

United States Senate

WASHINGTON, DC 20510

November 18, 2025

The Honorable Christy McCormick
Commissioner
Election Assistance Commission
633 3rd Street NW
Suite 200
Washington, D.C. 20001

Dear Commissioner McCormick,

We write to condemn your October 29, 2025, remarks before the America First Policy Institute in which you claimed that Democratic opposition to restrictive voting laws is because “They need open borders, they need illegal citizens to increase their votes [...] And this is why they’re fighting so adamantly against us.” These comments are indefensible and bring into question whether you are fit to serve as a commissioner on the Election Assistance Commission (EAC).

This is deeply dangerous to voters, our election system, and more broadly to our democracy. EAC Commissioners carry an extra level of responsibility when speaking about election administration, and if you stand by your public statements about widespread voter fraud without any evidence, we urge you to resign immediately.

The mission statement of the EAC states that it serves to “[help] election officials improve the administration of elections and helps Americans participate in the voting process.” It is completely unacceptable for an individual who was confirmed by the United States Senate to serve on a bipartisan commission with this mission to make inflammatory, false, and partisan claims of voter fraud conspiracy theories. This rhetoric of significant noncitizen voting is used – without evidence – to advance false claims around the security of our elections and anyone who willingly espouses it both undermines election officials, sows distrust in our system and is regularly weaponized to further suppress eligible voters.

As you know, voting by noncitizens is exceedingly rare,¹ and there are already checks in place to ensure that noncitizens do not register to vote, as eligible voters attest to their citizenship under penalty of perjury and voting for noncitizens in federal elections is a

¹ See Michael Waldman, *Noncitizen Voting Is Already Illegal — and Vanishingly Rare*. The Brennan Center for Justice (Apr. 17, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizen-voting-already-illegal-and-vanishingly-rare>. (“In 2017 [...] an exhaustive study of 42 jurisdictions in the 2016 general election [...] found that “election officials in those places, who oversaw the tabulation of 23.5 million votes, referred only an estimated 30 incidents of suspected noncitizen voting for further investigation or prosecution. In other words, even suspected — not proven — noncitizen votes accounted for just 0.0001 percent of the votes cast.”)

federal crime, punishable by up to one year in prison.² While the President and his allies continually repeat such false claims, and denies the outcome of the 2020 election, there is no evidence of significant voter fraud, including fraud involving noncitizen voters.

Our opposition to efforts at the EAC to restrict voter access stems from the President's illegal attempts to exert authority over elections that the Executive Branch lacks under our constitution. Efforts to modify voter registration procedures to require burdensome documentary proof of citizenship, to direct your Commission to condition federal funds on compliance with registration of ballot counting procedures, to prevent states from counting mail ballots received after Election Day, or to direct voting system standards fall far outside of what the President is able to do and under the Elections Clause, clearly belong to Congress and the States to decide.

Again, it is unacceptable for an EAC Commissioner to make public statements amplifying partisan election conspiracy theories. If you do not disavow these comments immediately, we urge you to resign your position to protect the integrity of the Commission and its important nonpartisan work.

Sincerely,

A blue ink signature of Alex Padilla, written in a cursive style, positioned above a horizontal line.

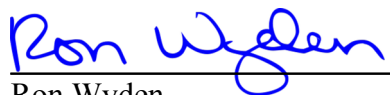
Alex Padilla
United States Senator

A blue ink signature of Jeffrey A. Merkley, written in a cursive style, positioned above a horizontal line.

Jeffrey A. Merkley
United States Senator

A blue ink signature of Adam B. Schiff, written in a cursive style, positioned above a horizontal line.

Adam B. Schiff
United States Senator

A blue ink signature of Ron Wyden, written in a cursive style, positioned above a horizontal line.

Ron Wyden
United States Senator

² 18 U.S.C. § 611