

**Report**

# Legislative Approaches to Ensuring Only Citizens Vote

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**Related Topic:** [Elections](#)

## Introduction

In recent years, state policymakers have focused on ensuring that noncitizens cannot vote. Legislation addressing this topic is trending upward.

Checking for citizenship is not straightforward, and there is no federally maintained database of citizens that states can use.

Instead, states have taken varying approaches. A small handful have statutes requiring proof of citizenship at the time of voter registration (although most have faced legal challenges and may not be in force); others have enhanced their voter list maintenance efforts to check for proof of citizenship from documents registrants have already provided to the state at some point, most commonly at the bureau of motor vehicles. Still others have amended their constitutions to make it clear that only citizens can vote. This webpage addresses state policy options.

In 1996, Congress passed the [Illegal Immigration Reform and Immigrant Responsibility Act \(IIRIRA\)](#), a law that prohibits anyone other than U.S. citizens from voting in federal elections. While the act does not explicitly apply to state or local contests, these entities run federal elections, and general practice has been that requirements for federal elections (including requirements for voter registration) are, by default, also used as requirements for state elections. While there is no evidence that voting by noncitizens has ever swayed election outcomes, reducing the possibility that noncitizens vote is driving this policy trend.

On March 25, 2025, President Trump issued an [executive order](#) requiring, among other things, that citizens provide documentary proof of citizenship when they register to vote. Parts of the executive order are enjoined and it is unclear how it will impact existing laws related to proof of citizenship and voting.

This webpage provides information on:

1. How [voter registration](#) can reduce the chance of a noncitizen getting on voter rolls.
2. How [voter list maintenance](#) can help identify any noncitizens who may have inadvertently gotten on the rolls.
3. Processes for [removing noncitizens](#) who may have gotten on voter rolls.
4. Requiring [documentary proof of citizenship](#).
5. [Summary of case law](#).
6. [Other legislation options](#) to reduce the chance of a noncitizen getting on voter rolls.

7. [Evidence](#) of voting by noncitizens.
8. [Questions](#) legislators might ask about how their state approaches this question.
9. [Jurisdictions](#) that allow noncitizens to vote in local elections.
10. [Recent enactments](#) related to citizenship and voting.

## Key Takeaways

**States have a variety of ways to ensure only citizens can register to vote.**

**There is no federal database of citizens that states can use to determine citizenship status for voter registration purposes.**

**Recent state action has included amending constitutions to ensure that only citizens can vote, using data provided at motor vehicle bureaus for REAL ID purposes to confirm citizenship and auditing their voter lists for citizenship.**

## Voter Registration

The act of registering to vote is the first point of contact for any new voter, and the first and best opportunity for a state to confirm eligibility. Eligibility is based on identity, residency, age and citizenship. Voter registration already requires voters to prove their identity, residency and age, but in most cases, citizenship is addressed by asking for a voter's attestation, not documentary proof, although a handful of states do ask for proof.

Registration can be done through many avenues. The bulk of registrations come through motor vehicle bureau transactions (or similar transactions at other state agencies). Others are done on paper forms such as might be used by third-party registration drives, through an online voter registration portal in most states, or through Election Day registration in the states where this option is available. Registrations on a federal form are possible, too.

Read on about how each registration method relates to proof of citizenship.

## Voter Registrations Through Motor Vehicle Bureaus

The [National Voter Registration Act of 1993](#), also known as the Motor Voter Act, requires most states to include an opportunity to register to vote for people doing business with their bureau of motor vehicles. The NVRA requires state voter registration applications to state eligibility requirements and an attestation that applicants meet the requirements, including citizenship, under penalty of perjury. Six states are exempt from the NVRA because they offered Election Day registration when it passed—Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming. Two of these states—New Hampshire and Wyoming—have additional documentary proof of citizenship requirements to register to vote. Fifty-nine percent of new registrants nationwide are added to state voter registration databases through transactions at motor vehicle bureaus, according to the 2024 Election and Voting Administration Survey, conducted by the U.S. Election Assistance Commission.

Using these transactions to ensure that only citizens are given the opportunity to register reduces the likelihood of noncitizens getting on voter rolls.

With all states now offering REAL ID-compliant licenses, the data at the BMV is better than ever. To obtain a [REAL ID](#), either proof of citizenship (such as a birth certificate, U.S. passport or naturalization papers) or documents indicating lawful presence in the United States is required. A REAL ID card does not indicate citizenship; the same insignia is on an ID card for a citizen as for a lawfully present noncitizen. And yet, the information provided to obtain the REAL ID can be used to ensure that the option to register to vote at a BMV is offered only to those who have shown proof. (Some citizens may choose to not get a REAL ID, perhaps because an alternative state-issued, non-REAL ID-compliant driver's license may be less expensive. These citizens have the right to vote, too, but their information at the BMV would not prove citizenship.)

States that offer a paper application form to prospective new voters at BMVs can:

- Enhance training for BMV staff so they know to *only* offer paper forms to people who have shown a passport or birth certificate or other proof of citizenship, rather than handing the form to all people doing business at the BMV. This will reduce potential errors.
- Review the form to ensure that it not only has a check box to indicate citizenship but also requires an affidavit (a signature attesting to citizenship) and information on penalties associated with perjury. Having this information at the top of the form may be more effective than near the signature.

