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THE WILL OF THE PEOPLE

**A Roadmap to Enforce Wisconsin's
Citizenship Voting Amendment**



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Executive Summary

In November 2024, by a 71% margin, Wisconsin voters approved a constitutional amendment providing that only United States citizens are eligible to vote in elections at every level—national, state, and local. This change reflects a growing concern over the integrity of voter rolls and the potential for non-citizen participation in elections, whether intentional or accidental. While instances of non-citizen voting may be rare, even small numbers can erode public trust in electoral outcomes, particularly in close contests. This policy brief urges immediate action to implement the will of the voters and outlines a proposed process for auditing Wisconsin's voter registration list to ensure compliance with the new constitutional provision, protect the rights of lawful voters, and strengthen confidence in the state's election system.



A Multi-Step Audit Process is Proposed to Identify Non-Citizen Voters

Care must be taken to determine that those identified are, in fact, ineligible to vote. The multistep process includes a number of checks and safeguards to prevent false positives.



Builds on Similar Work in Other States

Iowa's 2024 audit found 277 confirmed non-citizens on its voter rolls; of those, 35 cast ballots. If similar percentages existed here, Wisconsin would expect to find about 456 non-citizens on the voter rolls, 57 of whom cast ballots.



An Audit Will Improve Public Confidence

Proponents of this audit argue that removing non-citizens from voter rolls enhances election integrity and public trust. Even if one believes that non-citizen voting is rare, identifying it would prevent illegal votes from diluting lawful votes and address public concerns about election fairness.



Responsibility Falls on the Executive Branch, But the Legislature Can Act

Governor Evers has the constitutional duty to enforce the new amendment, but if he declines, the Legislature could direct the Legislative Audit Bureau (LAB) to conduct an independent audit using its statutory access to confidential records.

INTRODUCTION

On November 5, 2024, the voters in Wisconsin approved a constitutional amendment providing that only citizens may vote in state and local elections. A large majority (71%) of Wisconsin voters supported the amendment. Article III, Section 1, subparagraph (2) of the Wisconsin Constitution now reads:

Only a United States citizen age 18 or older who is a resident of an election district in this state is a qualified voter of that district who may vote in an election for national, state, or local office or at a statewide or local referendum.

With the amendment now adopted, the next question is how to ensure its enforcement. That is what this policy brief seeks to address.

Increasing scrutiny from the federal government also heightens the urgency to act. In March 2025, President Trump issued an executive order directing the Election Assistance Commission to require documentary proof of U.S. citizenship on voter registration forms and instructing federal agencies to share data with the states to verify registrants' eligibility.¹ The order also directed the Attorney General to prioritize enforcement against non-citizen voting. In June, the U.S. Department of Justice requested information from the Wisconsin Elections Commission about its voter list maintenance² and WILL responded with recommendations addressing procedural gaps.³ These developments make it clear: Wisconsin is under pressure from voters, from its own constitution, and from federal authorities to ensure its voter rolls include only eligible citizens.

The obvious first step is to determine how many, if any, non-citizens are currently registered to vote in Wisconsin and remove them from the list. That is a task that should be immediately undertaken by the Governor, as the head of the Executive Branch, by ordering an audit of the Wisconsin statewide voter registration list and then ordering appropriate follow-up.

The process is relatively straightforward, and should consist of the following steps:

- 1. Compare the statewide voter registration list to the database(s) maintained by the Wisconsin Department of Transportation ("DOT") of non-citizens who possess Wisconsin Drivers' Licenses or Wisconsin State IDs.**
- 2. Check the matching names against the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) program to confirm non-citizen status.**
- 3. Manually review the confirmed names to eliminate any errors apparent after the computer matching.**
- 4. Notify the individuals on the voter registration list who have been identified as non-citizens to give them the opportunity to correct any error, and**
- 5. After the preceding process is complete, remove all individuals from the voter registration list who are not citizens.**

BACKGROUND

As outlined above, the Wisconsin Constitution clearly prohibits non-citizens from voting. Non-citizens registering to vote and voting in federal elections is also a felony under federal law.*

Under the Help America Vote Act (HAVA), each state must have “a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State.”† States are also obligated, in a variety of ways, to properly maintain these lists and to remove ineligible voters from the list.

As a result, any non-citizen who has registered to vote in Wisconsin has violated the Wisconsin Constitution and committed a crime. It is the constitutional duty of the Governor to “take care that the laws be faithfully executed,” including any potential violations of the Wisconsin Constitution.‡ Thus far, Governor Evers has failed to effectively enforce this provision, despite the amendment’s overwhelming support by voters.

Governor Evers should direct his administration to take the basic steps necessary to do what the law requires by ordering an audit of the State’s voter registration list to check for and remove any non-citizens from the list.

