



Texas Public Policy Foundation
**LEGISLATOR'S GUIDE
TO THE ISSUES
2021-2022**

Noncitizen Voting, Registration, and Voter Rolls

The Issue

Post 1993 National Voter Registration Act (also known as the Motor Voter Act), fear of lawsuits and an attitude of disregard toward voter fraud have made it more difficult for states to ensure voter lists are accurate. Absent accurate voter registration lists, the reliability and integrity of election outcomes can be substantially affected.

The Texas Secretary of State does not perform regular audits of voter lists, and there is no system of automatic removal from the rolls of nonvoters with a given notification period in Texas, opening the door to voter fraud. Subsequently, false registrations of noncitizens as voters continue to affect our election while remaining undiscovered or not prosecuted. No verification and cleaning of voter lists allow for duplicate voting and fraudulent voters claiming multiple addresses for certain elections to illicitly vote multiple times. This also enables people to vote in the name of someone that is deceased through mail-in ballots or by stealing their identity to vote.

Close results in Texas state and local elections make the influence of fraudulent voters especially problematic, and several elections have been overturned because of fraudulent voting.

During the 85th regular legislative session, HB 4034 was passed to require the Secretary of State to periodically check voter rolls for duplicate registrations. During the 84th Legislature, SB 795 was passed to increase cooperation between the Secretary of State and local authorities to compare voter lists and information. However, there is still no explicit requirement for audits to occur in a specified time to remove ineligible voters and improper registrations. The state is prohibited from removing nonqualified voters from the rolls in many cases and removal purely for failure to vote cannot be done.

In 2019, an attempt to review Texas's voter rolls resulted in significant difficulties due to inaccuracies and out-of-date records derived from the Texas Department of Public Safety. The issues raised here illustrate a need for comprehensive review to ensure records are up to date and county and state officials use standard and coordinated databases to ensure noncitizens, ineligible felons, out-of-state voters, and the deceased are removed from voter rolls in a timely and routine manner. There is also the need to protect against illicit voter registrations by noncitizen or nonqualified voters. Evidence is substantive:

- Research by Judicial Watch showed that 462 United States counties had higher voter registrations than the population of citizens over 18 in those counties, accounting for about 17% of U.S. counties. Fifteen of those counties had higher voter registrations than their actual populations. It indicates that too many counties have failed to send confirmation notices to

confirm voters reside at their listed address, threatening the integrity of our national elections.

- A study by the Government Accountability Institute found a likely 1,200 intra-state duplicate voters and a highly likely 7,271 inter-state duplicate voters, extrapolating an estimated 45,000 duplicate votes in the 2016 election. The results provide evidence that certain people are registered but not living in the multiple jurisdictions they are voting in.
- In 2000, a *New York Post* review showed over 10,000 New York registered voters were registered, illegally, as being able to vote in both Florida and New York. Failing to disclose a prior registration is a crime punishable by up to 5 years in prison in Florida and 4 years in New York.
- The Pew Center on the States reported that, in 2012, across the United States, more than 1.8 million deceased persons were still on voter lists.
- A judge who died in 2010 in Starr County, Texas, has had someone vote in his name three times since.
- A man cast a duplicate vote via mail-in ballots in Minnesota and Texas for the 2012 election and was only caught by a reported Facebook post where he admitted his actions.
- In a survey by the Public Interest Legal Foundation whose results were published in September 2017, 616 noncitizens in 11 counties in New Jersey admitted to engaging in the voter registration process. Nine percent of the noncitizens also reported having voted. Sixty percent of noncitizens admitted their citizenship status and were given the opportunity to continue their application anyway at the DMV. It took about 2 years for New Jersey's system to then discover their citizenship status and remove them from the registration lists. Without regular audits of the voter lists, false registrations continue to influence our elections.
- Between 2011 and 2017, Virginia removed 5,556 noncitizen voters from its registration lists. Of those voters, 1,852 have cast 7,474 ballots since 1988. These voters were only found because they had reported themselves to officials and did not include those who had reported incorrect information about their citizenship status.
- In 2018, the Texas Office of the Attorney General prosecuted a Mexican national who stole the identity of an American citizen and used the identity to register to vote. The individual voted in several elections, including the 2016 general election.
- A Salvadoran national who illegally entered the United States falsely registered to vote in Texas while not being a citizen and cast a ballot in the 2016 election.

continued

The Facts

- Several cases of voting fraud in Texas and the United States demonstrate that voting fraud can jeopardize election integrity.
- Around the country, voters lists with noncitizens, ineligible felons, out-of-state voters, or deceased people have been reported.
- The Texas Secretary of State does not conduct regular audits of the Texas voter lists.
- The absence of verification and cleaning of voter lists opens the door to and may even encourage voter fraud.

Recommendations

- Automatically remove nonvoters from registration lists after a set number of missed cycles plus a given notification period. Such a requirement would mirror an effective Ohio law (Ohio Rev. Code Ann. § 3503.21) upheld by the Supreme Court, which addressed the problem of old registrations that allowed for duplicate voting and registrations from dead persons still “voting.” A second method of data verification might be to mandatorily reset all voter rolls and require voters to re-register after the most recent presidential election cycle or around every 4 years.
- Require the Texas Secretary of State to perform a full audit of all county voter-registration lists every 5 years. The requirement would ensure integrity of elections by finding duplicate registrations, false registrations by ineligible persons, and prohibited address registrations.

Resources

- [“Someone Did Not Do Their Due Diligence’: How an Attempt to Review Texas’ Voter Rolls Turned Into a Debacle”](#) by Alexa Ura, *Texas Tribune* (Feb. 1, 2019).
- [*Alien Invasion II: The Sequel to the Discovery and Cover-up of Non-Citizen Registration and Voting in Virginia*](#), Public Interest Legal Foundation (May 2017).
- [*America the Vulnerable: The Problem of Duplicate Voting*](#), Government Accountability Institute (2017).
- [“Voter Fraud Case Reveals Deceased Texans Still Voting”](#) by Erin Anderson, *Texas Scorecard* (March 8, 2018).
- [*Garden State Gotcha: How Opponents of Citizenship Verification for Voting Are Putting New Jersey’s Noncitizens at Risk of Deportation*](#), Public Interest Legal Foundation (Sept. 2017).
- [*Inaccurate, Costly, and Inefficient: Evidence That America’s Voter Registration System Needs an Upgrade*](#), Pew Center on the States (Feb. 14, 2012).
- [“Jail Sentence, Deportation for Non-Citizen Charged With Voter Impersonation and Texas Voter Fraud,”](#) *Corridor News* (Sept. 14, 2018).
- [“He Voted in Anoka County and Texas, Then Bragged on Facebook,”](#) Pioneer Press, *Twin Cities Pioneer Press* (June 4, 2014).
- [“It Is Time to Start Enforcing the National Voter Registration Act of 1993: Testimony Before the Presidential Advisory Commission on Election Integrity”](#) by Robert D. Popper (Sept. 12, 2017).
- [“Salvadoran Immigrant Indicted for Voter Fraud in Texas,”](#) *U.S. News and World Report* (June 22, 2018).
- [“Double-Dippers Sigh Up to Vote in NY and Florida”](#) by Dan Mangan, *New York Post* (Dec. 12, 2000).