States that have an [automatic](#) voter registration application process at their BMVs can:

- Check citizenship at the BMV office. The software can be reviewed to ensure that only those who have shown proof of citizenship for BMV purposes are provided the opportunity to register to vote, or, in states that automatically register voters, to register them. In other words, if proof of citizenship has been shown at the BMV, voter registration proceeds. If the identification offered does not show citizenship (a green card, for instance), the software does not advance to voter registration. In Minnesota, which uses automatic voter registration, if a person at the BMV shows documentary proof of citizenship, they are automatically added to the rolls. If they are seeking a non-REAL ID driver's license, which can be obtained without showing proof of citizenship, they are provided information regarding voter registration and eligibility criteria. Anyone who shows a green card or similar document to obtain a driver's license is not offered voter registration. In Georgia, the registration form asks for the driver's license number, and if the person doesn't have that, the last four digits of their social security number. These can be used to match up records.
- Use the automated system to capture alien registration numbers for noncitizens who are in the United States legally. (These people are not offered voter registration.) If at some point they register to vote, the alien registration number can be used to compare to the Department of Homeland Security's [SAVE database](#) (see below). In Georgia, 4,000 people were in "pending" status related to their citizenship in 2024; after checking SAVE records, 2,000 of them were shown to, in fact, be citizens and thus were added to the rolls.
- Anyone who has not been affirmatively identified as a citizen at the BMV can be kept in a separate list from those who have shown proof. Staff can contact people on the separate, or pending, list to determine their status. This is standard practice in Michigan, where the secretary of state oversees

both the bureau of motor vehicles and the voter registration rolls. Since the advent of REAL ID, the number of errors has plummeted in Michigan, and likely throughout the nation.

- A BMV database can maintain images of documentation used to obtain a driver's license or state identification card. This is the case in Colorado and Oregon at least, and election officials can refer to that documentation if needed.

## State Voter Registration Applications Completed Outside the BMV

While most people register to vote at the BMV, other methods are available. When offering registration on a paper or electronic form outside the BMV, it is common to have a checkbox for the applicant to indicate that they are, or are not, a citizen. This is done under penalty of perjury.

Registrations done on a state form (30%): For those who register to vote on a state form, whether downloading it, during an in-person interaction at an election office or as part of a third-party registration drive, they are likely to be asked to sign an affidavit attesting to their citizenship. Some states request the applicant's driver's license or state identity number on the form too, so the election officials can compare the registration form to data at the BMV to see if proof of citizenship (a birth certificate or passport or similar) was provided at that point. A social security number is not proof of citizenship.

[Online voter registration](#) (14%): Forty-two states plus the District of Columbia and Guam offer online voter registration. Most systems ask for the driver's license or state identity number. When that is the case, a new registration can be automatically compared to the data already on hand at the BMV, including information on whether they showed proof of citizenship for that transaction.

[Election Day registration](#) (4.8%): In 23 states, those who are eligible to vote but are not registered can show up at a polling place, prove eligibility including identity, residency and age, and be added to the voter rolls and vote. Citizenship is often ascertained at this point by an affidavit rather than by documentary proof. In some cases, Election Day registrants use a provisional ballot, which is counted only after the information provided is confirmed after the polls close. In all cases, the state can follow up to verify citizenship by checking the new registration against information from other sources, typically the BMV. If a new voter is shown to not to be a citizen, they can be charged with perjury.

## Federal Voter Registration Applications

The federal government offers a [voter registration application](#) that is applicable in all states. (North Dakota is the only state that does not use voter registration, although it does maintain a list of people who vote.) The instructions on the form state that it is only for U.S. citizens, and the form starts with a checkbox: "Are you a citizen of the United States of America?" The form states that false statements carry a penalty for perjury.

The instructions for filling out the federal form include state-specific information. That information includes deadlines, preregistration if available and, again, that all states require a registrant to be a U.S. citizen. These state-specific instructions do not include a requirement for documentary proof of citizenship in the handful of states that require it. In 2016 in *Fish v. Kobach* the U.S. Court of Appeals for

the Tenth Circuit ruled that state law cannot require documentary proof of citizenship on top of the federal form. The federal form must be accepted as-is in all states.

No centralized data exists on the use of federal forms, although election officials indicate its use has dropped considerably since the adoption of online voter registration in most states. One state example: In 2023, Virginia received 1,735 federal forms out of approximately 300,000 new registrations, or 0.6% of new registrations.

## List Maintenance Options

While checking for citizenship at the point of registration through already-existing evidence at the BMV comes first, [list maintenance processes](#) may help to reduce the number of potentially erroneous registrations even further. As voters join the rolls, leave the rolls, and move within and outside the state, the list is always in flux. To best keep rolls up to date, every state does routine voter registration list maintenance to check voter rolls against state and federal data sources. In the last decade, two new options have been added to the list of possible sources, a federal database (SAVE) and jury lists.

### SAVE

The U.S. Citizenship and Immigration Services (USCIS) maintains a database, Systematic Alien Verification for Entitlements (SAVE). SAVE was not developed with voter registration purposes in mind, but [USCIS outlines](#) how states can use SAVE to supplement other data sources to check on the status of individuals on voter rolls.

USCIS is clear that SAVE does not provide information on citizens born in the U.S. or on any migrants who have not been issued an alien registration number (also known as a USCIS number) from the Department of Homeland Security. For those who do have an alien registration number, SAVE may be able to provide information on whether they have become a naturalized citizen, although the database isn't updated in real time. If SAVE indicates an individual is not a citizen, that is not proof that they are not; follow-up with the registrant is needed to determine if they have been naturalized.

To use SAVE, a state must have a memorandum of understanding with USCIS and can use SAVE only to check on individuals who have a DHS-issued number. In other words, individuals are checked one by one; it is not possible to compare an entire voter registration database to the SAVE database. An April 2025 [Department of Homeland Security press release announced](#) the elimination of fees and the ability to conduct mass status searches for checking voting eligibility. For more information, see the [USCIS fact sheet](#) on using SAVE for voter registration and list maintenance.

## Requiring the State to Work with the SAVE System

While SAVE is not a federal list of citizens—in fact, it is a list of noncitizens who have an alien registration number—it can be used by states to review the citizenship status of anyone on the voter rolls who have provided their alien registration number. The states that use SAVE report that it can be cumbersome but can also provide useful information in individual cases. (See above for more details.)



