

## Immigrant-rights groups seek to halt practice by Virginia

By Matthew Barakat Associated Press

FALLS CHURCH — A coalition of immigrant-rights groups and the League of Women Voters in Virginia has filed a federal lawsuit accusing Republican Gov. Glenn Youngkin and Attorney General Jason Miyares of an ongoing “purge” of voter rolls that will disenfranchise legitimate voters.

The lawsuit, filed Monday in U.S. District Court in Alexandria, argues that an executive order issued in August by Youngkin requiring daily updates to voter lists to remove ineligible voters violates a federal law that requires a 90-day “quiet period” ahead of elections on the maintenance of voter rolls.

The quiet period exists to prevent erroneous removals, the lawsuit states. Virginia’s policy of using data from the Department of Motor Vehicles to determine a voter’s citizenship and eligibility will surely disenfranchise legitimate voters, the lawsuit alleges, because the DMV data is often inaccurate or outdated.

“Defendants’ Purge Program is far from ... a well-designed, well-intended list maintenance effort. It is an illegal, discriminatory, and error-ridden program that has directed the cancelation of voter registrations of naturalized U.S. citizens and jeopardizes the rights of countless others,” the lawsuit states.

Immigrant citizens are at particular risk, the lawsuit states, because individuals can obtain a driver’s license as lawful permanent residents, refugees or asylum applicants, and then later become naturalized citizens. But the data from the Department of Motor Vehicles will still list that individual as a noncitizen.

Christian Martinez, a spokesman for Youngkin, said Virginia is complying with state and federal law.

“Every step in the established list maintenance process is mandated by Virginia law and begins after an individual indicates they are not a citizen. The DMV is mandated by law to send information about individuals who indicate they are a noncitizen in DMV transactions to (the state elections office),” he said. “Anyone spreading misinformation about it is either ignoring Virginia law or is trying to undermine it because they want noncitizens to vote.”

The attorney general’s office did not respond to an email seeking comment.

It’s not clear how many voters have been removed as a result of the executive order. The lawsuit alleges that the Virginia Department of Elections has refused to provide data about its efforts. Youngkin’s executive order states that Virginia removed 6,303 voters from the rolls between January 2022 and July 2023 over citizenship questions.

At the local level, the lawsuit cites anecdotal evidence of county boards removing voters since Youngkin’s executive order was issued and inside the 90-day quiet period required by federal law. In Fairfax County, the state’s most populous jurisdiction, minutes from the August meeting of the electoral board show that 49 voters were removed.

According to the minutes, the elections office received data about 66 voters who were deemed likely noncitizens. The data came from both the state elections office and from an “Election

Integrity Task Force” affiliated with the Fairfax County Republican Committee. The county registrar said that the elections office sent notices to all 66, and gave them 14 days to verify their citizenship and eligibility. Of those, 17 responded and were kept on the rolls. The other 49 were removed, and had their names forwarded to the commonwealth’s attorney and the Virginia attorney general’s office for potential prosecution.

The lawsuit says the Fairfax removals, as well as other local actions, show that legitimate voters are being improperly removed if they don’t respond within the 14-day window provided to them.

Orion Danjuma, a lawyer with The Protect Democracy Project, one of the legal groups that filed the lawsuit on the plaintiffs’ behalf, said what’s occurring in Virginia is part of a national effort by supporters of former President Donald Trump to sow doubts about election integrity and delegitimize the results if Trump loses in November.

“The allies of the former president are advancing a narrative that’s false,” he said. “And they’re putting the voting rights of every citizen on the line to do it.”

The lawsuit asks a judge to bar the state from removing voters under what it describes as the state’s “purge program,” and restoration to the voter rolls of those who have been removed as a result of it.

A hearing on the request has not yet been scheduled.

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