



West Virginia House of Delegates

Standing Committee on the Judiciary

Minutes for February 17, 2025, 9:00 AM

Pursuant to the call of the Chair, the Standing Committee on the Judiciary met on February 17, 2025, 9:00 AM, in the House Judiciary Committee Room with Delegate Akers in the Chair.

Members present: Delegates Akers, Butler, Ferrell, Flanigan, Fluharty, Funkhouser, Hansen, Heckert, Hillenbrand, Holstein, Hornby, Jennings, Kelly, D., Kimble, Kump, Mallow, Marple, Maynor, Phillips, Ridenour, Roop, Zatezalo

Members absent: Delegates Martin, Shamblin, Ward, B.

A silent roll call being taken, the presence of a quorum was established.

On motion of Delegate Maynor, the minutes from the previous meeting were approved.

House Joint Resolution 13, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state

Chairman Akers recognized Delegate Heckert as the lead sponsor for purposes of explaining the resolution. Chairman Akers called for questions of Delegate Heckert. Questions and discussion from the committee members followed. Public Comments regarding the resolution can be found at the end of this document.

Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion. Vice-Chairman Maynor moved to advance the resolution to markup and discussion. Chairman Akers put the question before the committee on adoption of the motion. The motion was adopted and the resolution was advanced.

On Motion of Delegate Maynor, the committee adjourned.

Delegate JB Akers
Chairman

Mr. Daniel Osborne
Senior Clerk

Daniel Osborne

From: Ed Fisher <edfisher007@gmail.com>
Sent: Sunday, February 16, 2025 9:58 PM
To: House Judiciary
Cc: Laura Kimble; Josh Holstein; cmlodge grinpro.com; Nate Cain; Larry Baker; Wayne Ervin; Lon Newton Jr.; Jeanette McLaughlin; Tresa Howell; Max Wilkinson; Sean Keefe; movcac.glenn@yahoo.com; Chris Rose; Lee Wagoner; Edward Bosco; Gary Bennett; Kerstin Harper; info@evans4wv.com; Rick Hillenbrand
Subject: HJR13 endorsement

Citizens for West Virginia Election Integrity (C4WVEI) endorses, applauds and strongly urges the WV House of Delegates to pass [HJR13](#) - Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

The C4WVEI and the citizens we represent support any effort to tighten elections prohibiting non-citizens from voting in WV elections as was publicized to the citizens of WV in our press release of last week.

Our nation has seen an open borders invasion for the past several years and one reason for this has been attributed to adding non-citizen voters to affect elections. We have heard from WV county clerk discussions that non-citizens have attempted to register (but were fortunately turned away). We have also seen much evidence of non-citizen registration and voting in other states so we must do whatever possible to prevent this from happening in West Virginia. One example is referenced below in (1) where a FOIA request by Judicial Watch shows that 388 non-citizens voted in the 2024 Washington DC election. In reference (2), the Washington Post reported that NYC is attempting to approve 800,000 non-citizens on the voter rolls. These are a few of the items we have seen recently.

(1) <https://justthenews.com/politics-policy/elections/nearly-400-non-citizens-voted-dcs-2024-general-election-judicial-watch>

(2) https://www.washingtonpost.com/politics/2025/02/11/voting-noncitizens-new-york-lawsuit/63cd2602-e8c2-11ef-969b-cfbefacb1eb3_story.html

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Ed Fisher
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Daniel Osborne

To: JB Akers
Subject: RE: For Monday Morning: HJR13 Sheet

From: Joseph Reidy <joe@3psvw.com>
Sent: Sunday, February 16, 2025 4:18:55 PM
Subject: For Monday Morning: HJR13 Sheet

Delegate,

I wanted to provide a quick one-pager ahead of tomorrow morning's Judiciary Committee meeting. We have recently started working with a group called *Americans for Citizen Voting*. We are very supportive of HJR13 and want to do all we can to help ensure this makes it across the finish line this session. I hope that we can be a resource to you in the legislative process. Please let me know any additional information that we can provide.

More resources from Americans for Citizen Voting can be found here: <https://onlycitizens.vote/>

Americans for Citizen Voting

Why only Citizen Voting? Non-Citizen Voting in the United States Cities and counties across the country are allowing non-citizens, generally green card holders but sometimes people that are not here legally, to vote in elections. Check out what is happening in each state State with "only citizens can vote" laws State voting on "only citizen [...]"

onlycitizens.vote

Thanks,
Joe

--
Joe Reidy
Vice President, Public Affairs
Three Point Strategies
304-676-3675

HJR13 Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state

Federal law requires citizenship in order to vote in a federal election, but the law does not apply to state and local elections. Unless a state’s constitution specifically states that only citizens can vote, the possibility of non-citizens legally voting exists. **Currently in West Virginia, non-citizens can be permitted to vote in local elections. This passage of resolution is the first step to ensure that only U.S. citizens have the right to vote in elections across West Virginia.** Liberal strongholds like California, Chicago, and Washington, D.C. promote and codify legal, non-citizen voting at the local level. HJR13 underscores a commitment to preserving the integrity of West Virginia’s electoral process by giving West Virginia voters the opportunity to add language to our state constitution that only U.S. citizens are entitled to vote in our elections.

Check out what is happening in each state

How Does West Virginia Compare?

Neighbor	Citizen Only Voting
Kentucky	✓
Maryland	12 Maryland Cities Specifically Allow Non-Citizen Voting
Ohio	✓
Pennsylvania	✓
Virginia	✓

West Virginia State Constitution

ARTICLE IV. ELECTION AND OFFICERS.