In October 2024, the [US Citizenship and Immigration Services](#) indicated a total of 10 states use SAVE; eight states have statutes requiring the use of SAVE for voter list maintenance, and the other four states —Idaho, Indiana, Ohio and South Carolina—do so under existing authority.

- Arizona [HB 2243](#) (2022) requires the county recorder to monthly compare persons registered to vote in the county who the recorder has reason to believe are not U.S. citizens and persons who registered to vote without satisfactory evidence of citizenship to use the SAVE program to verify citizenship status.
- Florida [SB 524](#) (2022) requires the department of highway safety and motor vehicles to weekly furnish the department of state information identifying persons who presented evidence of non-U.S. citizenship upon being issued a new or renewed driver license or identification card.
- Georgia [SB 86](#) (2009) requires registrars to verify an applicant's status with USCIS (SAVE) if their alien registration number is provided.
- Mississippi [HB 1510](#) (2022) requires new registration applicants to be compared with driver's license and identification information and if the comparison indicates that the applicant is not a citizen the registrar shall enter the applicant's information into the SAVE database for further inquiry. If both comparisons show that the applicant is not a citizen, the registrar sends a notice that the applicant must provide proof of citizenship.
- Tennessee [HB 835](#) (2024) permits the coordinator of elections to compare the statewide voter registration database with the department of safety database and with relevant federal and state agencies, including the SAVE database, and county records to ensure non-United States Citizens are not registered to vote in the state.
- Virginia [SB 1077](#) (2013) authorizes the state board of elections to apply to participate in the SAVE program.

## Jury Lists

Some states require the use of jury list dismissals for voter list maintenance. Dismissal forms record the reason the recipient is being dismissed and likely have a checkbox to indicate that the person is not a citizen. That information can be used by election officials to contact the person to verify their citizenship status on a case-by-case basis. It is not uncommon for someone wishing to avoid jury duty to mark the form incorrectly, so using this information alone is likely not enough proof to remove a person from the rolls. The table below contains state processes and statutes for using jury lists to remove noncitizens from voter lists.

## State Practices for Using Jury Lists to Remove Non-Citizens From Voter Lists

State	Summary
Alabama	(A) Sources for master jury list. The presiding judge of the circuit court, after consulting with the other circuit court judges in his or her circuit, shall select a source

State	Summary
	<p>or sources from which to compile a master list of all persons in the county or territorial subdivision who may be called for jury duty (a "master jury list"). The master jury list shall include the addresses of the individuals on the list and any other necessary identifying information. The master jury list shall be compiled from one or both of the following sources: (1) Records containing the names of all registered voters in the county or territorial subdivision. (AL R J ADMIN Rule 40)</p> <p>(f) Upon application and without charge, the Administrative Office of Courts shall be provided with an electronic copy of the statewide voter list no more than once a year for its use in the production of a master jury list or for any other lawful purpose. (Ala. Code § 17-4-38)</p> <p>(a) State agencies shall provide to the secretary of state, on a schedule to be determined by the secretary of state, any information and data that the secretary of state considers necessary in order to maintain the statewide voter registration database established pursuant to Section 17-4-33, except where prohibited by federal law or federal regulation. The secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the entity providing the data remains confidential while in the possession of the secretary of state.</p> <p>(b) The secretary of state may enter into agreements to share information or data with other states or group of states, as the secretary of state considers necessary, in order to maintain the statewide voter registration database. (Ala. Code § 17-4-38.1)</p>
Arizona	<p>A. The county recorder shall cancel a registration:</p> <p>10. When the county recorder obtains information pursuant to this section and confirms that the person registered is not a United States citizen, including when the county recorder receives a summary report from the jury commissioner or jury manager pursuant to § 21-314 indicating that a person who is registered to vote has stated that the person is not a United States citizen.</p> <p>(Ariz. Rev. Stat. Ann. § 16-165)</p>
Arkansas	<p>(a) The secretary of state may provide a voter registration list to a federal court for purposes of selecting jurors on the condition that the federal court jury coordinator provides notice to the secretary of state regarding an ineligible or potentially ineligible voter under subsection (b) of this section.</p> <p>(c)(1) The notice prepared under subsection (a) of this section shall be sent to the secretary of state according to the jury summons cycle used by the federal district court clerk.</p>

State	Summary
	<p>(d)(1) After verifying that the person disqualified or potentially disqualified as a prospective juror is a registered voter but is ineligible to be a voter under Arkansas law, the secretary of state shall forward the information to the county clerk where the voter is registered.</p> <p>(2) The county clerk shall follow the procedures to remove the voter from the voter registration list under Arkansas Constitution, Amendment 51, § 11.</p> <p>(Ark. Stat. Ann. § 7-1-116)</p>
Georgia	<p>§ 21-2-231</p> <p>(a.1) The clerk of the superior court of each county shall, on or before the tenth day of each month, prepare and transmit to the secretary of state, in a format prescribed by the secretary of state, a complete list of all persons, including addresses, ages and other identifying information as prescribed by the secretary of state, who identify themselves as not being citizens of the United States during their qualification to serve as a juror during the preceding calendar month in that county.</p> <p>(c)(1) Upon receipt of the lists described in subsections (a.1) and (b) of this Code section, the secretary of state shall transmit the names of such persons whose names appear on the list of electors to the appropriate county board of registrars who shall remove all such names from the list of electors and shall mail a notice of such action and the reason therefor to the last known address of such persons by first-class mail.</p>
Indiana	<p>Sec. 16. The NVRA official shall, not later than Jan. 31 of each even numbered year, request information from the:</p> <p>(1) United States District Court for the Northern District of Indiana; and</p> <p>(2) United States District Court for the Southern District of Indiana;</p> <p>concerning the return of U.S. mail sent by the court for jury selection purposes.</p> <p>(Ind. Code § 3-7-38.2-16)</p>
Iowa	<p>1. The voter registration of a registered voter shall be canceled if any of the following occurs:</p> <p>f. The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 3, that indicates that the voter is not a citizen of the United States.</p>



