

Congress of the United States

Washington, DC 20515

July 12, 2024

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

As you are likely aware, the United States has experienced a record number of border encounters since President Biden took office—nearly 10 million—many of whom have been released into, or evaded apprehension while entering, the U.S. We’re writing to inquire regarding the efforts undertaken by your Department to enforce the law that prohibits non-citizens from voting in our elections.

Several recent reports have described, upon examination by state officials, instances of non-citizens registering to vote in elections or being prompted to do so. For example, the Governor of South Carolina recently called for an investigation after it was revealed that voter registration forms were allegedly given to non-citizens.¹ Similarly, in 2022, the Georgia Secretary of State found that more than 1,600 non-citizens had attempted to register to vote in Georgia.² And Ohio’s Secretary of State called for increased verification efforts by county election officials after non-citizens were found on state voter rolls.³

These reports are especially concerning given the record-shattering number of illegal aliens entering the United States and certain state and local laws that permit aliens to vote in local elections.

As you are aware, federal law prohibits aliens from voting or registering to vote in federal elections. For example, 18 U.S.C. § 611 prohibits aliens from voting in federal elections. Additionally, 52 U.S.C. § 20511 makes it unlawful to fraudulently register or vote. And 18 U.S.C. § 911 prohibits making a false claim of U.S. citizenship.

Plainly, there are opportunities for and instances of non-citizen voter registration, and so the critical question is whether the laws against doing so are being enforced by your Department. There appear to have been few prosecutions by your Department under these laws, and there is no indication that you have been pursuing cases in places like Georgia and Ohio where aliens have been caught registering or voting. Nor is there any indication that you have taken steps to obtain information from the Department of Homeland Security regarding aliens who admit that they have registered or voted in U.S. elections when completing the N-400, “Application for Naturalization.” Part 9 of that form specifically asks applicants that question.

Furthermore, there is no evidence that your U.S. Attorneys are using information obtained from jury lists

¹ <https://www.wltx.com/article/news/politics/elections/sled-investigation-alleged-voter-registration-forms-non-citizens-south-carolina/101-e648407c-dfe4-4ea4-af9d-a0b83290fc82>.

² <https://sos.ga.gov/news/secretary-raffensperger-refers-1600-noncitizen-registrants-local-das-gbi-state-election-board>.

³ <https://www.ohiosos.gov/media-center/press-releases/2024/2024-05-14a/>.

in their cases to investigate aliens who may have violated federal law. It is our understanding that potential jurors for federal cases are obtained from state voter registration lists in many federal districts. This begs the question: Has an individual ever been excused from federal jury duty because they are not a U.S. citizen, and if so, does the Department address the fact that they are a registered voter?

To promote public trust regarding the steps your Department has taken to prosecute non-citizens for illegally voting or registering to vote in federal elections, please provide the following information no later than July 26, 2024:

1. Please provide the number of aliens who have been charged, tried, or convicted under 18 U.S.C. § 611 since January 20, 2021, including the status of each case.
2. Please provide the number of aliens who been charged, tried, or convicted under 52 U.S.C. § 20511 since January 20, 2021, including the status of each case.
3. Please provide the number of aliens who have been prosecuted under 18 U.S.C. § 911 since 2021, including the status of each case.
4. Please provide the number of referrals received from other government officials or the public in reference to the statutes cited in questions 1 through 3.
5. How does the Department of Justice investigate allegations received of non-citizen voting or voter registration?
6. What affirmative steps has the Department of Justice taken to detect, prevent, and deter illegal aliens and other non-citizens from registering and voting in federal elections?
7. What affirmative steps has the Department taken to obtain relevant information from the Department of Homeland Security on aliens who have registered or voted in elections?
8. What steps have been taken by U.S. Attorneys and the Public Integrity Section of the Criminal Division, which is responsible for prosecuting election crimes and assisting U.S. Attorneys in prosecuting election crimes, to obtain jury-related information that indicates aliens have unlawfully registered to vote?
9. As the 2024 election nears, what steps will the Department take to detect, investigate, and prosecute non-citizens who violate 18 U.S.C. § 911, 52 U.S.C. § 20511, or 18 U.S.C. § 611 by voting or registering to vote in the 2024 election?

Thank you for your attention to this matter and we look forward to your prompt reply.

Sincerely,



Bill Hagerty
United States Senator



Andy Biggs
Member of Congress



Michael S. Lee
United States Senator



Byron Donalds
Member of Congress



Roger Marshall, M.D.
United States Senator



Ralph Norman
Member of Congress



Rick Scott
United States Senator



Keith Self
Member of Congress



Ted Cruz
United States Senator



Andy Ogles
Member of Congress



Mike Braun
United States Senator



Rich McCormick, MD, MBA
Member of Congress



Ted Budd
United States Senator



Chuck Fleischmann
Member of Congress



Eric Schmitt
United States Senator



Eli Crane
Member of Congress



Josh Hawley
United States Senator



Bob Good
Member of Congress



James E. Risch
United States Senator



Clay Higgins
Member of Congress



Tommy Tuberville
United States Senator



Tim Burchett
Member of Congress



James Lankford
United States Senator



Andy Harris, M.D.
Member of Congress



Cindy Hyde-Smith
United States Senator



Jeff Duncan
Member of Congress

Ron Johnson
United States Senator

Lauren Boebert
Member of Congress

Mike Crapo
United States Senator

August Pfluger
Member of Congress

M. Michael Rounds
United States Senator

Chip Roy
Member of Congress

J.D. Vance
United States Senator

Mary Miller
Member of Congress

John Hoeven
United States Senator

David Kustoff
Member of Congress

Marsha Blackburn
United States Senator

Matthew M. Rosendale, Sr.
Member of Congress



John Thune
United States Senator



Barry Loudermilk
Member of Congress



Tim Scott
United States Senator



Debbie Lesko
Member of Congress



Thom Tillis
United States Senator



Ben Cline
Member of Congress



Diana Harshbarger
Member of Congress



Eric Burlison
Member of Congress



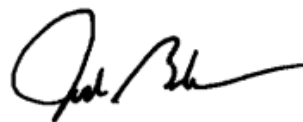
Dan Crenshaw
Member of Congress



Claudia Tenney
Member of Congress



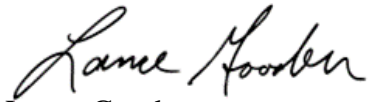
Dan Meuser
Member of Congress



Josh Brecheen
Member of Congress



Chuck Edwards
Member of Congress



Lance Gooden
Member of Congress



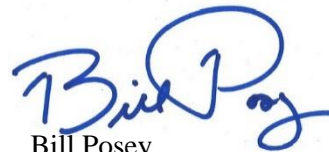
Earl L. "Buddy" Carter
Member of Congress



Troy Nehls
Member of Congress



Barry Moore
Member of Congress



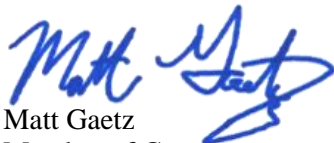
Bill Posey
Member of Congress



Randy Feenstra
Member of Congress



John Rose
Member of Congress



Matt Gaetz
Member of Congress



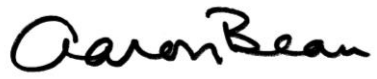
Michael Guest
Member of Congress



Dan Bishop
Member of Congress



Cory Mills
Member of Congress

Handwritten signature of Aaron Bean in black ink.

Aaron Bean
Member of Congress

Handwritten signature of Gary Palmer in blue ink.

Gary Palmer
Member of Congress