



Citizenship, Voting, and Voter Fraud—The Facts

Constitutional Provisions

The U.S. Constitution does not assign voting rights to U.S. citizens. Instead, the Elections Clause ([Article 1, Section 4, Clause 1](#)) states that “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.”*

The Elections Clause was designed to disperse election oversight across multiple jurisdictions: the states and their counties, municipalities, and other localities. The goal? To ensure that no despot or centralized federal authority could commandeer and thus more easily manipulate federal elections. The Elections Clause has traditionally been interpreted by the Supreme Court to grant broad powers to the states to manage their own elections, including “notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns” (*Smiley v. Holm*, 1932). At the same time, the Elections Clause grants Congress powers to regulate congressional elections to make sure the states are not undermining the federal government. Finally, the Elections Clause does not allow the states or Congress to set voter qualifications for congressional elections; rather, [Article 1, Section 2, Clause 1](#) stipulates that anyone eligible to vote for the largest house of a state’s legislature is also eligible to vote for members of the House of Representatives from that state. (See [Cornell Law School, Legal Information Institute](#) and [National Constitution Center](#).)

Voting Rights—Variability Across States

The Constitution thus empowered the states to decide who is qualified to vote. While all states have codified their U.S. citizenship requirements, voting rights have historically varied significantly among the states, and still do—as attested by the fact that roughly half the states either temporarily or permanently deny voting rights to convicted felons. Most states initially limited the vote to property-owning white men. Georgia was the first state to remove this requirement, in 1792, and North Carolina was the last, in 1856. Myriad other restrictions on voting remained, however: based on religion (Jews, Catholics, and Quakers were barred from voting in some states), gender (Wyoming’s women, regardless of race, secured the vote in 1869, fifty years before women nationally), race (notoriously in the Jim Crow South, but also in many other states until 1965), and nationality (such as the citizenship ban for Chinese in the California Constitution of 1879, a precursor to the nationwide Chinese Exclusion Act of 1882).

Expansion and Protection of Voting Rights

The second part of the Elections Clause, which empowers Congress to pass national election laws, played a greater role after the Civil War, with the ratification of the Fourteenth and Fifteenth Amendments. These “Reconstruction Amendments” extended citizenship to all Americans regardless of race and specifically granted the franchise to Black and other formerly enslaved men. Subsequent amendments have expanded voting rights:

- Amendment 17 requires that U.S. senators be elected by popular vote.
- Amendment 19 granted the vote to women.
- Amendment 22 allowed the District of Columbia to participate in presidential elections.
- Amendment 24 banned poll taxes.
- Amendment 26 lowered the voting age to 18.

*The final provision addressed by the phrase “except . . . Senators” was superseded by Amendment 17.

The *pièce de résistance*, however, was the Voting Rights Act of 1965 (VRA), which finally enforced African Americans’ right to vote by removing the obstacles many states had erected to get around the Fifteenth Amendment and other civil rights measures. Previously, Jim Crow laws—such as the poll tax, literacy tests, all-white primaries, and grandfather laws, not to mention violence and intimidation by white supremacists—had the de facto effect of barring an entire population from the franchise. With the advent of Amendment 24 (outlawing poll taxes in 1964) and the VRA, states with this history of voter suppression were required to secure federal approval of changes to their voting laws and were prohibited from regulating the vote in a way that would deny or limit voting on the basis of race. The VRA allowed widespread Black participation in the political process for the first time since the end of Reconstruction nearly a century earlier.

Citizenship and the Right to Vote

Today, states retain a great deal of independence in how they administer voter registration and elections. However, all states require voters to be U.S. citizens. In 1993, Congress passed the [National Voter Registration Act](#), mandating that states ensure that every person registering to vote sign an affidavit affirming, under penalty of perjury, that they are a citizen of the United States. In 1996, Congress passed the [Illegal Immigration Reform and Immigrant Responsibility Act](#), stipulating that all voters voting in state and federal elections must be U.S. citizens. The citizenship requirement is also addressed at the state level: The constitutions of 32 states say that “every citizen” or “all citizens” can vote (while not saying that noncitizens cannot vote), and 18 states explicitly affirm that noncitizens *cannot* vote ([Ballotpedia](#)). As a practical matter, all states require U.S. citizenship both to register to vote and to cast a ballot, although the District of Columbia and three states have laws that [allow noncitizens to vote in local municipalities](#).

