

EXPLAINER

Noncitizen Voting in U.S. Elections

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It is illegal for noncitizens to vote in federal or state elections in the United States. There is no evidence that unauthorized immigrants, green-card holders, or immigrants on temporary visas are voting in significant numbers, despite some claims that “millions” of noncitizens are voting in U.S. elections. In fact, audits by election officials and numerous studies reflect that voter fraud by noncitizens is extremely rare.

As of 1924, all states had banned noncitizens from voting in federal elections, and in 1996, Congress added criminal penalties. Noncitizens face up to five years in federal prison for even registering to vote and illegal voting can trigger immigration consequences, including deportation.



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Despite these federal and state prohibitions, and the absence of evidence that noncitizen voting is significant, a number of Republican elected officials have introduced measures that would mandate additional ID requirements for all voters or verification of eligibility.

Claims that migrants are being allowed into the United States so they can vote rest on the unfounded assumption that immigrants can quickly become voters. But to become U.S. citizens and thus be eligible to vote, immigrants must first receive legal permanent residence (aka getting a green card) and typically spend five years in that status (three if married to a U.S. citizen) before becoming eligible to naturalize. In the case of migrants crossing the U.S.-Mexico border, they face a complicated path of a decade or longer to U.S. citizenship and may not ever have any pathway at all.

Lack of Evidence for Noncitizen Voting

Audits by state officials and studies from nonpartisan (and even conservative) organizations have found voter fraud by noncitizens is, as one organization described it, “exceedingly rare.” In fact, audits by several states show that there have been small numbers of noncitizens who registered to vote, often by mistake, with far fewer

casting ballots. For example, while a 2022 Georgia [investigation](#) found there were 1,634 incidents of noncitizens potentially attempting to register to vote between 1997 and 2022, these individuals were all blocked until they could provide proof of citizenship (if they had naturalized, for example).

Voting in U.S. Federal Elections Is Incredibly Rare

A [Heritage Foundation database](#) of election fraud cases identified just 23 instances of noncitizen voting between 2003 and 2022.

Elections officials reported just **.0001%** of the **23.5 million votes cast** in 42 jurisdictions surveyed were of suspected noncitizen voting, [a Brennan Center for Justice study](#) of the 2016 election found. Forty of the 42 jurisdictions reported no known incidents of noncitizen voting.

Voter Registration and Verification of Eligibility to Vote

All states are required to use the same voter registration form for registering people to vote in federal elections. The form requires applicants to affirm, under penalty of perjury, that they are citizens.



Many people are automatically registered to vote when they apply for a driver's license. In some cases, this can lead to noncitizens mistakenly being registered to vote, though states regularly conduct audits of their databases to remove ineligible voters. Typically, voter names are purged because of death, a move, or criminal conviction. The vast majority are U.S. citizens.

States verify voter identity and eligibility to vote using databases such as those from the federal Social Security Administration or state departments of motor vehicles. Some election officials have attempted large-scale voter rolls purges, but in many cases, the people removed were naturalized U.S. citizens who had to be reinstated. The Texas acting secretary of state [resigned in 2019](#) after his office wrongly questioned the U.S. citizenship of nearly 100,000 people.

