

Congress of the United States

Washington, DC 20515

October 21, 2026

Ms. Shirley U. Emehelu
Acting Secretary of State
New Jersey Department of State
c/o Joshua Matz
Hecker Fink LLP
1050 K Street, NW 10th Floor
Washington, DC 20001

Dear Acting Secretary Emehelu:

The Committee on House Administration and the Committee on the Judiciary (the Committees) are conducting oversight of the integrity of American elections and investigating New Jersey's registration of approximately 6,600 noncitizens to vote between June 2023 and June 2024.¹ These ineligible voter registrations raise concerns about the application of federal law in New Jersey as it pertains to accurate voter registration, as well as the effect that New Jersey's failure to identify and remove noncitizens from its voter rolls has on the civil liberties of American voters and their ability to elect their representatives.²

On August 3, 2026, the Committees requested documents and information from the New Jersey Department of State (Department) about its compliance with applicable federal voting laws.³ To date, the Department's response has been inadequate. The Department has produced only 12 total documents, and it has not produced any documents that explain how the alleged software error resulting in the registration of noncitizens was discovered or why noncitizens remained on the voter rolls until 2026—two topics about which the Committees specifically

¹ Rules of the House of Representatives R. X (K) Committee on House Administration, (L) Committee on the Judiciary (2025); Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Laurel Lee, Chair, H. Subcomm. on Elections, & Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight, to The Honorable Dale G. Caldwell, Lieutenant Governor & Secretary of State, New Jersey Department of State (Aug. 3, 2026).

² Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Laurel Lee, Chair, H. Subcomm. on Elections, & Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight, to The Honorable Dale G. Caldwell, Lieutenant Governor & Secretary of State, New Jersey Department of State (Aug. 3, 2026).

³ Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Laurel Lee, Chair, H. Subcomm. on Elections, & Rep. Jeff Van Drew, Chairman, H. Subcomm. on Oversight, to The Honorable Dale G. Caldwell, Lieutenant Governor & Secretary of State, New Jersey Department of State (Aug. 3, 2026). On September 25, 2026, Lieutenant Governor Caldwell resigned after an investigation revealed state ethics violations and substantiated allegations of sexual assault. Joey Fox, Matt Friedman, & Daniel Han, *New Jersey's lieutenant governor resigns under pressure from Sherrill, fellow Democrats*, POLITICO (Sept. 25, 2026).

inquired.⁴ The Department's failure to produce all responsive documents has impeded the Committees' ability to conduct oversight and consider legislative reforms.

On August 17, 2026, the day of the deadline, the Committees spoke with counsel for the Department.⁵ As an accommodation to the Department, the Committees agreed to prioritize the production of two categories of documents: (1) documents relating to the identification of noncitizen registrations that occurred in 2023 and 2024 allegedly due to a software issue; and (2) documents relating to New Jersey's remediation efforts, including removing noncitizens from voter rolls.⁶ Counsel for the Department committed to begin the production of documents beginning the week of August 24.⁷ On August 28, the Department made an initial production that consisted of only four documents, two of which were publicly available.⁸ These documents did not substantively address the Committees' stated concerns.

Two weeks later, the Department made a second document production, which included only five documents:

- two electronic meeting invites with no substantive information;
- an email from the Executive Director of the New Jersey Department of Elections to county-level superintendents of elections and other state-level elections officials summarizing the noncitizen voter registration issue and noting future remediation steps; and
- a one-paragraph "memorandum" from Governor Mikie Sherrill to then-Lieutenant Governor Caldwell, dated August 4, 2026, directing Lieutenant Governor Caldwell to remediate the voter registration issue, which had already been disclosed to the press.⁹

None of the documents offered any substantive insight into how the noncitizen voter registration issue was discovered or why New Jersey did not conduct any remediation efforts until 2026.¹⁰

On September 18, on a call with the Department's counsel, the Committees reiterated their interest in the production of documents regarding the registration of noncitizens between

⁴ Email from Hecker Fink LLP, Counsel to N.J. Dep't of State, to Committee Staff (Aug. 28, 2026) (on file with the Committee); Email from Hecker Fink LLP, Counsel to N. J. Dep't of State, to Committee Staff (Sept. 11, 2026) (on file with the Committee); Email from Hecker Fink LLP, Counsel to N. J. Dep't of State, to Committee Staff (Sept. 18, 2026) (on file with the Committee).

⁵ Call with Comm. Staff, H. Comm. on the Judiciary, Comm. Staff, H. Comm. on Admin., & Couns., Hecker Fink LLP (Aug. 17, 2026).

⁶ *Id.*

⁷ *Id.*; Letter from Joshua Matz, Partner, Hecker Fink LLP, to Rep. Bryan Steil, Chairman, H. Comm. on Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Laurel Lee, Chair, H. Subcomm. on Elections, & Rep. Van Drew, Chairman, H. Subcomm. on Oversight (Aug. 17, 2026).

⁸ Email from Hecker Fink LLP, Counsel to N.J. Dep't of State, to Committee Staff (Aug. 28, 2026) (on file with the Committee).

⁹ Email from Hecker Fink LLP, Counsel to N. J. Dep't of State, to Committee Staff (Sept. 11, 2026) (on file with the Committee); David Wildstein, *New Jersey election officials delete 5,100 registrations tied to MVC software error*, NEW JERSEY GLOBE (Aug. 7, 2026).