Voter Fraud—A Non-Issue

The conservative Heritage Foundation maintains an Election Fraud Map and has tracked “proven election fraud” since 1982. Here are the numbers recorded in its database for federal election years since 2016:

Heritage Foundation: “Proven Instances of Election Fraud” in Recent Federal Elections (All States)		
<i>Election Year</i>	<i>All Subcategories</i>	<i>Alien Voters</i>
2016	71	4
2018	87	22
2020	31	0
2022	94	2
2024	42	2
<i>Note:</i> There are five subcategories in all, including Alien, Deceased Voter, Felon Voter, Minor Voter, and Nonresident Voter. Noncitizen voters correspond to the “Alien” category. <i>Source:</i> Data are from Heritage Foundation, Election Fraud Map, “Explore the Data.” Accessed September 13, 2026.		

Disemboweling the VRA: Sadly, the safeguards provided in the Voting Rights Act have been [eviscerated by Supreme Court decisions](#) in 2013, 2021, and 2026, which rendered the VRA, for all practical purposes, ineffective. Since 2025 we have seen a series of actions by all branches of federal government to reverse voting rights by weakening or eliminating ballot access for whole groups of citizens. Some of these efforts include [mid-cycle gerrymandering](#), passage of the [SAVE suite of bills](#) by the House of Representatives (awaiting a vote in the Senate), and federal disruption of state election systems such as mailed ballots.

Researchers for the [Brennan Center for Justice](#) have called the Heritage Foundation’s data into question, calling it “grossly exaggerated and devoid of context.” But even if one takes the Heritage Foundation’s

data at face value, it reports a total of only 1,619 “proven instances of voter fraud” from 1982 through December 12, 2025. The numbers are for all U.S. states and encompass a period of 43 years. The reported instances of voter fraud are minuscule for the span of time and jurisdictions covered—and arguably, given that any system will experience some degree of error, reinforce confidence in our state election systems.

Recent judicial rulings reaffirm that voter fraud is extremely rare in the United States, and the legal tests of the 2020 presidential election offer a prime example: More than 60 lawsuits brought by the Trump campaign claimed election fraud in the wake of the election. Nearly all were either dismissed due to a lack of evidence or dropped as meritless—many by federal judges appointed by the first Trump administration. Only one case was initially decided in the campaign’s favor, and it was later overturned by the Pennsylvania Supreme Court.

Regarding noncitizen voting specifically, the Trump administration [makes the following speculative claim](#), offering no factual evidence for their “analysis”:

According to a D.H.S. review of state voter rolls and public records, they identified approximately 278,000 non-citizens who are registered to vote in federal elections. Since Democrat states refused to share their voter files, the real number is actually much higher—yet even this limited analysis found more than a quarter of a million foreigners illegally registered to vote.

Multiple studies and reports show that noncitizen voting is virtually nonexistent and, in the rare cases where it does occur, has had no impact on election outcomes. Voting as a noncitizen is a crime, and registering to vote fraudulently carries stiff penalties. Even when noncitizens have registered to vote, either mistakenly or fraudulently, the numbers of individuals who have actually cast ballots are vanishingly low and have had no impact on election outcomes.

Here is a list of nonprofit, nonpartisan 501(c)(3) resources—including both the liberal Brennan Center and the libertarian Cato Institute—for those seeking more details:

- Ballotpedia, [Noncitizen Voting Election Fraud](#) (updated regularly)
- Bipartisan Policy Center, [Four Things to Know about Noncitizen Voting](#) (July 2026)
- Brennan Center for Justice, [Debunking the Voter Fraud Myth](#) (January 2017)
- Brookings Institution, [How Widespread Is Election Fraud in the United States? Not Very](#) (October 2024)
- Cato Institute, [Trump’s Claims about Noncitizens Voting Are False. We Can Prove It](#) (February 2026)
- Cato Institute, [Another Data Point Against the Theory That Noncitizens Are Voting En Masse](#) (May 2026)
- Center for Election Innovation and Research, [Claims of Noncitizen Registration or Voting: Analysis and Tracker](#) (July 2026)
- Democracy Docket, [What Does the Constitution Say About the Right to Vote?](#) (February 2022)
- Fair Elections Center, [Voting by Noncitizens Is a Non-Issue: Data from All Sources Shows That Overwhelmingly, Only U.S. Citizens Are Voting](#) (March 2026)

Interestingly, in August 2026 the U.S. Census Bureau issued a seven-page report called [Noncitizen Voting in the 2020 Election: A Beginning Analysis](#). The report lists no author. It suggests that voter fraud is far more prevalent than most researchers have found. NPR has reported that this document [has ties to the Trump administration](#), and it was praised in social media posts by President Trump and Commerce Secretary Howard Lutnick. The online magazine *Wired* has [debunked the Census Bureau’s claims](#) that “Over 24,000 voters in the 2020 general election [of the 128 million examined to date]” met the “noncitizenship” standard as defined in the report. The former associate director for research and methodology and chief scientist at the Census Bureau, John Abowd, has called the study “statistical nonsense” and [posted on LinkedIn](#) that “it is extremely uncommon for the US Census Bureau to publish a research report, even one of blog length, without the authors explicitly listed.”