4-1. Election and officers.

*The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of the state and of the county in which he offers to vote, for thirty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein, **nor shall any person who is not a citizen of the United States be entitled to vote at any election held within this state.***

Previous Efforts

2024 HJR21 died on concurrence on day 60 of the legislative session	
House Passage	Senate Passage
96-0	32-0

Statement in Opposition to HJR13 - Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

To: Members of the House Judiciary Committee

From: Julie Archer, Deputy Director, WV Citizen Action Group, (304) 610-9094, julie@wvcag.org

Address: 1500 Dixie Street, Charleston, WV 25311

We oppose HJR 13 which proposes to add a ban on non-citizen voting to the state constitution. The supposed scourge of non-citizen voting is a nonissue. West Virginia and every other state have multiple checks in place to ensure that only eligible citizens can vote. To even register to vote in state and federal elections, you must swear you're a citizen under penalty of criminal prosecution. In fact, under [federal law](#), a non-citizen could face up to five years in prison simply for registering to vote. It's also a deportable offense for noncitizens to register or vote. Despite the numerous safeguards in place to ensure that only U.S. Citizens vote in our elections, some politicians have spread this falsehood to undermine trust in our elections and justify restrictive voting policies that end up doing more harm than good by disenfranchising eligible voters.

Flawed studies have fueled false and exaggerated claims about non-citizen voting rates. Yet, every legitimate study ever done on the question shows that voting by noncitizens in state and federal elections is vanishingly rare. This conspiracy theory has been debunked countless times. The Brennan Center for Justice, a non-partisan law and policy institute has compiled numerous studies that rebut the myth of non-citizen voting [here](#). They also document the damage caused to our democracy by those who peddle the lie that non-citizens are voting in significant numbers.

The conservative Heritage Foundation has actively promoted claims about the risk of noncitizens voting in its efforts to encourage states to enact restrictive voting policies. However, its own data suggests how rare these instances are. A [Bipartisan Policy Center analysis](#) of the Heritage Foundation's [database of election fraud cases](#) found only 77 instances of noncitizens voting between 1999 and 2023. Additionally, the American Immigration Council, which advocates for immigrant rights, also [analyzed the Heritage Foundation data](#) and found most noncitizen voting cases involve legal immigrants and many had been incorrectly told they could vote. That analysis found only 10 cases involving undocumented immigrants since the 1980s.

The one time in modern history that a non-citizen registered and attempted to vote in West Virginia, he was caught, charged, and eventually deported according to testimony before this body by representatives of the WV Secretary of State's Office. Of the 35 West Virginia election fraud cases in the Heritage Foundation database (1982-2024), [only one](#) mentions registering and voting by a non-citizen. If you feel you must address foreign meddling in our elections, you might consider doing something about the real threats posed by the use of artificial intelligence to spread misinformation and a broken campaign finance system that allows foreign companies and oligarchs to use super PACs and dark money groups as conduits for illegal campaign contributions.

West Virginia faces real problems, such as population loss, the foster care crisis, overcrowded prisons, opioid addiction, and dependence on uncompetitive fossil-energy industries. We suggest that you solve some of these problems before wasting your time chasing down bogus conspiracy theories that marinate in right-wing social media and cable news. The people of West Virginia deserve better. We believe that an increased focus on real problems and reality in general is a better use of your time and attention than this amendment.

Sources:

Brennan Center for Justice, Voting and Citizenship, a compilation of studies that rebut the myth of noncitizen voting. <https://www.brennancenter.org/series/voting-and-citizenship> These include:

- Sean Morales-Doyle, “Noncitizens Are Not Voting in Federal or State Elections — Here’s Why,” Brennan Center for Justice, April 12, 2024. <https://www.brennancenter.org/our-work/analysis-opinion/noncitizens-are-notvoting-federal-or-state-elections-heres-why>
- Allison Anderman, “The Damage from Conspiracy Theories About Noncitizen Voting,” Brennan Center for Justice, October 10, 2024. <https://www.brennancenter.org/our-work/analysis-opinion/damage-conspiracy-theories-about-noncitizen-voting>

Heritage Foundation Election Fraud Map/Database, <https://electionfraud.heritage.org>

National Immigration Forum, “The Myths and Truths of Non-Citizen Voting in the United States,” May 7, 2024. <https://immigrationforum.org/article/the-myths-and-truths-of-noncitizen-voting-in-the-united-states/>

NPR, “6 facts about false noncitizen voting claims and the election,” Nov. 5, 2024. <https://www.npr.org/2024/10/12/nx-s1-5147789/voting-election-2024-noncitizen-fact-check-trump>

Bipartisan Policy Center blog, “Four Things to Know About Non-Citizen Voting,” March 13, 2024. <https://bipartisanpolicy.org/blog/four-things-to-know-about-noncitizen-voting/>

American Immigration Council, “Unpacking Myths About Noncitizen Voting — How Heritage Foundation’s Own Data Proves It’s Not a Problem,” Aug. 1, 2024. <https://immigrationimpact.com/2024/08/01/myths-about-noncitizen-voting-heritage-foundation-data/>

Michael Waldman, Testimony on “American Confidence in Elections: Preventing Noncitizen Voting and Other Foreign Interference,” May 15, 2024. This testimony cites multiple sources on foreign influence threats posed by the deployment of artificial intelligence to spread information, and details how the U.S. Supreme Court’s ruling in *Citizens United* allows foreign funds to enter and influence American elections. <https://www.brennancenter.org/our-work/research-reports/testimony-american-confidence-elections-preventing-noncitizen-voting-and>