State	Summary
	(Iowa Code <a href="#">§ 48A.30</a> )
Kentucky	<p>Upon receipt of notification from the Administrative Office of the Courts that a person has been excused from jury duty for not being a citizen of the United States, the State Board of Elections shall within five (5) days cause the removal of the name of that person from the voter registration records it maintains, except that no voter's name may be removed during the period of time the registration books are closed for any primary, general, or special election.</p> <p>(Ky. Rev. Stat. § 116.113)</p>
North Carolina	<p>The clerk of superior court shall, at least on a schedule as determined by the State Board of Elections, communicate information regarding requests to be excused from jury duty on the basis that the person is not a citizen of the United States to the State Board of Elections, including the person's name, address, date of birth, and other personal information from the master jury list, along with the reasons for the person's disqualification and the date of disqualification. The State Board of Elections shall use this information to conduct list maintenance efforts in accordance with G.S. 163-82.14. The list of persons requesting to be disqualified from jury duty due to lack of being a citizen of the United States shall be a public record, subject to G.S. 163-82.10(a1).</p> <p>(N.C. Gen. Stat. § 9-6.2)</p>
Oklahoma	<p>The court clerk in each county shall prepare each month a list of all persons who were excused from jury duty for not being a citizen of the United States and provide the list to the secretary of the county election board. The secretary shall cancel the registration of each registered voter included on the list and shall report the person or persons to the district attorney and the United States attorney for the county.</p> <p>(Okla. Stat. tit. 26 § 4-120.5)</p>
Texas	<p>After the registrar receives notification of person excused or disqualified from jury service because of citizenship status ... the registrar shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the secretary of state. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the registrar.</p>

State	Summary
	(Tex. Election Code Ann. § 16.0332)
Utah	<p>The lieutenant governor shall seek to enter into an agreement with the federal courts to provide that, in exchange for receiving information from the state's voter registration list or from a list maintained by the Driver License Division to use in relation to federal juries, the federal courts will notify the lieutenant governor or a county clerk when an individual disclosed from one of the lists is disqualified from jury service due to a conviction or non-citizenship.</p> <p>(Utah Code Ann. § 20A-2-502(4))</p>

## What Happens if a Noncitizen is Found on Voter Rolls

Occasionally a noncitizen does end up on voter rolls. For registrations that take place at the BMV or can be tied to data at the BMV database, this likelihood has been greatly reduced since the advent of REAL ID. With registrations that do not tie to BMV data and rely on an affidavit that attests to citizenship, the potential exists for a noncitizen to become registered in error. For instance, the noncitizen could have been given a voter registration application during a third-party voter registration drive and they checked the citizenship box and signed the affidavit, whether knowingly or not.

These erroneous registrations can be detected and addressed in several ways.

- A noncitizen may report to election officials that they are receiving mail as if they were a voter, something they know is an error. In cases such as this, the registration is canceled. Self-reporting of errors is not uncommon.
- When a noncitizen applies for naturalization, the state may identify them as being on the voter list. If so, the soon-to-be-citizen can work with the local election official to document that they never voted, and that they are to be removed from the list. In Michigan, since the implementation of REAL ID and automatic voter registration, the number of noncitizens who inadvertently were added to voter rolls has been drastically reduced.
- A questionable registration may be detected through list maintenance. A questionable registration cannot be cancelled without first contacting the person, because it is possible the person has been naturalized and evidence of that would not be a part of the information kept at the BMV. Colorado contacts the registrant by mail saying something like, "Our records indicate you may not be a citizen of the U.S. and that you are on our state's voter rolls. If you are not a citizen, please let us know so you can be removed from the rolls. If you have become a citizen, please indicate that as well." If the person does not respond to the notice, a hearing is set. If the person does not show up for the hearing, the registration is cancelled. The person can re-register with proper documentation at any time.
- Those eligible to [challenge the eligibility of a voter](#) may notify the state of any registrant they believe is not a citizen. From that information, the state investigates by contacting the person to confirm citizenship through the same process as used for any other questionable registrations. In Minnesota and many other states, the challenger must have personal information to support their challenge.

- If there is reason to believe a noncitizen voted, the case can be referred to law enforcement. The threat of legal action-including potentially deportation-may act as a deterrent.

## Requiring Documentary Proof of Citizenship

**NOTE: this webpage addresses state action on proof of citizenship. The pending [federal SAVE Act](#) is not addressed here.**

States are increasingly interested in requiring proof of citizenship for voter registration and voting. While a person may consider that submitting a voter registration form is the same as becoming registered that form must first be processed by state or local officials. The state can confirm citizenship with available data sources before that voter registration application is accepted, and the person becomes a registered voter.

In some cases, states may not be able to independently confirm that an applicant is a citizen and may request documentary proof of citizenship in the form of a birth certificate, passport, naturalization documentation or other proof. Note there may be instances where a person does not have a birth certificate or other proof; states may handle these on a case-by-case basis.

Between 2009 and March 2025, at least nine states passed laws specifically addressing proof of citizenship, although some are not in force due to court decisions (see Summary of Caselaw below for details). These laws do not all take the same approach. Some are clear that people already on the rolls are assumed to be citizens; a few ask the voter to provide proof at the time of registration; and most direct state officials to verify citizenship, which means checking other data sources.

