

**Testimony of Al Schmidt  
City Commissioner of Philadelphia**

**Joint Public Hearing to Discuss Motor Voter, Unlawful Voting, and  
Cyber Security before the PA Senate State Government and  
Transportation Committees**

**Harrisburg, PA  
Tuesday, December 12, 2017**

Chairmen Folmer and Rafferty, Minority Chairmen Williams and Sabatina, and Members of the Senate State Government and Transportation Committees, my name is Al Schmidt and I'm City Commissioner of Philadelphia. I submit this testimony today as one of three City Commissioners responsible for running elections in the most populous county in the Commonwealth.

Thank you for the opportunity to appear before you and to share my research into the issue of non-citizens registering to vote in Philadelphia.

After being sworn into office in 2012, I began working on identifying different types of voter fraud and voting irregularities occurring in Philadelphia elections. My office soon released a report documenting cases that we had found in the 2012 Primary Election.<sup>1</sup> One such irregularity that we identified was non-citizens registering to vote and voting. As you know, only U.S. citizens may legally register to vote and cast their vote in elections in Pennsylvania. While voter registration applications in Pennsylvania include the question "Are you a citizen of the U.S.," the answer to this question is the **only** information county voter registration offices have to verify citizenship prior to a voter registration application being processed.

From 2012 until earlier this year, my office continued to research the issue of non-citizens voting. We identified 220 non-citizens who were registered to vote in Philadelphia at some point between 2006 and 2017.<sup>2</sup> Of the 220 non-citizen registrants, 90 (41%) voted in at least one election. Of those who voted, 44 (49%) voted on one occasion, while 46 (51%) voted in two to twelve elections in the period in which they were registered. The total number of votes cast by non-citizens we identified is 227, with the largest number of votes (47) cast in the 2008 General Election. All 220 non-citizens provided documentation (e.g., signed affidavit or letter from the registrant or their immigration attorney) canceling their voter registration status on the grounds that they were not U.S. citizens and, therefore, were not eligible to vote.

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<sup>1</sup> ["Voting Irregularities: Voting Irregularities in Philadelphia County, 2012 Primary Election," Office of City Commissioner Al Schmidt \(July 2012\)."](#)

<sup>2</sup> An additional 95 cases indicate that the registered voters were not citizens, but lack sufficient documentation to say with certainty without further review. The records of these former registrants indicate that their voter registration status was cancelled due to ineligibility as noncitizens.

Importantly, of the 220 non-citizens who were registered to vote, 168 (76%) either initially registered to vote through PennDOT “Motor Voter,” or modified their voter registration record at some point through “Motor Voter.” Those voters cast a total of 166 votes during the period in which they were registered. The remaining 52 (24%) registered to vote by other means, such as a paper or online voter registration application, typically using their driver’s license number or social security number for identity verification. (See Attachment 1 for an infographic of these findings.)

When non-citizens apply for a driver’s license at PennDOT, they are required to provide stay documents to show their legal status to remain in the U.S. for at least one year. PennDOT verifies these immigration documents electronically with the U.S. Department of Homeland Security and the applicant’s driver’s license record is marked using an INS Indicator. Nevertheless, following this interaction, non-citizen applicants – just the same as U.S. citizen applicants – are asked using touch screen technology if they would like to register to vote when driver’s licenses are issued to applicants at PennDOT offices. In addition to the possible challenge of limited English proficiency, it is also possible that – after just providing proof of their status as non-citizens – applicants believe they are eligible to vote.

**The voter registration process at PennDOT is both harmful to election integrity and to members of the immigrant community seeking citizenship.**

The letters and affidavits from immigrants negatively affected by the thoughtlessness of this “glitch” are heart wrenching. Many of them describe the process by which they were registered to vote when they were issued a driver’s license. (See Attachment 2.) A few weeks ago, after this issue was covered in the press, I received an email message from one of these individuals. After speaking with him on the phone, he eagerly agreed to allow his story to be shared with you today. If you’ll allow me, I’d like to read a short excerpt from his message.

“I am one of those non-citizens they registered to vote, and most recently it cost me my US citizenship...I went to the DMV located on Island Ave in Philadelphia to renew my driver’s license. At the time, I was a green card carrying, married man with 2 sons and a fulltime job...I volunteered at the...Fire Station regularly and was a productive member of society. I went into the DMV and processed my license, at the end, the gentleman asked me what political party I associated myself with. I answered him not thinking anything of it because I thought he was making small talk. Years passed and my wife went to vote for Governor of Pennsylvania and she found my name in the voter registration log. I had no idea what I was supposed to do. My wife and I thought because I was in the book it meant I should vote and I did. Then I came to find out this was wrong and I never went back. When we moved I made sure they did not register me...Now when I applied for my US Citizenship [I] was honest about what had happened to me. They required me to send additional information, and even after that, I just received word, I was denied my Citizenship. I have a wife who I love and two young boys ages 7 and 9...I did not knowingly do this in any way, nor try to commit any type of fraud...I ask that you keep up your inquisition into this glitch. That no one else has to go through what my family and I are...Thank you for all you are doing and continue to do so.”

While it is encouraging that the PA Department of State has now committed to addressing the current flaw in the “Motor Voter” system in Pennsylvania allowing non-citizens to register to vote when receiving a driver’s license, **this does nothing to address the issue of non-citizens already registered to vote.**

**Given that we only know of cases where non-citizens have self-reported their ineligibility, it is likely that many thousands remain registered to vote in Pennsylvania.**

It is critically important that the PA Department of State inform these non-citizens so that they may cancel their voter registration status prior to the next election and not further jeopardize their path to citizenship.

My recommendations are as follows:

- 1) Release the results of the data matching of PennDOT driver’s license numbers with INS Indicators against driver’s license numbers of registered voters in the statewide voter registration database to the County Boards of Election; and
- 2) Contact all potential non-citizens who may be registered to vote so that they may take action to cancel their voter registration status prior to the next election.

Thank you for the opportunity to appear before you today. **Leaving this matter unaddressed is both harmful to election integrity and to members of the immigrant community seeking citizenship.**