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One Hundred Eighteenth  
Congress of the United States  
House of Representatives

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October 1, 2024

Commissioner Bob Jacobson  
Department of Public Safety Commissioner  
455 Minnesota Street, Suite 1000  
Saint Paul, MN 55101

The Honorable Steve Simon  
Secretary of State  
332 Minnesota Street, Suite N201  
Saint Paul, MN 55101

Dear Commissioner Jacobson and Secretary Simon,

As Chairman of the U.S. House of Representatives Committee on House Administration, which has broad oversight of our nation's federal elections,<sup>1</sup> and as members of Minnesota's Congressional delegation, we write today with various concerns. In January 2023, we wrote to Minnesota Secretary of State Steve Simon expressing concern about noncitizens voting in elections.<sup>2</sup> Your administration's response and further actions taken should have assured Minnesotans that your office is taking steps to ensure that only eligible voters are participating in our elections, but, unfortunately, we are revisiting this concern after reports of noncitizens receiving primary ballots in the mail.<sup>3</sup>

This noncitizen who received a mailed primary ballot did not want to jeopardize his residence or future citizenship eligibility and stated that he did not register to vote or request a ballot.<sup>4</sup> This reported error may be the result of two newly implemented Minnesota laws and is likely not the lone case of noncitizens being registered to vote.

This is the first election following automatic voter registration (AVR) and *Driver's License for All*. Minnesota's *Driver's License for All* allows the 80,000 noncitizens living in Minnesota to apply for driver's licenses or state identification.<sup>5</sup> Additionally, Minnesota began AVR in April 2024 and now registers voters when they renew a state-issued identification, such as a driver's

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

<sup>2</sup> Letter from Chairman Bryan Steil to Secretary Steve Simon, U.S. House Committee on House Administration (Jan. 31, 2023), [https://mcusercontent.com/67fba463240fdd948eb636b35/files/d425b75e-d4fa-3da1-0242-7218b1fa2502/Minnesota\\_SOS\\_Letter.pdf](https://mcusercontent.com/67fba463240fdd948eb636b35/files/d425b75e-d4fa-3da1-0242-7218b1fa2502/Minnesota_SOS_Letter.pdf).

<sup>3</sup> Wallace, D., *Minnesota GOP demands probe after noncitizen claims receiving primary ballot without registering to vote*, Fox News (Aug. 11, 2024), <https://www.foxnews.com/politics/minnesota-gop-demands-probe-noncitizen-claims-receiving-primary-ballot-without-registering-vote>.

<sup>4</sup> *Id.*

<sup>5</sup> Jackson, Z., & Rao, M., *Unauthorized immigrants eligible for Minnesota driver's licenses now*, Minnesota Star Tribune (Oct. 1, 2023), <https://www.startribune.com/unauthorized-immigrants-now-eligible-for-minnesota-drivers-licenses/600308938>.

license, which is now available for noncitizens.<sup>6</sup> The combination of AVR and *Driver's License for All* could be the fatal combination that led to the report of this and other noncitizens receiving a primary ballot in the mail.

The Minnesota Secretary of State's website released data that the new AVR registered 90,000 voters, and one percent were flagged for potential errors.<sup>7</sup> In a September 12, 2024 letter responding to specific evidence of noncitizen registrations, Secretary Simon stated that these records were "inactivated" pending confirmation of a notification of eligibility and their subsequent registration.<sup>8</sup> Although one percent might not seem statically significant, any instance of ineligible voters is a disservice to Minnesotans and must be investigated fully. Additionally, this is just one source that points to the indication that noncitizens have access to federal elections, in violation of federal law.

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

- (1) When will the investigation into the inactivated individuals be complete?
- (2) In a September 12, 2024, letter, the Minnesota Secretary of State's website stated, "eligible Minnesotans should expect voter registration processing through Automatic Voter Registration to take as long as 12 weeks." What impact will this have on Minnesota's eligible voters from participating in the 2024 presidential election?
- (3) How will Minnesota process and proceed with registrations for eligible Minnesota voters to exercise their right to vote in the upcoming presidential election? How many inactivated individuals have not been confirmed as eligible voters?
- (4) How many of the inactivated individuals have voted in a previous election?
- (5) When was each inactivated individual registered?
  - a. What is the number of individuals who were affected by misclassified documents due to human error on part of the Department of Vehicle Services ("DVS")?
  - b. What is the number of individuals who were affected by their documentation not properly saved to the DVS database?
- (6) How many of the inactivated individuals were able to register due to the newly implemented AVR and *Driver's License for All*?
- (7) What, if any, additional investigative steps do you plan to take to audit the remainder of your voter roll, outside of the standard procedures that you have previously identified, to ensure no other individuals should be deactivated pending confirmation of eligibility?

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<sup>6</sup> AP News, *Minnesota election officials make changes to automatic voter registration system after issues arise*, Associated Press (Sept. 14, 2024), <https://apnews.com/article/automatic-voter-registration-minnesota-fa4a92b25f71b41ec6a99706ad34581d>.

<sup>7</sup> *Id.*

<sup>8</sup> Office of the Minnesota Secretary of State Steve Simon, *Update on Automatic Voter Registration System*, News Room (Sep. 12 2024), <https://www.sos.state.mn.us/about-the-office/news-room/update-on-automatic-voter-registration-system/>

- a. What, if any, training will DVS employees be receiving to reassure the American people that Minnesota's voter registration is administered in a way that ensures only U.S. citizens are registered to vote?

Please send your response and any questions you may have by October 7, 2024 to Thomas Lane, Elections Counsel and Director of Election Coalitions, at [Thomas.Lane@mail.house.gov](mailto:Thomas.Lane@mail.house.gov).

Sincerely,



Bryan Steil  
Chairman  
Committee on House Administration



Tom Emmer  
Member of Congress



Pete Stauber  
Member of Congress



Michelle Fischbach  
Member of Congress



Brad Finstad  
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