislation that led to automatic voter registration at the MVC.⁸ This problem was completely foreseeable and foreshadowed by members of the State Legislature at the time the law was adopted.

⁴ Office of the Governor, July 21, 2026 Press Release, <https://www.nj.gov/governor/news/2026/20260721a.shtml> (emphasis added).

⁵ Han, Daniel, *Contractor disputes Mikie Sherrill’s claims of NJ voter registration software error*, Politico (Jul. 23, 2026) <https://www.politico.com/news/2026/07/23/contractor-disputes-mikie-sherrills-claims-of-nj-voter-registration-software-error-01010689>

⁶ N.J.S.A. 19:31-32

⁷ N.J.S.A. 19:31-32 (emphasis added).

⁸ Friedman, Matt, *Legislature approves expansion of automatic voter registration*, Politico (Apr. 12, 2018) <https://www.politico.com/states/new-jersey/story/2018/04/12/legislature-approves-expansion-of-automatic-voter->

II. The Problem is Broader than the State Admits

The State's official explanation of the non-citizen registration problem is confined to the time period of June 2023 to June 2024 and is limited in scope to the alleged MVC software error. Publicly available records confirm that the problem is broader than the State admits. For example, public records provided by the counties of Hudson and Bergen, two of the State's most densely populated counties, confirm that non-citizens registered to vote before and after that time period through the MVC. This confirms that the temporal scope of the problem is greater than the State admitted. Those same records confirm that non-citizens were able to register to vote through means other than the MVC automatic registration system. This confirms that the problem is not limited to non-citizens being registered only through the alleged MVC software error. If these problems exist in two of New Jersey's most populated counties, it is likely that they exist in other counties as well.

Significantly, the public records which confirm this information were created as a result of non-citizens voluntarily requesting removal from the voter rolls, likely in order to obtain U.S. citizenship. The number of non-citizens who remain on the voter rolls that have not voluntarily requested removal is unknown but is believed to be a significant number. Indeed, 75,000 non-citizens are excused every from jury duty in New Jersey for that reason.⁹

III. The State's List Maintenance Practices are Questionable

The procedures employed by the State to comply with list maintenance requirements of the National Voter Registration Act ("NVRA"), as well as state law, are questionable considering that whatever safeguards are in place were bypassed and non-citizens ended up being improperly registered to vote. State law requires the Secretary of State to promulgate standards that "include procedures to ensure that reasonable effort is made to remove registrants who are ineligible to vote pursuant to federal or State law and to ensure that eligible voters are not removed in error from the system."¹⁰ Significantly, the Secretary of State has never codified those standards in any formal regulation. To the extent these standards exist at all, they do not carry the force of law because they were not adopted pursuant to the Administrative Procedures Act. It is unclear what the State's list maintenance practice are.

In conclusion, it is clear that non-citizens have been registered to vote in New Jersey in violation of the law. The means to prevent this from occurring in the future exist: state law requires election officials to verify voter eligibility, including citizenship. Our election officials need to have the necessary tools available to verify the information needed to make those determinations.

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Friedman, Matt, *New Jersey Playbook*, Politico (December 10, 2019) <https://www.politico.com/newsletters/new-jersey-playbook/2019/12/10/assembly-acts-on-drivers-licenses-for-the-undocumented-487855?nname=new-jersey-playbook&nid=0000014f-1646-d88f-a1cf-5f46b6de0000&nrid=d3300f88-b1b9-4f4b-8298-99a8c25cb21d>

⁹ Wildstein, David, *75,000 noncitizens called for jury duty each year*, New Jersey Globe (Jul. 24, 2026) <https://newjerseyglobe.com/judiciary/75000-noncitizens-called-for-jury-duty-in-new-jersey-each-year/>

¹⁰ N.J.S.A. 19:31-32(d).

Identifying and removing non-citizens who remain on the rolls is also not a complicated task. These goals should be swiftly met with bipartisan cooperation to ensure the integrity of our election system.