



## Restoring Integrity and Trust in Elections

1233 20th Street NW, Suite 350  
Washington, DC 20036

October 14, 2024

The Honorable Susan Beals  
Commissioner  
Virginia Department of Elections  
1100 Bank Street, First Floor  
Richmond, VA 23219

VIA EMAIL

**Re: Legally Deficient Prince William County Election Officer Training Manual That Fails to Adequately Instruct Officers of Election of Obligation to Challenge Voters Who Present Driver Privilege Card**

Dear Commissioner Beals:

I write on behalf of Restoring Integrity and Trust in Elections (“RITE”), a nonprofit organization whose mission is to rebuild confidence in our elections and ensure they are designed and administered in a way that reflects the true will of the public. A critical component of our work is protecting elections from ballots cast by persons ineligible to vote, particularly non-citizens. Accordingly, we strongly support Governor Youngkin’s efforts to prioritize the creation and enforcement of laws and regulations that work to prevent non-citizen participation in Virginia’s elections.<sup>1</sup>

In that spirit, you should be aware of a portion of the Election Officer Training Manual (“Manual”) published by the Prince William County Office of Elections that ignores Virginia law, rendering the state’s elections vulnerable to non-citizen participation. As you know, Virginia law requires officers of election to challenge the eligibility of any person “suspected” to be a non-citizen who tries to vote.<sup>2</sup> A person so challenged may still vote, provided he sign a sworn statement attesting to his eligibility.<sup>3</sup> The Manual, however, instructs officers of election to allow individuals presenting a Driver Privilege Card (“DPC”), which are issued only to non-citizens, to vote without challenge, so long as the person presents another form of identification.<sup>4</sup>

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<sup>1</sup> See Press Release, Glenn Youngkin, Governor of Virginia, Governor Glenn Youngkin Issues Executive Order to Codify Comprehensive Election Security Measures to Protect Legal Voters and Accurate Counts (Aug. 7, 2024), <https://www.governor.virginia.gov/newsroom/news-releases/2024/august/name-1031585-en.html>.

<sup>2</sup> Va. Code Ann. § 24.2-651.

<sup>3</sup> *Id.*

<sup>4</sup> Prince William County Office of Elections, Election Officers Training Manual, at 79. (available at [https://www.pwcvotes.org/\\_files/ugd/d8ec42\\_327c2831b04e42c5ad530b6af8778d35.pdf](https://www.pwcvotes.org/_files/ugd/d8ec42_327c2831b04e42c5ad530b6af8778d35.pdf))

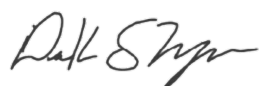
This instruction to officers of election to allow persons presenting a DPC to vote without challenge is unlawful. An individual's possession of a DPC is strong evidence that he is a non-citizen and is certainly sufficient for an officer of election to "suspect" as much, since Virginia issues DPCs exclusively to non-citizens.<sup>5</sup> The presentation of some other form of identification does not give officers of election any reason to "suspect" otherwise, unless the identification is a valid United States passport. None of the other forms of acceptable identification, including driver's licenses, utility bills, bank statements, and student IDs, distinguish between citizens and non-citizens.<sup>6</sup> The same is true for signing an ID Confirmation Statement, which attests to identity only, not citizenship.<sup>7</sup> In short, officers of election are required to challenge the eligibility of any person who presents a DPC unless he also presents a valid United States passport.

The Department of Elections must take immediate action to address this error in the Manual to ensure elections throughout the Commonwealth are conducted in accordance with Virginia law. In particular, RITE respectfully requests that the Department immediately undertake the following steps. First, inform the Prince William County Electoral Board and Office of Elections of the error in its Manual. Second, issue guidance to all localities, including their electoral boards, confirming that their officers of election *must* challenge the eligibility of each person known to them to possess a DPC, unless such person presents a valid United States passport. And third, instruct each locality that they may not allow any challenged person to vote until that person has signed the form described in Va. Code Ann. § 24.2-651, attesting under oath that they are eligible to vote in Virginia.

Taking these steps will protect Virginia's elections from non-citizen participation, promote the rule of law in the Commonwealth, and enhance the public's trust and confidence in this year's elections.

Thank you for your time and attention to this important matter.

Respectfully,



Derek Lyons  
President and CEO

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<sup>5</sup> See Va. Code Ann. § 46.2-328.3(A); Virginia Department of Motor Vehicles, *Who Can Get a Driver Privilege Card?*, <https://www.dmv.virginia.gov/licenses-ids/license/driver-privilege-card#who%20is%20eligible>; Virginia Department of Elections, *Voter Identification Chart*, <https://www.elections.virginia.gov/media/formwarehouse/voter-id/outreach-materials/documents/Voter-Identification-Chart---Revised-09.2024.pdf>; Virginia Department of Elections, *Voter Pocket Guide*, [https://www.elections.virginia.gov/media/formwarehouse/2024-voter-outreach/voter-pocket-guide/11.5.24-VPG\\_English.pdf](https://www.elections.virginia.gov/media/formwarehouse/2024-voter-outreach/voter-pocket-guide/11.5.24-VPG_English.pdf).

<sup>6</sup> *Id.*; Va. Code Ann. § 24.2-643(B).

<sup>7</sup> See Virginia Department of Elections, *Understanding Acceptable ID Rules When Checking in Voters*, <https://www.elections.virginia.gov/media/training/Understanding-Acceptable-ID-Rules.pdf>.

cc:

Governor Glenn Youngkin  
Virginia State Board of Elections