



Biden's Voter-registration Program Is Probably Illegal — But Can It Be Stopped?

President Joe Biden's [executive order](#) supposedly aimed at "promoting access to voting" appears to be using federal agencies and Biden-allied nonprofits to enroll likely Democratic voters almost exclusively, a probable violation of at least two federal laws.

The President's March 7, 2021, order "is a partisan voter mobilization effort by the Biden Administration to mobilize historically Democratic groups to vote in federal elections," the Heritage Foundation's Oversight Project alleged in a May 1 [memorandum](#).



AP Images

According to Heritage, the order "mandates that federal agencies develop plans for getting-out-the-vote, including ... 'soliciting and facilitating approved, nonpartisan third-party organizations and State officials to provide voter registration services on agency premises.'"

Audrey Perry Martin, an election-law attorney, told the [Daily Caller](#) the order could violate the Hatch Act, which prohibits executive-branch employees from engaging in certain political activities.

"If executive agencies accept volunteer services from third-party organizations with a partisan purpose to register voters, that would appear to violate the Hatch Act," she said. "Unfortunately, the Biden Administration has not been forthcoming about the details of the plan and how it is being implemented, which makes it impossible to know if the Hatch Act, or other federal laws for that matter, are being violated."

Heritage did yeoman's work in prying information from the administration that gives some insight into how the order is being implemented.

First off, it's known that the move was strongly advocated by left-wing think tank Demos, one of whose founding board members was then-Illinois State Senator Barack Obama. The same day that Biden signed his order, Demos [tweeted](#) that it was "an important step forward on an initiative Demos promoted as a priority for the Biden-Harris administration ... and has been a focal point of our work for years."

On July 21, 2021, the administration held a "Listening Session" with supposedly "nonpartisan" nongovernmental organizations (NGOs) "engaged in voting rights advocacy."

"Analysis of these NGOs and their representatives who participated in the Listening Session identified zero Republicans, Independents, or politically conservative individuals," wrote Heritage. Indeed, the list of participants reads like a who's who of far-left activism, including the American Civil Liberties Union, Common Cause, People for the American Way, and the infamous Southern Poverty Law Center, to name just a few.



Written by [Michael Tennant](#) on May 28, 2024

Heritage obtained unredacted notes taken by a Justice Department attorney at the listening session. “The NGO talking points focused upon efforts to target historically Democratic voter blocks and expressed alarming extremist views,” reported the think tank. “There is no corresponding evidence of efforts [to] increase voter access and education in likely Republican constituencies.”

The first three speakers wanted to ensure that the Bureau of Prisons informed inmates of their voting rights, got them registered to vote, and obtained ballots for them. Clearly, they anticipated that convicted criminals would vote for Democrats, which hardly paints a flattering picture of that party.

“Other speakers,” penned Heritage, “suggested facilitating registration drives by leveraging current Government agency resources to register users of those services. These services are highly correlated to core historic Democratic voting constituencies.” Head Start; the Social Security disability-benefits program; and the Department of Housing and Urban Development, with its access to residents of public housing, were among those entities the NGOs wanted to push voter registration.

Heritage found that “other speakers trumpeted the merit of ‘dropboxes’ — proven to be historically insecure — and lamented the [p]ushback’ against them.”

And the Mexican American Legal Defense and Educational Fund (MALDEF) representative had this to say (as paraphrased in the notes): “Immigrants and noncitizens — we support voter registration efforts. We want to make sure that they are done in a careful way. All fed employees musts [sic] be trained in this. *Need to trust people are acting in bounds of the law.* Especially when there are language issues.” (Emphasis added.) As Heritage pointed out, “MALDEF appeared to articulate the common left-wing view that prohibitions on non-citizens voting should not be enforced *pre-election*,” only “*post-election* via prosecutions that face any number of obstacles” and that “may well result in illegal votes influencing and possibly deciding an election.” (Emphasis in original.)

“The evidence from the listening session makes it seem more likely that Hatch Act violations are occurring,” Perry Martin told the Daily Caller. “If the Biden administration is only reaching out to left-leaning groups regarding the implementation of the Executive Order and federal agency attempts to register voters are targeted solely or primarily to Democratic voters through these left-leaning third-party organizations, that would be problematic under the Hatch Act.”

In addition to echoing these sentiments, Heritage senior legal fellow Hans von Spakovsky told the website that Biden’s order certainly violates the Anti-Deficiency Act, which “makes it a violation of the law for any federal employee to make any expenditure for anything that has not been appropriated for by Congress.”

With the election mere months away, can anything be done to stop Biden’s taxpayer-funded Democrat-registration scheme? A group of Pennsylvania state legislators is trying to do so by [suing](#) the President, arguing, “No aspect of Pennsylvania’s voter registration regime permits the President or the Executive Branch of the federal government — with the sole exception of voter registration efforts in military recruiting offices — to participate in or engage with voter registration in the Commonwealth of Pennsylvania.”

A federal district court [dismissed](#) the case in March, saying the lawmakers had no standing to sue. They are now [petitioning](#) the Supreme Court to rule on the matter of standing.



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