

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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October 31, 2024

The Honorable Kristen Clarke
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530

Dear Assistant Attorney General Clarke:

The Subcommittee on the Constitution and Limited Government is conducting oversight of the apparent coordination between the Civil Rights Division and left-wing advocacy groups to impede the ability of states to ensure the accuracy of their voter rolls. In recent weeks, the Department of Justice (DOJ), led by the Civil Rights Division, has filed lawsuits against Alabama and Virginia to prevent those states from removing noncitizens from their voter rolls and has threatened other states with legal action.¹ These lawsuits immediately followed similar suits filed by far-left groups that have taken radical positions on noncitizens voting, including opposing my bill, H.R. 8281, the SAVE Act, and promoting the radical idea that “political exclusion of noncitizens raises troubling questions about the nature of our democracy.”²

Federal law is clear that only U.S. citizens may participate in elections for federal office.³ Under the Constitution, states have the primary responsibility to administer elections, including to “enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder.”⁴

¹ See, e.g., Press Release, Department of Justice, Justice Department Sues Virginia for Violating Federal Law’s Prohibition on Systematic Efforts to Remove Voters Within 90 Days of an Election (Oct. 11, 2024); see also Press Release, Department of Justice, Justice Department Sues Alabama for Violating Federal Law’s Prohibition on Systematic Efforts to Remove Voters Within 90 Days of an Election (Sept. 27, 2024); see also Letter from The Honorable Jim Jordan, Chairman, H. Comm. on the Judiciary, to The Honorable Kristen Clarke, Assistant Attorney General for Civil Rights, Department of Justice (Oct. 21, 2024).

² ADVANCEMENT PROJECT, IN PURSUIT OF AN AFFIRMATIVE RIGHT TO VOTE 13 (JUL. 2008).

³ See 18 U.S.C. § 611.

⁴ U.S. CONST. art. I, § 4, cl. 1; *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997) (citing *Burdick v. Takushi*, 504 U.S. 428, 433 (1992)).

However, on September 13, 2024, several left-wing groups, including Alabama Coalition for Immigrant Justice and League of Women Voters of Alabama, filed a lawsuit against the state of Alabama in a U.S. District Court for the Northern District of Alabama.⁵ The plaintiffs alleged that Alabama's removal of 3,251 individuals identified as noncitizens from its voter rolls violated federal law, including the National Voter Registration Act of 1993 (NVRA).⁶ The plaintiffs' legal representation in the case included attorneys from left-wing groups such as the Fair Elections Center, the Campaign Legal Center, and the Southern Poverty Law Center.⁷ On September 27, 2024, two weeks after the case was filed, the DOJ filed a similar lawsuit against Alabama in the same venue alleging that Alabama's action violated the NVRA's prohibition against systematic voter roll maintenance 90 days before an election.⁸ On September 28, 2024, the two cases were consolidated;⁹ and, on October 16, 2024, a preliminary injunction was issued.¹⁰

We witnessed a strikingly similar set of circumstances in Virginia involving a similar cast of characters. On October 7, 2024, several left-wing groups, including Virginia Coalition for Immigrant Rights and League of Women Voters of Virginia, filed a lawsuit in a U.S. District Court in the Eastern District of Virginia, alleging that Virginia's removal of 6,303 individuals identified as noncitizens from its voter rolls violated the NVRA.¹¹ Like the Alabama lawsuit, these groups were represented by attorneys from leftwing groups such as the Campaign Legal Center, as well as attorneys from the Lawyers' Committee for Civil Rights Under Law, the Protect Democracy Project, Inc., and the Advancement Project.¹²

On October 11, 2024, four days after these left-wing groups filed their lawsuit, the DOJ filed a lawsuit against Virginia alleging violations of the NVRA.¹³ On October 18, 2024, the cases were consolidated;¹⁴ and on October 25, 2024, a partial preliminary injunction was ordered.¹⁵ On October 30, 2024, the U.S. Supreme Court stayed the lower court's decision.¹⁶

While it is absurd for the DOJ to argue that the NVRA prevents states from ensuring that ineligible voters do not participate in federal elections,¹⁷ of particular concern in these cases is

⁵ Alabama Coalition for Immigrant Justice v. Allen, No. 2:24-cv-01254-SGC (N.D. AL. filed Sept. 16, 2024).

⁶ *Id.*

⁷ *See, Id.*

⁸ U.S. v. Alabama, No. 2:24-cv-01329-MHH (N.D. AL. filed Sept. 28, 2024).

⁹ Alabama Coalition for Immigrant Justice v. Allen, No. 2:24-cv-1329-MHH (N.D.AL. Sept. 28, 2024) (order consolidating Alabama Coalition for Immigrant Justice v. Allen and U.S. v. Alabama).