Laws requiring new registrants to show documentary proof of citizenship to register to vote:

- Alabama (Ala. Code § 31-13-28)
- Arizona (Ariz. Rev. Stat. § 16-166)
- Kansas (Kan. Stat. Ann. §25-2309) (Note: not in force due to court decision)
- Louisiana (La. Rev. Stat. § 18:104)
- New Hampshire (N.H. Rev. Stat. § 654:7; § 654:12) (Note: proof of citizenship is only required for new voters. Voters who are already registered do not need to provide proof of citizenship.)
- Guam (effective March 26, 2025)

Laws requiring all registrants to show documentary proof of citizenship, but only if status cannot be verified using other data:

- Georgia (Ga. Code Ann. § 21-2-216)
- Indiana (Ind. Code § 3-7-33-4.7; § 3-7-38.2-7.3)
- Tennessee (Tenn. Code Ann. § 2-2-141)

Laws requiring new registrants and those updating their voter registration to show documentary proof of citizenship:

- Wyoming (Wyo. Stat. § 22-3-102 effective July 1, 2025)

Arizona began addressing proof of citizenship decades ago. In 2004, citizens approved a statewide ballot measure, [Proposition 200](#), requiring evidence of citizenship for voter registration. Since 2004, the legislature has sought to clarify in statute how proof of citizenship works. Arizona's processes have been repeatedly challenged in courts over the past two decades. A description of Arizona's [current process can be found here](#), and a list of what is accepted documentary proof of citizenship [can be found here](#). In brief, a person who submits valid proof of citizenship when registering, or whose citizenship can be confirmed using data from the Department of Motor Vehicles, is registered to vote in all federal state and local elections. For new registrants who use the federal form to register and have not otherwise shown proof of citizenship, Arizona provides them with a ballot of "federal only" races.

In other words, Arizona maintains a bifurcated system. It has one list of voters who can vote on all races, and a much smaller list of "federal only" voters who have registered on the federal form and have not yet shown documentation of citizenship. Being on the "federal only" list does not mean these voters are not US citizens; it means they have not yet shown documentary proof of their citizenship.

Keeping two lists, and ensuring that a voter receives the right ballot, is a matter of setting clear procedures and having staffing to implement it. A different ballot is prepared for "federal only" voters in each of Arizona's nine congressional districts.

## Summary of Case Law

### Arizona v. Inter Tribal Council of Arizona, U.S. Supreme Court (2013)

In 2013, the U.S. Supreme Court held that an Arizona law requiring individuals to provide documentary proof of citizenship when registering to vote violated the National Voter Registration Act. The court held:

- The National Voter Registration Act of 1993 requires states to accept a federal voter registration form, which asks registrants to affirm their citizenship but does not require documentary proof of citizenship.
- The NVRA allows states to develop their own registration forms for state and federal elections, but the federal form by itself must always suffice to register a voter to vote in federal elections.
- States must accept the federal form without requiring registrants to submit any information beyond what the form (and any approved state-specific instructions) requires.

### Fish v. Kobach, U.S. Court of Appeals for the Tenth Circuit (2016)

In this case, a federal court held that a Kansas law requiring individuals to submit documentary proof of citizenship when using a federal voter registration form ran afoul of the NVRA. The court held:

- The NVRA requires states to make a version of a federal voter registration form available during the driver's license application process.

- The NVRA says that the form provided with a driver's license application must require "only the minimum amount of information necessary to" enable the state to determine a voter's eligibility.
- The NVRA already required registrants to attest to their citizenship under penalty of perjury on the federal form. This met the "minimum amount of information" requirement and the court ruled that Kansas's law requiring additional documentary proof of citizenship went too far.

## **League of Women Voters v. Harrington, U.S. District Court for the District of Columbia (2021)**

In this case, a federal district court struck down the U.S. Election Assistance Commission's decision to include state-specific instructions requiring documentary proof of citizenship on federal voter registration forms for Alabama, Georgia and Kansas. When the lawsuit began in 2016, all three states had documentary proof of citizenship laws on the books, though the court noted that it was unclear whether Alabama and Georgia were actively enforcing theirs. In its final opinion, the court held:

- The NVRA requires the U.S. Elections Assistance Commission to determine whether a state-specific instruction on the federal form is necessary to enable the state to assess voter eligibility.
- The EAC's decisions violated the NVRA because the agency failed to determine whether the Alabama, Georgia and Kansas proof of citizenship instructions were necessary to confirm voter eligibility.
- The EAC's decisions violated the Administrative Procedures Act because the agency did not follow the proper decision-making process when it failed to consider the necessity for state-specific instructions.

## **New Hampshire Youth Movement v. Scanlan, Coalition for Open Democracy v. Scanlan, U.S. District Court for the District of New Hampshire (2024 – ongoing)**

These lawsuits challenge a New Hampshire law requiring individuals to provide documentary proof of citizenship when registering to vote. As of March 2025, there is no court ruling on these cases yet.

- Both lawsuits argue that New Hampshire's 2024 law places an undue burden on the right to vote in violation of the First and Fourteenth Amendments to the U.S. Constitution.
- Both lawsuits argue that this undue burden comes in part from the fact that New Hampshire removed the option to attest to citizenship under penalty of perjury, instead requiring all voters to provide documentary proof of citizenship.
- The Coalition for Open Democracy argues that the law violates the Fourteenth Amendment's guarantee of procedural due process because it does not provide voters with enough opportunity to challenge a determination that they are not properly qualified to vote.

