



Written by [R. Cort Kirkwood](#) on October 30, 2024

# SCOTUS Backs Virginia, Blocks Lower Court Order to Permit Noncitizens to Vote

The U.S. Supreme Court has stopped the Biden-Harris administration's attempt to permit noncitizens to vote in Virginia.

The court granted a stay of a U.S. Fourth Circuit Appeals Court order that blocked Virginia from purging noncitizens from the voter rolls and ordered those purged reinstated, pursuant to a Biden-Harris lawsuit that falsely claimed the commonwealth violated a federal law.

The vote-fraud scheme was obvious. Ensure that the millions of illegal aliens who crossed the southwest border — notably those Biden released — could show their gratitude by illegally voting for Vice President Kamala Harris.



D. Lentz/iStock/Getty Images Plus

## The Order

The trouble for illegal voters began when [Governor Glenn Youngkin issued](#) Executive Order 35 on August 7.

The order included measures to ensure ballot security and counting machine certification, and mandated triple-checking the election result. Youngkin also ordered the commissioner of elections to certify election security by adding eligible voters and removing ineligible voters.

That included removing “ineligible voters, including felons and mentally incapacitated” and “individuals who are unable to verify that they are citizens to the Department of Motor Vehicles.”

Those removed had 14 days to prove their citizenship.

Thus did the state remove more than 1,500 noncitizens from the voter roll.

Of course, so-called “immigrant rights” groups cried foul. They claimed the order violated the [National Voter Registration Act of 1993](#) (NVRA), which forbids purging voter rolls less than 90 days before an election.

## The Lawsuit

Biden-Harris and their open-borders gang then filed a federal lawsuit in the U.S. District Court in Eastern Virginia. [It ordered](#) Virginia to put the noncitizens on the rolls and notify the illegal registrants “the registrant may cast a regular ballot on Election Day in the same manner as other eligible voters.”

Though the notice said noncitizens can't vote, as the [amicus curiae brief from 25 states said](#), the court's order still required Virginia to permit noncitizens to vote.

“It forces Virginia to allow noncitizens to vote in the election the same way as any qualified voter even



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after confirming that those noncitizens are unqualified,” the brief averred.

The U.S. Fourth Circuit Court of Appeals [denied Virginia’s appeal](#) to conduct its elections properly — that is, without illegal votes being cast.

“Let’s be clear about what just happened: only eleven days before a Presidential election, a federal judge ordered Virginia to reinstate over 1,500 individuals — who self-identified themselves as noncitizens — back onto the voter rolls. Almost all these individuals had previously presented immigration documents confirming their noncitizen status, a fact recently verified by federal authorities,” [Youngkin said](#):

This is a Virginia law passed in 2006, signed by then-Governor Tim Kaine, that mandates certain procedures to remove noncitizens from the voter rolls, with safeguards in place to affirm citizenship before removal — and the ultimate failsafe of same-day registration for U.S. citizens to cast a provisional ballot. This law has been applied in every Presidential election by Republicans and Democrats since enacted 18 years ago.

### **Off to Scotus**

The state sought emergency help from SCOTUS, [which issued](#) an unsigned stay of the lower court’s order today. It permits Virginia to proceed with the purge of ineligible, noncitizen voters.

Of course, far-left Associate Justices Elena Kagan, Sonia Sotomayor, and Ketanji Brown Jackson “would deny the application.”

“Clean voter rolls are one important part of a comprehensive approach we are taking to ensure the fairness of our elections,” Youngkin said, noting that Virginians vote the old-fashioned way — with paper ballots. “Virginians can cast their ballots on Election Day knowing that Virginia’s elections are fair, secure, and free from politically-motivated interference.”

A reason so many ineligible voters are on the rolls is the NVRA, the *amicus* brief noted. It requires motor vehicle departments to offer voter registration when an eligible individual gets his license.

“As was understood at the time it was enacted, the NVRA does not protect noncitizens as part of the relevant universe of voters,” the [brief argued](#):

When Congress debated the NVRA, many members expressed concern that automatic voter registration would lead to noncitizens voting, going as far as dubbing the NVRA the “auto fraudo” law.

The law does not stop the state from purging ineligible voters less than 90 days before an election.

As well, the brief argued, while Congress can tell states *how* to run an election, it cannot tell them *who* can vote.

“On the contrary, our constitutional structure leaves ‘no doubt’ that States establish ‘qualifications for the exercise of the franchise,’ the brief continued. “The Constitution expressly gives States the authority to determine voter qualifications for all federal elections.”

No matter. The Biden-Harris administration and four federal judges were determined to permit



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noncitizens to cast illegal ballots for Harris.

The far-left federal district judge who blocked Youngkin's order, [Patricia Tolliver Giles](#), is a Biden appointee.

The far-left judges who upheld Giles are [Toby Heytens](#), another Biden appointee, and [Albert Diaz](#) and [Stephanie Thacker](#), both appointed by President Barack Obama.



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