¹⁰ Alabama Coalition for Immigrant Justice v. Allen, No. 2:24-cv-1329-MHH (N.D. AL. Oct. 16, 2024) (order granting preliminary injunction).

¹¹ Virginia Coalition for Immigrant Rights v. Beals, No. 1:24-cv-01778 (E.D.V.A. filed Oct. 7, 2024).

¹² *See, Id.*

¹³ U.S. v. Commonwealth of Virginia, No. 1:24-cv-01807 (E.D.V.A. filed Oct. 11, 2024).

¹⁴ Virginia Coalition for Immigrant Rights v. Beals, No.1:24-cv-01778-PTG-WBP (E.D.V.A. Oct. 18, 2024) (order consolidating Virginia Coalition for Immigrant Rights v. Beals and U.S. v. Commonwealth of Virginia).

¹⁵ Alabama Coalition for Immigrant Rights v. Beals, No. No.1:24-cv-01778-PTG-WBP (E.D.V.A. Oct. 25, 2024) (order granting in part and denying in part a preliminary injunction).

¹⁶ Beals v. Virginia Coalition for Immigrant Rights, No. 24A407, 604 U.S. ____ (Oct. 20, 2024) (granting application for stay).

¹⁷ *See, e.g.* Hans von Spakovsky, *The National Voter Registration Act Does Not Prevent States from Removing Aliens from Voter Registration Rolls at Any Time*, HERITAGE FOUND. (Oct. 23, 2024).

the appearance of collusion between the DOJ and leftwing activists. The cases involve the same or similar plaintiffs and lawyers and follow a similar pattern with respect to the timing of each complaint. These circumstances raise questions as to whether the DOJ's Civil Rights Division is working with these groups to file cases to keep noncitizens on voter rolls just before the 2024 election and prevent states from ensuring that only eligible citizens vote in federal elections.

What is clear is that the DOJ did not object to consolidating its cases with those filed by left-wing organizations and attorneys with a public history of opposing bipartisan efforts to prevent noncitizens from voting. Indeed, on July 9, 2024, the League of Women Voters, the NAACP, the Lawyers' Committee for Civil Rights Under Law, Protect Democracy, the Southern Poverty Law Center, the Campaign Legal Center, the Fair Elections Center, and the Advancement Project each signed a letter opposing the SAVE Act.¹⁸ The SAVE Act passed the House on a bipartisan basis and would require proof of citizenship to register to vote in federal elections and ensure that states remove noncitizens from their voter rolls through election day, while giving them the necessary tools to do so. The Advancement Project has gone as far as proactively advocating *for* noncitizen voting in promoting the argument that "political exclusion of noncitizens raises troubling questions about the nature of our democracy."¹⁹

The American people deserve to know whether left-wing activist groups are dictating the DOJ's legal strategy with respect to noncitizens voting in the upcoming election. As such, I ask that you provide the following documents and information:

1. All documents and communications referring or relating to the Alabama and Virginia lawsuits between the Civil Rights Division and any of the following entities: Alabama Coalition for Immigrant Justice; League of Women Voters of Alabama; League of Women Voters of Alabama Education Fund; Alabama State Conference of the NAACP; Virginia Coalition for Immigrant Rights; League of Women Voters of Virginia; League of Women Voters of Virginia Education Fund; League of Women Voters of the United States; Fair Elections Center; Campaign Legal Center; Southern Poverty Law Center; Lawyers' Committee for Civil Rights Under Law; Protect Democracy Project, Inc.; or the Advancement Project; and
2. Documents sufficient to show whether the DOJ plans to file any further lawsuits against states that have removed noncitizens from their voting rolls, including any communications between the Civil Rights Division and the above-listed organizations.

Please provide these documents and communications as soon as possible, but no later than 5:00 p.m. on November 4, 2024.

¹⁸ Coalition letter opposing the SAVE Act to Members of the House of Representatives (Jul. 9, 2024), <https://civilrightsdocs.info/pdf/policy/letters/2023/SAVEActLetter-July92024.pdf>.

¹⁹ ADVANCEMENT PROJECT, IN PURSUIT OF AN AFFIRMATIVE RIGHT TO VOTE 13 (JUL. 2008).

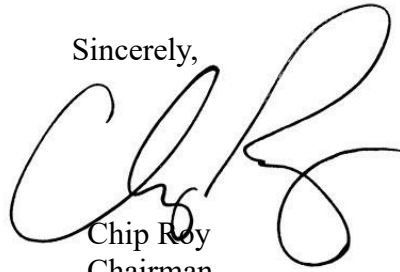
The Honorable Kristen Clarke

October 31, 2024

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If you have any questions about this matter, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'CR', with a large, stylized flourish extending to the right.

Chip Roy

Chairman

Subcommittee on the Constitution
and Limited Government

cc: The Honorable Mary Gay Scanlon, Ranking Member, Subcommittee on the Constitution and Limited Government