## **Mi Familia Vota v. Fontes, U.S. Court of Appeals for the Ninth Circuit (2025 – ongoing)**



In this case, several organizations and government entities filed challenges to multiple Arizona laws. In February 2025, a federal appeals court held that several of the challenged laws ran afoul of the NVRA, the federal Civil Rights Act and the U.S. Constitution. This case is complex, and while some of the most recent court holdings are briefly summarized here, the full Ninth Circuit opinion covering every claim can be found [here](#). The court made the following rulings on Arizona's proof of citizenship laws:

- Arizona's law requiring individuals who register to vote with the federal form to provide documentary proof of citizenship in order to vote by mail or vote for president violated the NVRA.
- Arizona's law requiring state voter registration forms to be completely rejected if the voter does not provide documentary proof of citizenship violated an agreement from a previous court case that directs Arizona to register such voters as federal-only voters.
- Arizona's law would require county recorders to conduct "citizenship checks" of registered voters if the recorder has "reason to believe" they are not citizens. This would have a discriminatory impact in violation of the NVRA.
- The law requiring "citizenship checks" would subject voters to different procedures in violation of the Civil Rights Act.
- Arizona's law requiring individuals who register with the state form to check a box affirming their citizenship violated the Civil Rights Act because it is duplicative of the state's documentary proof of citizenship requirement.
- Arizona's documentary proof of citizenship requirements do not violate the Equal Protection Clause of the 14th Amendment to the U.S. Constitution because all voters who fail to provide proof of citizenship are subject to the same consequences.

## Other Legislative Options

All states intend to have only citizens on their voter rolls and all states take steps to reduce the likelihood of erroneous registrations. Short of asking the federal government to create a list of all U.S. citizens, legislative action has increased to reduce the likelihood of noncitizens getting on voter rolls. Several approaches have been tried.

## Amending constitutions

Statewide ballot measures to adopt constitutional amendments ensuring only citizens can vote are increasingly common. In 2018, North Dakota's Issue No. 2 amended its constitution to say "only a citizen" can vote, rather than "every citizen" can vote. Since then, 13 other states have adopted clarifying language. In 2020, Alabama, Colorado and Florida each adopted a measure and in 2022, Louisiana and Ohio did so. In 2024, eight states did so as well: Idaho, Iowa, Kentucky, Missouri, North Carolina, Oklahoma, South Carolina and Wisconsin. Most of these measures have been referred by legislatures to the ballot, although the early measures in North Dakota, Florida and Colorado were placed on statewide ballots through citizen initiative processes. All these measures have passed with wide margins.

These measures make it even clearer that noncitizens cannot vote in state elections (voting in federal elections is already prohibited), although they do not address enforcement. In most states, these

amendments preclude municipalities from allowing noncitizens to vote in local elections. The exception might be for municipalities in home rule states.

## Provide additional funding for list maintenance

Most new voters have already provided proof of citizenship when they receive their driver's license or state identity card, and therefore citizenship is not in doubt for the vast majority of people. For the few where there may be a question, it takes time and persistence to track them down, and funding to accomplish the detailed work is required.

Funding for election administration is often a part of the general appropriation for the state's election authority, and not a separate bill.

## Denoting citizenship (or noncitizenship) status on state-issued IDs and driver licenses for voter registration and voting

- In 2023, Ohio passed HB 458 requiring IDs and licenses issued to noncitizens must have a notation designating that they are a noncitizen.
- [North Dakota](#) driver's licenses and state-issued ID cards with "Temporary" or "Permanent" listed on them cannot be used for voting.
- [Tennessee](#) requires temporary credentials issued to noncitizens to include a visually distinctive marker indicating that the credential cannot be used for voting.
- Effective Jan. 1, 2026, [Wyoming](#) will require licenses issued to permanent residents who are not U.S. citizens to state "Not a U.S. Citizen" on their ID cards.
- In 2025, South Dakota passed [SB 75](#) requiring an indication of citizenship status on driver licenses and ID cards.
- Effective Jan. 1, 2026, [Montana](#) will require licenses issued to U.S. citizens to have an eagle signifying their status.

## Other changes to forms or processes to reduce the likelihood of voting by noncitizens

Requiring documentary proof of citizenship for voter registration and increasing list maintenance activities to identify noncitizens are the major ways states have addressed noncitizen voting, but they are not the only options. Below are other bills enacted in the last ten years related to citizenship and voting.

- Kansas [SB 34](#) (2015) increased the penalty for a non-U.S. citizen who knowingly voted or attempted to vote from a class A misdemeanor to a severity level 7, nonperson felony.
- Nebraska LB 514 (2023) requires the secretary of state to develop a process for using information available, including through cooperation with the attorney general and the department of motor vehicles, to match and verify the citizenship of registered voters.

- Nebraska [LB 287](#) (2024) permits newly naturalized citizens to register after the regular voter registration deadline.
- Ohio [SB 63](#) (2015) requires the secretary of state to conduct an annual review of the statewide voter registration database, including a comparison of information with the bureau of motor vehicles to identify a person who submits documentation to the bureau of motor vehicles indicating the person is not a U.S. citizen.
- Oklahoma [SB 1040](#) (2023) specifies that voter registration services may not be offered to a person who provides documentation when applying for a driver's license or state identification card that shows the person is not a U.S. citizen.
- Rhode Island [RI SB 770](#) (2017) established automatic voter registration and specified that the division of motor vehicles is to not provide a voter registration application to anyone who has not certified they are a U.S. citizen.
- South Dakota [SB 139](#) (2023) requires voter registration forms to include a certification of voter eligibility by which the applicant attests, under penalty of perjury, to meeting a set of eligibility requirements, including U.S. citizenship.
- Tennessee [HB 835](#) (2024) prohibits counties, municipalities or any political subdivision in the state from permitting noncitizens to vote.
- Washington [SB 5112](#) (2023) specifies that the minimum required information on a voter registration application include an affirmation of citizenship as either a check or indication on the box confirming citizenship or presentation of documents as part of another government transaction confirming citizenship. It also requires the department of licensing to provide copies of the documents submitted to prove citizenship, upon request by the secretary of state.
- West Virginia [SB 491](#) (2019) added citizenship status to information applicants must provide at the division of motor vehicles in order to be automatically registered to vote.

## Evidence of Voting by Noncitizens

There is no clear evidence of significant numbers of noncitizens getting on voter rolls or casting ballots. When it does happen, election officials report it is often based on a misunderstanding of the law—especially for anyone who has limited English proficiency. And yet, even a few instances cannot be dismissed.