¹⁰ Email from Hecker Fink LLP, Counsel to N. J. Dep't of State, to Committee Staff (Sept. 11, 2026) (on file with the Committee).

June 2023 and June 2024 and efforts to remediate these improper registrations.¹¹ In addition, during this conversation, in response to a statement from counsel for the Department about vague and unspecified “privilege issues,” the Committees requested additional information to evaluate any potential privileges.¹² Later that same day, the Department produced three emails from IDEMIA, the third-party software provider for New Jersey’s voter registration platform, regarding the vendor contracting process.¹³ Again, none of the documents provided information about the specific noncitizen voter registrations that occurred in New Jersey between June 2023 and June 2024.¹⁴

Ten days later, the Committees again explained to the Department’s counsel during a phone conversation that the productions had not satisfied the Committees’ requests, and again noted that the Department had produced no documents relating to why noncitizens registered in 2023 and 2024 were not removed from New Jersey’s voter rolls until 2026.¹⁵ In response, the Department’s counsel raised various privilege issues, including the application of attorney-client, attorney work product, executive, and deliberative process privileges.¹⁶ Counsel did not explain with specificity how these privileges may apply, identify the quantity or categories of documents to which these privileges may apply, or otherwise provide any information to assist the Committees in evaluating these potential privileges. Without additional details, it strains credulity to believe that every document responsive to the Committees’ request that has not been produced is privileged or that the privileges are being appropriately invoked.

On October 6, the Committees held another call with the same counsel and reiterated that the Department had not produced documents sufficient to explain why noncitizens were able to register to vote in 2023 and 2024 and were not removed from voter rolls until 2026.¹⁷ In response, the Department’s counsel once again raised unspecified privilege issues to explain the failure to comply with the Committees’ requests.¹⁸ As before, counsel did not explain with specificity how the privileges may apply to potentially responsive documents or commit to the prompt production of unprivileged documents, and declined to provide to a timeline for any future productions.¹⁹ The Department’s refusal to engage with specificity has unnecessarily impeded the Committees’ oversight and significantly delayed the production of responsive documents.

¹¹ *Id.*

¹² *Id.*

¹³ Email from Hecker Fink LLP, Counsel to N.J. Dep’t of State, to Committee Staff (Sept. 18, 2026) (on file with the Committee).

¹⁴ *Id.*

¹⁵ Call with Comm. Staff, H. Comm. on the Judiciary, Comm. Staff, H. Comm. on Admin., & Couns., Hecker Fink LLP (Sept. 28, 2026).

¹⁶ *Id.* Counsel for Acting Secretary of State Emehelu asserted attorney-client, attorney work product, executive state, and deliberative process privilege. Call with Comm. Staff, H. Comm. on the Judiciary, Comm. Staff, H. Comm. on Admin., & Couns., Hecker Fink LLP (Sept. 28, 2026).

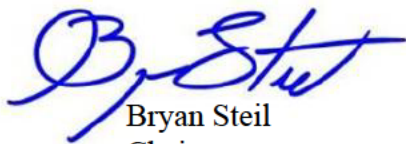
¹⁷ Call with Comm. Staff, H. Comm. on the Judiciary, Comm. Staff, H. Comm. on Admin., & Couns., Hecker Fink LLP (Oct. 6, 2026).

¹⁸ *Id.*

¹⁹ *Id.*

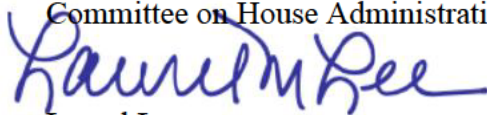
The Supreme Court has recognized that Congress has “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”²⁰ Pursuant to the Rules of the House of Representatives, the Committees have jurisdiction to conduct oversight of matters concerning elections, civil liberties, criminal law, and U.S. national security to inform potential legislative reforms, such as, in this case, whether New Jersey’s improper registration of thousands of noncitizens and failure to remove these individuals from voter rolls in a timely fashion exposes shortcomings in existing federal election laws and undermines the civil liberties of American citizens.²¹ The documents requested by the Committees will inform the House’s consideration of legislative reforms to address these concerns.

Seventy-nine days after the Committees’ initial August 3 requests, and despite the Committees’ best efforts at accommodating the New Jersey Department of State, its response has been inadequate. Accordingly, the Committees are issuing compulsory process to obtain the documents and materials it needs to fulfill their oversight and legislative responsibilities. Please find the enclosed subpoena compelling production of the requested documents by November 16, 2026.



Bryan Steil
Chairman

Committee on House Administration



Laurel Lee
Chair

Subcommittee on Elections

Committee on House Administration

Sincerely,



Jim Jordan
Chairman

Committee on the Judiciary



Jeff Van Drew
Chair

Subcommittee on Oversight

Committee on the Judiciary

cc: The Honorable Joe Morelle, Ranking Member, Committee on House Administration

The Honorable Jamie Raskin, Ranking Member, Committee on the Judiciary

The Honorable Terri Sewell, Ranking Member, Subcommittee on Elections, Committee on House Administration

The Honorable Jasmine Crockett, Ranking Member, Subcommittee on Oversight, Committee on the Judiciary

Enclosure

²⁰ See, e.g., *Trump v. Mazars LLP*, 591 U.S. 848, 862 (2020) (internal quotation marks and citations omitted).

²¹ See generally Rules of the House of Representatives, 119th Cong., R. X (2025).