



Testimony by Congressman Steve King
House Judiciary Committee
Oversight Hearing: "Protecting the Right to Vote: Election Deception and Irregularities in
Recent Federal Elections"
March 7, 2007

Thank you Chairman Conyers, Ranking Member Smith, and members of the Judiciary Committee for inviting me to testify today. I appreciate this opportunity to address the Committee about the need to protect the integrity of our democratic process, by guarding against illegal aliens and noncitizens taking part in only the American citizen's right to vote.

Currently, there are approximately 14 million illegal aliens in the United States who are of voting age. There are approximately 23 million legal noncitizens currently residing in the U.S. Beyond requiring applicants to sign a pledge on voter-registration forms affirming that they are U.S. citizens, there are no restraints to prevent the nation's illegal aliens and legally present noncitizens from casting ballots in local, state and federal elections. Our voting system is subject to fraud by noncitizens. Illegal voting by legally residing non-citizens may be more prevalent than voting by illegal aliens. There are no existing structures in place to prevent illegal aliens from voting or to know if noncitizens are illegally voting in federal elections.

Numerous tactics are being employed by illegal aliens and noncitizens to fraudulently vote in federal elections. The first approach begins by obtaining a state drivers' license. States vary greatly in their laws governing the issuance of those licenses. A few states require and verify documentation that an applicant is either a U.S. citizen or a legal resident. However, other states purposely or inadvertently allow aliens to receive a drivers' license. Seven states allow registrants to use an individual taxpayer identification number (ITIN) instead of a Social Security number. The problem with an ITIN, stems from the fact it is available to noncitizens for purposes of tax withholding. On the opposite side of the spectrum, eleven states are lax and negligently permit illegal aliens to obtain drivers' licenses, by refusing to verify the authenticity of the Social Security Number.

Under the National Voter Registration Act of 1993, information provided by the applicant for a driver's license may also be used for voter registration unless the applicant specifically indicates that he did not want to be registered to vote. With many states making driver's licenses available to legal noncitizens and illegal aliens, it is probable voter rolls contain large numbers of non-citizens and illegal aliens.

Another tactic employed by illegal aliens and noncitizens to obtain voting rights involves absentee voting. Absentee voting has become increasingly common, and there are no safeguards in place to ensure the actual voter is voting or for elections officials to challenge the voter in person as a possible illegal voter. In effect, there are no safeguards in place to ensure the person requesting the absentee ballot is actually the person voting. Elections official's hands are tied to protect the integrity of the voting ballot.

To preserve the integrity of the election process, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Under the Act, it became a federal crime for non-citizens to vote in any federal election. Ineligible non-citizens who knowingly voted illegally could also be deported. Furthermore, a non-citizen who fraudulently claimed to be a U.S. citizen would also violate this Act. Despite these penalties, there have been frequent substantiated reports of illegal aliens and non-citizens taking part in elections.

One of these reports is well-known to another witness before the committee today, because it involved Loretta Sanchez's California race in 1996. This is probably the best example of documented illegal voting to date. Loretta Sanchez defeated Republican incumbent Robert Dornan by 984 votes. Dornan called for an investigation of alleged illegal voting by noncitizens. The House Oversight Committee found that while there was insufficient evidence to void Ms. Sanchez's victory, the Committee found evidence of 748 improper ballots, 624 by individuals who were not citizens when they registered to vote. ("Dornan's Election Challenge Dismissed," Los Angeles Times, February 13, 1998). This is a striking number because it illustrates in that election, 83% of all the fraudulent votes cast were by noncitizens.

In the 2000 Presidential election, noncitizens may have directly influenced the outcome of this race in eleven different states. Colorado, Florida, Georgia, Missouri, Nevada, New Hampshire, North Carolina, Ohio, Tennessee, Texas, and Virginia, all had small enough winning vote margins that illegal voting could have shifted the balance to Vice President Gore. With only a three vote margin in the Electoral College, if enough noncitizens had voted to reverse the outcome in any one of those eleven states, it would have changed the entire election.

In preparation for the 2004 elections, Iowa and South Dakota issued directives to voter registration officials that voters should be added to the voter rolls even if their application did not affirmatively designate they were United States citizens. These directives were in blatant violation of the National Voter

Registration Act, which requires every potential voter to designate citizenship on the voter registration application.

In Utah, it was discovered that more than 58,000 illegal aliens had fraudulently obtained drivers' licenses. A legislative audit bureau determined that possibly 383 illegal aliens were registered to vote. Immigration and Customs Enforcement (ICE) conducted a sample consisting of 135 of these individuals and discovered that five were naturalized citizens, twenty were "deportable", one was a permanent legal resident, and 109 had no record and were assumed to be in the United States illegally. More alarmingly, it was revealed that at least fourteen had voted in a recent Utah election.

In North Carolina, ICE agents inspecting voter registration records last November revealed at least four cases of noncitizens illegally registered to vote. Three of the people were arrested, and officials are looking for the fourth. Tom O'Connell, resident agent in charge of the ICE agency's Cary office, said that "It's a very personal charge to us, it goes to the integrity of the entire democratic system when we have... aliens registering to vote." ("Voter rolls risky for aliens," *The News & Observer*, December 7, 2006.)

There is a very simple solution to the problem of illegal aliens and non-citizens voting in our elections. A bipartisan commission headed by former President Jimmy Carter and ex-Secretary of State James Baker announced after their study into Federal Election Reform, that Americans should be required to have photo identification to vote.

"Instead of creating a new card, the Commission recommends that states use 'REAL ID' cards for voting purposes. The REAL ID Act, signed into law in May 2005, requires states to verify each individual's full legal name, date of birth, address, Social Security number, and U.S. citizenship before the individual is issued a driver's license or personal ID card. The REAL ID is a logical vehicle because the National Voter Registration Act established a connection between obtaining a driver's license and registering to vote. The REAL ID cards adds two critical elements for voting — proof of citizenship and verification by using the full Social Security number. The REAL ID Act does not require that the card indicates citizenship, but that would need to be done if the card is to be used for voting purposes. In addition, state bureaus of motor vehicles should automatically send the information to the state's bureau of elections." "Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform," *The Carter-Baker Report* (Sept. 2005).

Allegations that implementing REAL ID will suppress voting participation are unfounded. Every illegal vote by a non-citizen ultimately voids the vote of a U.S. citizen and it is as injurious as not allowing the citizen to vote in the first place.

While advocates for illegal aliens and noncitizens claim such individuals would not take the risk of registering to vote for fear of being discovered, the evidence I have just presented before you suggests otherwise. It is foolishness to believe fraud is absent when efforts are not being made to ensure the integrity of our electoral process. Remember, it only takes one vote to change an election.

Thank you and I would be happy to take questions from the Committee.