While it is difficult to determine with precision how many noncitizens are registered or have voted, states are reporting on their efforts to ensure noncitizens don't vote. Examples:

- In 2022 and 2024, [Georgia](#) conducted citizenship audits of its voter rolls. In 2024, Georgia found 20 noncitizens on the rolls by using jury declarations; nine of the 20 had voted at some point. "Other states that have conducted audits were not able to get to the level of detail that our office achieved with this audit," Secretary of State Brad Raffensberger said in a [press release](#) referencing the 2024 audit.
- In 2017, [Nevada](#) conducted a statewide audit and identified 100 people statewide who presented evidence of non-citizenship while obtaining services from the DMV and completed a voter registration at the DMV. Information was given to the secretary of state's office to investigate. After investigating, that office found that three noncitizens had voted in 2016.

- In 2024, [Ohio](#) conducted a citizenship verification audit, and from that work, forwarded 138 records of people who have voted in Ohio but for whom evidence of citizenship is lacking.
- In 2022, [Texas](#) conducted a procedural audit of Harris County's elections, which included a review of list of maintenance activities. Using data from the Texas Department of Public Safety, the audit found that there were potentially 269 noncitizens on the voter rolls, with 47 of them in the county. The audit also confirmed that Harris County cancelled the noncitizen matches prior to the election and no one on the list cast a ballot.
- In 2025, [Iowa](#) completed an audit of the 2024 general election and identified 277 noncitizens who were registered to vote. Of those, 35 noncitizens cast ballots that were counted and 5 attempted to cast ballots that were rejected. These individuals were turned over to the Iowa Attorney General's Office for investigation. By verifying individuals through the SAVE database, the state was able to verify the status of 2,176 potential noncitizens resulting in 277 confirmed noncitizens on the voter rolls.
- In 2025, [Michigan](#) completed a review of motor vehicle records that identified 15 people who appear to be noncitizens that voted in the 2024 general election out of 5.7 million ballots cast. 13 of the 15 people were referred to the Michigan Attorney General for potential criminal charges.

## Questions Legislators Can Ask

- Is voting by noncitizens an issue in our state? How do you know it is or isn't?
- How do you already work to ensure noncitizens cannot get on voter rolls, or vote?
- Who does this work? Is it staff at the state level or is it a responsibility of local jurisdictions?
- What resources or funding are devoted to this work?
- Is the work done uniformly throughout the state?
- Do you have an agreement to be able to access DHS's SAVE database, to check any records where we do not have proof of citizenship?
- Does your state use jury dismissals to look for potential noncitizens? If not, do you think that would be useful?

## Municipalities That Allow Noncitizens to Vote in Local Elections Only

While noncitizens cannot vote in state and federal elections, a handful of states and Washington, D.C., allow jurisdictions to permit residents who are non-U.S. citizens to vote in local and municipal elections. Ten cities in Maryland passed local measures to allow residents who are not U.S. citizens to vote in local elections. In Vermont, voters in Montpelier, Winooski and Burlington approved charter changes to allow residents who are not U.S. citizens to vote in local elections, and the legislature approved those charter changes in [HB 177 \(2021\)](#), [HB 227 \(2021\)](#), and [HB 509 \(2023\)](#). In California, [Oakland](#) (2022) and [San Francisco](#) (2016) voters approved charter amendments to allow residents who are not U.S. citizens to vote in school board elections. New York City passed a measure in 2022 that was ruled unconstitutional under the state constitution in 2024 and was never put into effect.

In 2022, the Council of The District of Columbia passed the [Local Resident Voting Rights Amendment Act of 2022](#) which permits eligible non-U.S. citizen residents of the district to vote in local elections. These

individuals are not permitted to vote in any federal election and fill out a [separate voter registration](#) form intended for non-U.S. citizen residents. These forms and the lists of these voters are kept separate from the registrations and lists of U.S. citizens. When a registered non-U.S. citizen resident gets their ballot, it will only have local races on it. Local elections where non-U.S. citizen residents can vote include elections for mayor, chairman and members of the council, attorney general, members of the board of education, advisory neighborhood commissioners, and ballot questions. Federal races will not appear on this ballot.

## Recently Enacted Legislation

### 2025

- Alabama [SB 158](#) provides that driver's licenses issued to foreign nationals may not be presented or used for the purpose of voting.
- Arkansas [HJR 1018](#) proposes a state constitutional amendment to clarify that only U.S. citizens are eligible to vote in any election in the state. The measure will go to voters in November 2026.
- Florida [SB 2](#) specifies that any person who is not a qualified voter because they are not a citizen and who willfully votes in an election or any person who aids a noncitizen in voting is guilty of a third-degree felony.
- Idaho [HB 339](#) requires the secretary of state to request information, including citizenship status, from other agencies and government entities to determine the accuracy of voter registration.
- Indiana [HB 1680](#) requires county registration officials to send a notice requesting proof of citizenship to any person who used an ID number from a temporary credential when registering to vote. The person must provide proof of citizenship within 30 days of receiving notice, or the registration will be canceled.
- Iowa [HB 954](#) requires the department of transportation to transmit a list to the state registrar of people 17 or older who have submitted documentation indicating they are not a U.S. citizen and provides additional requirements and data sources for confirming citizenship status for list maintenance.
- Kansas [HB 2020](#) requires the director of the division of motor vehicles to submit a quarterly list of all permanent and temporary driver's' licenses issued to noncitizens to the secretary of state to compare with the voter registration list.
- Kansas HCR 5004 proposes a state constitutional amendment to clarify that only U.S. citizens are eligible to vote in the state. The measure will go to voters in November 2026.
- Louisiana HB 554 requires the office of motor vehicles to mail a notice of voting restrictions for individuals who are lawfully present but not U.S. citizens when issuing a license or ID to an such an individual. The bill also requires the office to maintain a record of noncitizens who have been provided this notice and transmit the record monthly to the secretary of state for the purpose of voter list maintenance.
- Montana [SB 91](#) requires driver's licenses issued to U.S. citizens to have an image of an eagle to signify the licensee's status as a U.S. citizen beginning Jan. 1, 2026.
- Ohio [HB 54](#) requires a person to present proof of citizenship when applying for a license or state ID before the registrar of motor vehicles offers the applicant the opportunity to register to vote.
- Oklahoma [SB 1086](#) requires a voter's registration to be canceled if they are determined to not be a U.S. citizen. Allows the secretary of the state election board to compare the state voter lists against any federal, state or local entity that maintains information on the citizenship of people in the state. If



