

Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee,

Thank you for allowing me to testify today. My name is Deifilia M. Diaz Gutierrez. I am a partner at The Law Offices of Valencia & Diaz, Ltd. in Cincinnati, Ohio. My primary focus and expertise in my legal practice is in Immigration Law. I am an immigrant to the U.S. I was born and raised in Mexico, and I understand that this has been a topic of much discussion. I am here to lend my perspective as a person who immigrated here and who has experienced first-hand what my clients go through to become citizens. I am strongly opposed to House Joint Resolution 4.

In my professional experience as an attorney practicing primarily in immigration law, I do not believe that this bill will advance its primary objective of stopping fraudulent voting. Rather, it may hinder its purpose and make it more difficult for American Citizens to vote. This bill erroneously attempts to use undocumented immigrants as a scapegoat for fraudulent voting. Using this xenophobic and baseless claim that undocumented immigrants are one of the leading causes of voter fraud is completely illogical and it has been repeatedly discredited. There are two primary reasons why I believe that undocumented immigrants are not engaging in voter fraud in American elections. First, undocumented immigrants would be barred from immigration relief if they voted or register to vote. Second, there are already safeguards in place that make it difficult for noncitizens to vote.

The first argument I am making against this bill is that an undocumented immigrant is unlikely to vote in an election because they would be barred from any sort of immigration relief. An undocumented immigrant voting in an election would be committing a False Claim to U.S. Citizenship under § 212(a)(6)(C)(ii) of the Immigration and Nationality Act (INA), which states that any alien who falsely represents or has falsely represented themselves as a U.S. citizen for any purpose of benefit under this Act or any other Federal or State law is inadmissible. Since undocumented immigrants would be barred from any sort of immigration relief, it is unlikely that any immigrant would ever vote. In fact, according to The Enquirer, of the 6 million Ohioans who voted in the 2020 Election, 13 people could be prosecuted for voting illegally. The primary reason that people immigrate to the U.S. is because they are in search of the American Dream; they are not here to try to destroy our democracy. Additionally, in my ten years of practicing Immigration and Nationality Law; I have not had a client who had illegally voted or illegally registered to vote. It is mostly important to note, that the vast majority of my clientele are undocumented immigrants or non-citizens, none of whom have ever expressed to me having previously fraudulently voted or any desire to do so. Fraudulently voting is just not a logical priority or desire for undocumented immigrants who are simply fighting to survive.

The second argument I am making against House Joint Resolution 4 is that there are already safeguards in place that make it practically impossible for a noncitizen to vote. To register to vote in Ohio you need to provide: (1) your Ohio driver's license or Ohio ID number, (2) your name, (3) your date of birth, (4) your address, and (5) the last 4 digits of your Social Security Number. An undocumented immigrant is unlikely to be able to get past these safeguards to vote, even if they wanted to. This occurrence is so rare in fact that according to The Enquirer, of the 6 million Ohioans registered to vote, 104 or just over .001% of all voters in the state are accused of having illegally registered to vote.

In conclusion, we should wonder and ask ourselves, what is the ultimate goal of this bill. We now know that non-citizens are not motivated to illegally vote or register to vote because in doing so, they bar themselves from obtaining any immigration relief and rendering themselves removable from the U.S., as well risking criminal charges and sentence arising from this illegal action. Likewise, there are hefty safeguards for citizens to legally register to vote and to vote. These protections are cumulative for a non-citizen to outwit.

My inclination in evaluating the objective of this bill is to create fear in our community against non-citizens and immigrants by pretending to fix a problem that currently does not exist.

I ask you to consider my testimony and vote NO on House Joint Resolution 4 because it is a harmful and futile bill that is furthering a bigoted and xenophobic view of immigrants in the U.S. Thank you again for the opportunity to testify.