Addressing a Non-Issue

Since its founding, the League of Women Voters has stood for expanding the vote to all eligible citizens and eliminating obstacles to the ballot. Elections are rigorously and legally administered by local nonpartisan election officials in the vast majority of jurisdictions. The overwhelming evidence that noncitizen voting is a non-issue is one of many reasons that our leaders should be working to encourage voting, facilitate access to the ballot, and remove barriers to our right to vote.

Despite the integrity and legality of our elections, efforts to require voters to prove their citizenship when they register to vote, or every time they vote, have been mounted at both the federal and state levels. The federal SAVE America Act (passed by the House and awaiting a vote in the Senate) would require voters to produce “documentary proof of citizenship” (DPOC):

- a valid U.S. passport,
- a certified U.S. birth certificate,
- a certificate of naturalization,
- a consular report of birth abroad, or
- a certificate of citizenship.

Many people view the need to produce an ID at the Vote Center or to place the last four digits of a social security number on the envelop of a mail-in ballot as a minor inconvenience and feel that they need to produce identification in myriad other situations—[why not when they vote?](#) What many do not realize is that this ID is not a driver’s license or a student ID. DPOC is often difficult to locate or obtain, and it typically costs money, time, and sometimes travel to acquire.

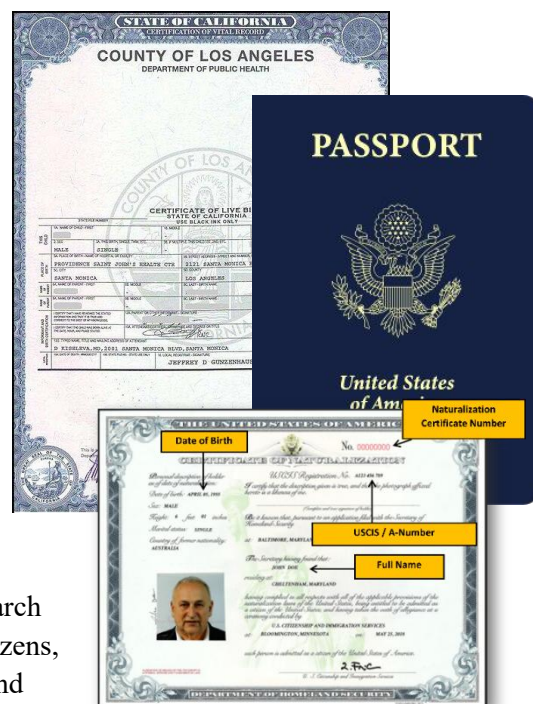
The need to carry DPOC in order to vote is not just a solution in search of a problem. This “solution” will depress voter turnout by U.S. citizens, especially older seniors, students, those with mobility challenges, and those whose jobs afford little time to register in person or even take time off to vote in person (University of Maryland, Center for Democracy and Civic Engagement, [Which U.S. Citizens Lack Easy Access to Documentary Proof of Citizenship?](#)).

Plan Your Vote BEFORE Election Day, and Vote Early

Along with other efforts to manipulate the “one person, one vote” foundation of our democracy—politically and racially motivated gerrymandering, the federal government’s attempts to verify voter eligibility through USPS-curated “citizen lists,” and the DOJ’s intimidation of the states’ top election officials in pursuit of voters’ names and private information—measures like the [SAVE America Act](#) at the federal level and [Proposition 39](#) at the state level will make voting much more difficult for *eligible voters* while doing little to prevent already rare voter fraud.

We urge all eligible voters to vote in the November 3 General Election. Get informed now, complete your ballot, and cast your ballot early by placing it in an official Ballot Drop Box or delivering it to a Vote Center. Avoid the U.S. Postal Service unless you have no other option, and if you do use the Postal Service, make sure your ballot is in the mail no later than October 24.

—Chris Moose, Editor, the *Voter*, September 2026



*Some of the documents that qualify as DPOC: certified birth certificate (top), valid U.S. passport (middle), and certificate of naturalization. DPOC does **not** include a Real ID driver’s license or a student ID.*