

BALLOTPEDIA

Laws permitting noncitizens to vote in the United States

(https://ballotpedia.org/Laws_permitting_noncitizens_to_vote_in_the_United_States)

In 1996, the [U.S. Congress passed a law](#) prohibiting noncitizens from voting in federal elections, such as U.S. House, U.S. Senate, and presidential elections. Federal law did not address state or local elections.^[1]

As of March 2020, two [state constitutions](#) specified that noncitizens may not vote in state and local elections: Arizona's and North Dakota's. No state constitutions explicitly allowed noncitizens to vote in state or local elections.^[2]

Fifteen municipalities across the country allowed noncitizens to vote in [local elections](#) as of January 2022. Eleven were located in Maryland, two were located in Vermont, one was New York City, and the other was San Francisco, California.

According to the [Pew Research Center](#), there were approximately 25 million noncitizens living in the U.S. as of 2017. That included 12.3 million permanent residents and 2.2 million temporary residents in the country with legal permission and 10.5 million living in the country without legal permission.^[3]

Whether noncitizens should be allowed to vote is a subject of debate. Click [here](#) for support and opposition arguments and [here](#) for more on the debate over the prevalence of non-citizen voting.

Federal law

Federal law states that it is **unlawful for a noncitizen to vote in federal elections** and establishes the punishment of **a fine, one year in prison, or both** for violation of the law. The [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) states the following:

- “ (a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—
- (1) the election is held partly for some other purpose;
 - (2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and
 - (3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.
- (b) Any person who violates this section shall be fined under this title, imprisoned not more than one year, or both.^[4]
- ”

The law includes the following exceptions:

- “ (c) Subsection (a) does not apply to an alien if—
- (1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization);
 - (2) the alien permanently resided in the United States prior to attaining the age of 16; and
 - (3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.^{[1][4]}
- ”

Federal law also states that noncitizens who violate the law are **inadmissible** (ineligible to receive visas and ineligible to be admitted to the U.S.) and **deportable**.^{[5][6]}

State constitutions on suffrage and citizenship

All state constitutions mention United States citizenship when discussing who can vote in that state's elections. In 48 states, constitutional language discussing citizenship says who *can* vote (e.g. "every citizen" or "all citizens"), but does not state that noncitizens cannot vote. In Arizona and North Dakota, the states' constitutions provide that citizens, but not noncitizens, have the right to vote.

The following table lists what each state's constitution says regarding citizenship and the right to vote. Click the arrow to browse pages in the chart or search for a state within the chart. [NOTE: Please go to website to see table]

Noncitizen suffrage in local elections

As of December 2021, at least 15 municipalities in the U.S. allowed noncitizens to vote in some or all local elections. One was in California, 11 were in Maryland, one was in New York, and two were in Vermont.

Joshua A. Douglas, associate professor of law at the University of Kentucky College of Law, published an article in 2017 stating, "Municipalities can expand voting rights in local elections if there are no explicit state constitutional or legislative impediments and so long as local jurisdictions have the power of home rule." Some states, for example, require that changes to local charters get approval from state legislatures, thereby limiting municipal authority over voter eligibility laws, whereas other states do not.^[7]

Douglas identified 14 states—including California and Maryland—as posing no clear impediments to municipalities passing their own voter qualification laws:

- Arkansas
- California
- Colorado
- Illinois
- Maryland

- Nevada
- New Jersey
- New Mexico
- Ohio
- Oklahoma
- Rhode Island
- South Dakota
- Washington
- Wisconsin

The following localities allow noncitizen voting in some or all local elections. *Know of a municipality we're missing? [Email us](#).*

California

San Francisco

See also: [San Francisco, California, Non-Citizen Voting in School Board Elections Amendment, Proposition N \(November 2016\)](#)

In 2016, voters in [San Francisco](#) approved a charter amendment that read, "Shall the City allow a non-citizen resident of San Francisco who is of legal voting age and the parent, legal guardian or legally recognized caregiver of a child living in the San Francisco Unified School District to vote for members of the Board of Education?"

The amendment was approved with 54% support. [Click here to learn more.](#)

Maryland

Maryland's state constitution specifies that "every citizen of the United States, of the age of 18 years or upwards, who is a resident of the State as of the time for the closing of registration next preceding the election, shall be entitled to vote in the ward or election district in which the citizen resides at all elections to be held in this State."^[8] The state constitution gives municipalities the authority to allow people outside those qualifications to vote without requiring state approval of such changes.^[9]

The following Maryland municipalities allowed noncitizens to vote in local elections as of March 2020.

