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One Hundred Eighteenth
Congress of the United States
House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
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May 6, 2024

Mr. Gary Thompson
Chair
D.C. Board of Elections
1015 Half Street, S.E.
Washington, D.C. 20003

Mr. J.C. Boggs
Member
D.C. Board of Elections
1015 Half Street, S.E.
Washington, D.C. 20003

Ms. Karyn Greenfield
Member
D.C. Board of Elections
1015 Half Street, S.E.
Washington, D.C. 20003

Dear Board Members,

As Chairman of the U.S. House of Representatives Committee on House Administration, which has broad oversight of our nation's federal elections,¹ I write today to express my concern about the District of Columbia's Local Resident Voting Rights Amendment Act of 2022 ("Act"), which allows non-citizens to vote in local elections.² Despite the Act's passage by the District of Columbia ("D.C.") Council, federal law continues to prohibit non-citizens from voting in federal elections.³

Not only is D.C. allowing non-citizens to vote, but the Board is actively encouraging it. In addition to Board staff hosting a virtual townhall focused on the ability of non-citizen D.C. residents to vote,⁴ the Committee has received notice regarding a postcard mailed by the Board to "Residential Customers" advocating for non-citizens to register to vote in D.C. elections.⁵

In the interest of ensuring that voter confidence in our elections processes and outcomes is protected in the next federal election, please provide detailed responses to the following questions:

- (1) To distinguish between citizen and non-citizen voters, your implementation of the Act requires two voter registration forms, two voter lists, and two different ballots.
 - a. If a bifurcated registration database is used, how will elections workers differentiate between those qualified to vote in federal elections and those who are not?
- (2) Non-citizen voting in federal elections is a felony under 18 U.S.C. § 611. What steps have you taken to ensure foreign nationals will not commit a crime by casting a vote for a federal office, including President of the United States?

¹ Rules of the United States House of Representatives, Rule X(k)(12), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

² Local Resident Voting Rights Amendment Act of 2022, D.C. Law 24-242, 69 DCR 14601 (2023).

³ 18 U.S.C. § 611. See also 17 V.S.A. § 2121(a)(1).

⁴ DCBOE to Host Virtual Townhall Focused on the Ability of Non-Citizen DC Residents to Vote in Local Elections, District of Columbia Board of Elections, https://dcboe.org/getmedia/3b40f9c9-1c77-45ac-ba33-afa2d9c7550a/Non-citizen-DC-resident-voting-townhall_FINAL_042624 (last visited April 30, 2024).

⁵ Postcard distributed by the District of Columbia Board of Elections, <https://app.box.com/shared/static/i3npf6x07qs11iq4cresqyf9d9oqu10y.jpeg>.

- (3) Can foreign nationals who are here representing their capitals as embassy personnel, including nationals from China, Russia, and Iran, vote in the governance of our nation's capital?
 - a. Can non-citizens, who are employed by a foreign embassy in D.C., use their embassy's address when registering to vote?
 - b. Can non-citizens use their foreign passport when registering to vote?
 - c. How were the available languages that are used for the Mail in Voter Registration Application determined?
 - d. Are there plans to have the Application available in Hindi, Russian, Persian, or any other languages?
- (4) Your current voter registration application in use for American citizens requires an affirmation of U.S. citizenship. What is your process if a non-citizen fills out this form?
- (5) Your current voter registration application in use for American citizens requires that an applicant not be in jail for a felony conviction. The form for non-citizens does not have this requirement. Why not?
 - a. Can foreign nationals be in jail for a felony conviction and still vote?
 - b. What is your plan to vet foreign nationals who have felony convictions?
- (6) The non-citizen voter registration application states, "If you are registering to vote in the District of Columbia for the first time and submit this application by mail or electronically, you may be required to provide identification that shows your name and current address the first time you vote in an election in the District of Columbia."
 - a. Why is identification not required?
 - b. What steps are taken when identification is requested and provided?
 - c. What steps are taken when identification is requested and not provided?
- (7) To date, how many non-citizens are registered to vote in D.C.?
- (8) Does your office plan to use Help America Vote Act ("HAVA") of 2002 funds to help or encourage non-citizens to vote in D.C. local elections?
- (9) What legal analyses or guidance has the Board relied upon in implementing the Act?

Please send your response and any questions you may have by May 15, 2024, to March Bell, General Counsel, at March.Bell@mail.house.gov.

Sincerely,



Bryan Steil
Chairman
Committee on House Administration

CC: Monica Evans, Executive Director, D.C. Board of Elections

BGS/tl/ag