the secretary finds that a person is not a U.S. citizen through this comparison, they must mail a notice to the voter requiring proof of citizenship within 30 days of the notice being sent. If the individual does not submit proof of citizenship within 30 days, their registration must be canceled.

- South Dakota [SB 68](#) clarifies that an individual must be a U.S. citizen before being eligible to vote and increases penalties related to voting in an election as an unqualified voter.
- South Dakota [SB 75](#) requires driver's licenses, and ID cards must indicate that the holder is a U.S. citizen.
- South Dakota [SJR 503](#) proposes a state constitutional amendment to clarify that a person who is not a U.S. citizen is disqualified from voting in any election in the state.
- Tennessee [SB 6002](#) provides that IDs issued to lawful permanent residents are not valid for the purpose of voting and requires that temporary driver's licenses or photo IDs issued to lawful permanent residents include a visually distinctive marker.
- Tennessee [HB 69](#) requires the state coordinator of elections to create a secure electronic portal by 2028 for county election administrators to access information and verify an applicant's eligibility to register to vote, including citizenship status and any felony conviction.
- Tennessee [SB 1143](#) requires the standards for educating local election officials to include training on temporary forms of identification issued to non-U.S. citizens that may not be used as evidence of identification for voting.
- Texas [SJR 37](#) proposes a state constitutional amendment specifying that persons who are not citizens of the U.S. are not allowed to vote in the state. The measure will be submitted to voters at the Nov. 4, 2025, election.
- Utah [HB 300](#) requires the lieutenant governor to register with the SAVE program as part of maintaining the voter registration database. The bill also permits the removal of voters due to dismissal from jury for being a noncitizen.
- West Virginia [SB 486](#) clarifies that a person must be a U.S. citizen to vote in federal, state, county, municipal and special elections.
- Wyoming [HB 156](#) requires proof of residence and proof of U.S. citizenship to register to vote. The bill specifies valid proof of residence and of citizenship for this purpose.
- Wyoming [HB 318](#) requires the department of transportation to submit a monthly list of all people who have indicated a noncitizen status when obtaining or renewing any document through the department. Additionally, the bill authorizes the secretary of state to use the Department of Homeland Security's Systemic Alien Verification for Entitlements (SAVE) program to verify the citizenship status of persons in the state voter registration system.
- Wyoming [SB 33](#) requires driver's licenses and ID cards issued to non-U.S. citizens with lawful status must state "Not U.S. citizen."

## 2024

- Indiana [HB 1264](#) requires the state to provide each county voter registration office information about a voter disqualified from jury service because they are a noncitizen. The bill also requires comparison of the voter registration system with the bureau of motor vehicle's list of temporary credentials.
- Kentucky [HB 44](#) requires that upon receipt of notification of jury excusal of a noncitizen, the State Board of Elections must remove the person from the voter registration roll within five days.
- Louisiana [SB 436](#) requires applicants to submit proof of U.S. citizenship when registering to vote.
- Nebraska [LB 287](#) allows newly naturalized citizens to register after the registration deadline
- New Hampshire [HB 1569](#) removes any exceptions for proving voter identification and removes voter affidavits as proof of identification and repeals the procedures for affidavit ballots. The bill also

- requires first-time voters in the state to present proof of citizenship when registering to vote
- North Carolina [HB 1074](#) proposes a question to voters to amend the North Carolina constitution to clarify that only citizens of the U.S. can vote in elections. The measure passed in the November 2024 elections.
  - South Carolina [SB 1126](#) authorizes a ballot measure to amend the state constitution to stipulate that only citizens of the U.S. who are 18 or older and properly registered can vote in the state's elections. The ballot measure passed in the November 2024 elections.
  - Tennessee [HB 835](#) requires the coordinator of elections to compare the statewide voter registration database with the department of safety database to ensure noncitizens are not on the voter registration list.

2023

- Nebraska [L 514](#) requires the secretary of state to publish voter ID instructions. It also requires the secretary to verify voters' citizenship status and prohibits the secretary of state from allowing the citizenship information it collects for list maintenance from being used for any other purposes, including law enforcement.
- Idaho [HB 239](#) specifies that it is unlawful for a noncitizen to vote in an election.
- Mississippi [HB 1310](#) requires the secretary of state to compare voter lists with DMV lists to ensure noncitizens are not on the voter rolls.
- Montana [HB 712](#) prohibits noncitizens from voting.
- Oklahoma [SB 377](#) requires the cancellation of registration of individuals who have been dismissed from jury duty for not being a U.S. citizen and requires county clerks to send a list of these individuals to the state board of elections each month.

Automatic Voter Registration

<a href="#">🔗</a>	<a href="#">Automatic Voter Registration</a>
<a href="#">🔗</a>	<a href="#">Voter Registration List Maintenance</a>
<a href="#">🔗</a>	<a href="#">States Consider Options to Ensure That Noncitizens Aren't Voting</a>
<a href="#">🔗</a>	<a href="#">Voting: Proof of Citizenship (Webinar Recording)</a>

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Updated March 11, 2025

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Updated September 02, 2025

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