Barnesville

The Barnesville town charter defines qualified voters as "having resided therein for six months previous to any town election and being eighteen years of age."^[10]

Cheverly

Any person over the age of 18 who has been a resident of Cheverly for at least 30 days at the time of the election and has not been convicted of a crime is eligible to register to vote in town elections.^[11]

Chevy Chase Section 3

The charter of Chevy Chase Section 3 reads, "'Qualified Voter' shall mean any person who is a resident of Chevy Chase Section 3, without regard to citizenship, and is at least eighteen (18) years of age."^[12]

Garrett Park

The Garrett Park town charter reads, "The town manager shall provide for the registration of voters in a flexible and available manner in order to encourage registration and voting, consistent with the policies adopted by ordinance and the rules and procedures specified by the election judges. Qualified persons may register by universal registration with either Montgomery County or the town, or may register only with the town, including residents who are not citizens of the United States, up to and including election day."^[13]

Glen Echo

Glen Echo's town charter says the following: "Any person who is not a United States citizen, and (a) is a resident of the Town of Glen Echo, (b) is a lawful resident of the United States, and (c) except for the United States citizenship requirement, meets the voter qualifications provided in Section 501(a) may register to vote in Town elections."^[14]

Hyattsville

The Hyattsville town website states, "Hyattsville residents who are not U.S. citizens, or do not wish to register with the State, may use the Hyattsville City Voter Registration Form."^[15]

Martin's Additions

The Martin's Additions town charter says, "'Qualified Voter' is any person who owns property or any resident of Martin's Additions who is eighteen (18) years of age or over."^[16]

Mount Rainier

Mount Rainier's city charter states that any person who has been a city resident for 30 days or more at the time of a local election, is at least 18 years old, has not been convicted of a felony offense or of buying and selling votes, and is not under mental guardianship may register to vote.^[17]

Riverdale Park

Riverdale Park's town charter states, "(a) Every resident of the town who (1) has the Town of Riverdale Park as his or her primary residence, (2) is at least sixteen (16) years of age, (3) has resided within the corporate limits of the town for at least forty-five (45) days immediately preceding any nonrunoff town election, (4) does not claim the right to vote elsewhere in the United States, (5) has not been found by a court to be unable to communicate a desire to vote, and (6) is registered to vote in accordance with the provisions of § 503 of this charter shall be a qualified voter of the Town."^[18]

Somerset

The Somerset town charter says, "Every person who (1) is at least eighteen years of age, (2) has resided within the corporate limits of the town for fourteen days next preceding any election, and (3) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the town. Every qualified voter of the town shall be entitled to vote at any or all town elections."^[19]

Takoma Park

The Takoma Park city website states, "City residents who are not citizens of the United States can register to vote in Takoma Park elections by completing the Takoma Park Voter Registration Application."^[20]

New York

New York City

On December 9, 2021, the New York City Council approved Int. 1867-2020, extending the right to vote in municipal elections to lawful permanent residents and other non-citizens authorized to work in the United States. The council voted 33-14 in favor of the legislation, making New York City the largest city in the nation to authorize voting by non-citizens. According to *Politico*, then-Mayor [Bill de Blasio](#) "expressed reservations but said he [would] not veto" the bill.^[21] The legislation was set to take effect on December 9, 2022, applying to municipal elections conducted on or after January 9, 2023.^[22]

Mayor [Eric Adams](#) (D) allowed the legislation to become law without his signature on January 9, 2022.^[23]

Vermont

The following Vermont municipalities allowed noncitizens to vote in local elections as of June 2021.

Montpelier

On June 24, 2021, H177 was enacted into law, approving a Montpelier city charter amendment authorizing legal residents to vote in city elections. Although Governor [Phil Scott](#) vetoed the legislation, both chambers of the state legislature voted to override that veto. The law took immediate effect.^{[24][25]}

Winooski

On June 24, 2021, H 227 was enacted into law, approving a Winooski city charter amendment authorizing legal residents to vote in city and school district elections. Although Governor [Phil Scott](#) vetoed the legislation, both chambers of the state legislature voted to override that veto. The law took immediate effect