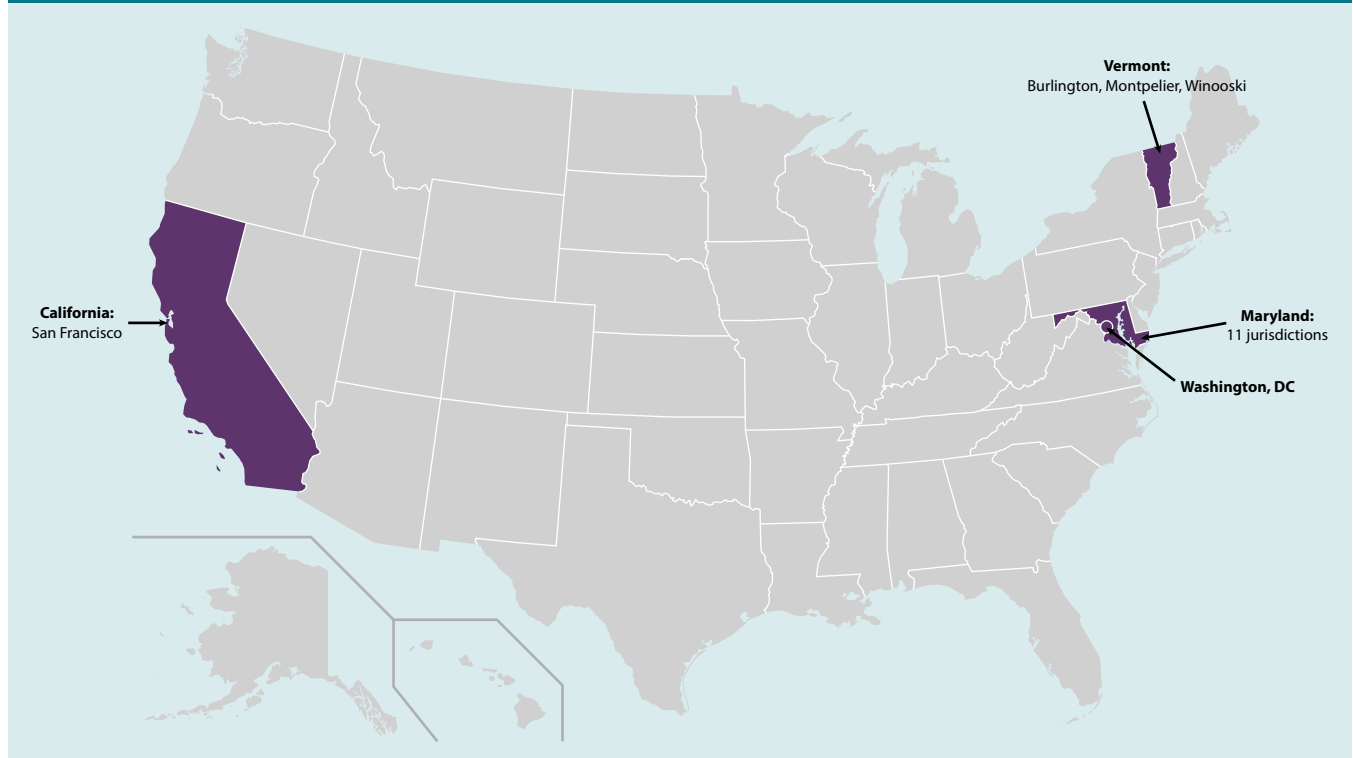


Voting-rights advocates have expressed opposition to proposed measures such as the SAVE Act, which would prescribe methods for proving U.S. citizenship, because millions of U.S.-born citizens do not have ready access to birth certificates or passports and [could be prevented](#) from exercising their right to vote.

Voting in Local Elections

While no state allows noncitizens to vote in federal or statewide elections, at least [16 U.S. jurisdictions permit](#) noncitizens to vote in certain local elections, such as for school board, city council, or mayor. Relatively small numbers of noncitizens choose to vote in these local elections.

A Small Number of U.S. Jurisdictions Permit Noncitizen Voting in Local Elections



Resources Box

Cato Institute, [Shedding Light on the Incidence of Illegal Non-citizen Voting](#), May 2024
 Bipartisan Policy Institute, [Four Things to Know About Non-Citizen Voting](#), March 2024
 Brennan Center for Justice, [Noncitizen Voting: The Missing Millions](#), May 2017
 National Immigration Forum, [The Myths and Truths of Noncitizen Voting in the United States](#), May 2024
 BallotPedia, [Laws Permitting Noncitizens to Vote in the United States](#), accessed August 2024

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www.migrationpolicy.org/content/noncitizen-voting-us-elections.