

## Rebutting Allegations of Widespread Voter Fraud by Noncitizens

**American elections are secure, soundly administered and safe.** American elections have laws and procedures in place at the federal and state level to ensure election results are fair and accurate. This includes certain controls at the federal and state level to ensure that only eligible American citizens register to vote in federal elections, some additional measures that ensure that only eligible voters actually cast ballots, and the potential of harsh penalties and severe consequences for noncitizen voting.

Misconceptions about the potential likelihood and scale of noncitizens voting in the upcoming presidential election have developed as a result of conflicting media coverage, the complex interplay between different layers of federal, state, and local laws, and deliberate disinformation on this subject. Allegations of widespread noncitizen voting can be politically motivated and are often designed to sow distrust in American elections – and could serve as a pretext to challenge the rightful results of the election.

Election experts **agree** that noncitizens voting in federal elections are virtually nonexistent and have never been common enough to determine the outcome of elections.<sup>1</sup>

### Federal Law

Under federal law, only eligible American citizens can register to vote and cast ballots in federal elections. These laws have been in place for three decades and prosecutions have occurred under them.<sup>2</sup>

The National Voter Registration Act of 1993 requires that states use a common voter registration form on which an applicant must attest that they are a U.S. citizen, under penalty of perjury. It also mandates that states complete a systematic removal of ineligible voters from the official voter rolls no later than 90 days prior to the primary election or general election for federal office. States continue to maintain the accuracy of their lists of eligible voters past that deadline. The U.S. Department of Justice monitors state compliance with these rules.

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<sup>1</sup> National Task Force on Election Crises members and organizations have different assessments as to the precise incidence of noncitizen voting, and have different views as to whether and to what extent such assessments can be made with available data. However, the National Task Force on Election Crises as a whole agrees that noncitizen voting is at most extremely uncommon, and that it is all but impossible that it could alter the outcome of any federal elections in 2024.

<sup>2</sup> The National Task Force on Election Crises as a whole is solely focused on preventing, preparing for, and mitigating election crises in order to protect free, fair, and safe elections in the United States. The Task Force includes members and organizations with widely diverse perspectives on the relative benefits and negative impacts of the current federal and state election law and immigration law framework, and differing perspectives on what improvements to both could look like. The Task Force as a whole takes no position on the net merit of these laws, and only describes them in the context of explaining the controls in place that can give Americans confidence that widespread noncitizen voting does not occur.

The Help America Vote Act of 2002 (HAVA) typically requires that voter registration applications provide a valid driver's license number or the last four digits of their Social Security number (with a limited exception if these have not been issued to an otherwise eligible voter). If an individual registers by mail and has not previously voted in a federal election, they must provide additional documentation when they vote.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibits noncitizens from voting in federal elections. It is not legal in any state for a noncitizen to vote for federal office. Doing so is punishable by a fine, up to one year in federal prison, or both. Any noncitizen who falsely claims U.S. citizenship to register to vote and/or who illegally votes in a federal election would face deportation and permanent revocation of their legal status under immigration law.

## State Laws

In addition, each state has its own laws and regulations in place to ensure compliance with federal laws on noncitizen voting and to impose the state's own controls on its federal election process. States also use a wide range of methods to ensure that voter rolls are up-to-date, including cross-checking voter information across state and federal databases to ensure that voters have not moved, died, or otherwise become ineligible to vote, which are the most common sources of changes to the data.

As outlined by the National Council of State Legislatures, states verify voter identity against databases such as the Social Security Administration, state departments of motor vehicles, state bureaus of vital statistics or health departments, and the U.S. Postal Service's National Change of Address database. Some states also compare voter lists to lists of individuals who requested jury dismissal due to noncitizen status.

## Conclusion

**The media and all Americans should be mindful that false claims of widespread noncitizen voting are designed to sow distrust in our elections and to potentially serve as pretext to undermine or challenge the rightful results.**

The number of noncitizens who have been proven to have registered to vote in federal elections in the United States is miniscule—and the number of noncitizens who have attempted to vote is an even smaller fraction of that number. Federal and state laws effectively prevent noncitizens from voting. The extreme rarity of these events demonstrates how the system, with these measures and procedures, is functioning well to protect the integrity of our elections in this regard, and indicates that widespread noncitizen voting is not occurring.

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This explainer is one in a series of documents published by the National Task Force on Election Crises related to potential developments during the 2024 election. You can read more explainers at [Electiontaskforce.org/Resources](https://electiontaskforce.org/Resources). For inquiries about this explainer or to request an interview with one of the Task Force members please email us at [tfrequest@protectdemocracy.org](mailto:tfrequest@protectdemocracy.org).

The mission of the nonpartisan National Task Force on Election Crises is to prevent and mitigate a range of election crises by calling for critical preventative reforms to our election systems. The only electoral outcome the Task Force advocates for are free, fair, and safe elections in the United States.