BENEFITS TO ENSURING NON-CITIZENS DON’T VOTE

Ensuring Integrity of Election Administration

Non-citizens have registered to vote and have cast ballots in U.S. elections, though the numbers may be small. For example, an audit of the voter rolls in Georgia identified 20 instances of non-citizens being registered to vote, 9 of whom cast a ballot.⁴ In 2024, the State of Iowa conducted an audit of its voter registration list and found 277 non-citizens on its list, 35 of whom cast ballots in the 2024 General Election.⁵

Some may contend that this number of unlawful votes is insignificant. However, it is important to note that elections have been decided by narrow enough margins for this to matter. According to an analysis by Ballotpedia, 626 elections across the United States have been decided by 10 votes or fewer since 2018, including 7 in Wisconsin.⁶ Identifying and removing unqualified voters from the voter rolls would not only prevent unlawful election outcomes but would also prevent illegal votes from diluting the voice of lawful voters. Would it be insignificant if Iowa told 35 lawful voters that they could not vote in 2024? The effect of non-citizen voting is essentially the same.

* 18 U.S. Code § 1015

† 52 U.S.C. § 21083.

‡ Wis. Const. Art. V, Section 4.

Regular audits of the voter registration list will deter potential violations and reinforce the need for compliance with election laws.

Enhancing Public Confidence

The integrity of our elections is non-negotiable. We need transparent, secure processes to ensure that every individual who is eligible to vote is permitted to do so and that no individual who is ineligible to vote is allowed to do so.

An audit of the voter registration list to determine how many, if any, non-citizens are on the list accomplishes several purposes. First, it will resolve the debate over whether non-citizen voting is a significant problem warranting public concern. Second, there is evidence that improved election integrity laws increase people's faith in the electoral process and may even increase voter turnout. A 2024 WILL study found that voter turnout in Wisconsin has been higher since the final approval of the state's voter ID law in 2016.⁷ This finding isn't unique to the United States. A scholar at the University of Essex analyzed voter turnout data from 31 countries and found that confidence that elections are being conducted in a fair manner is associated with higher voter turnout.⁸

THE PROCESS FOR THE AUDIT

We propose a clear, five-step process for conducting the audit, as well as necessary follow-up measures to ensure accuracy, safeguard lawful voters' rights, and maintain public confidence in Wisconsin's elections. These steps are designed to identify and remove any ineligible voters while incorporating multiple safeguards to prevent potential errors.

STEP #1

Compare the Statewide Voter Registration Database to the Wisconsin Department of Transportation ("DOT") database(s) of non-citizens who possess Wisconsin Drivers' Licenses or Wisconsin State IDs.

WEC Voter Registration List

Wisconsin law requires WEC to compile and electronically maintain an official voter registration list that contains, among other things, the name, address, date of birth, and driver's license number (or the last four numbers of the voter's social security number) of each registered voter.* Certain information from the list is available to the public, but the complete list is accessible to the Wisconsin Elections Commission, all 1,850 municipal clerks, and law enforcement.†

* Wis. Stat. § 6.36

† Wis. Stat. § 6.36(1)(b)1

Wisconsin Department of Transportation Databases of Non-Citizens

According to a report from PBS Wisconsin, nearly 300,000 residents of Wisconsin who are not U.S. citizens have been issued driver's licenses or State of Wisconsin ID cards from the Wisconsin Department of Motor Vehicles (DMV) within the last 5 years.⁹ The issuance of these identification cards to non-citizens makes it possible for them to register to vote, despite the fact that such registration is unlawful.

The most effective way to determine whether non-citizen voting is a problem is to compare the Wisconsin DMV databases of non-citizens who hold state identification cards against the Wisconsin voter registration database to see how many, if any, are registered or have voted. The DMV's databases should show both non-citizens who obtained ID's under Wisconsin Administrative Code* and those who obtained ID's through the DMV program related to the Federal Deferred Action Program.¹⁰

The primary hurdle for any entity outside the government in conducting this audit is that the Federal Drivers Privacy Protection Act (DPPA) generally prohibits public access to the DMV records needed to perform this comparison.[†] The DPPA generally prohibits the release or use by any State DMV (or any officer, employee, or contractor thereof) of any personal information obtained by the Department. However, there is an exception which provides that the information may be disclosed for "use by any government agency, including any court or law enforcement agency, in carrying out its functions."[‡]

In a memo to lawmakers, the nonpartisan Wisconsin Legislative Council confirmed that the Executive Branch—through either the Department of Transportation (DOT) or the Wisconsin Elections Commission (WEC)—can lawfully perform this type of data matching.¹¹ The memo explains that "the DPPA exception that allows DOT to disclose to WEC personal information like name, address, date of birth, and driver license number likely also covers citizenship information." It also notes that other states "have compared citizenship information contained in their DOT databases against their state voter registration lists."

This first step—comparing the statewide voter registration list to the state's DOT records—is the same approach Iowa used to begin its audit process. In taking that first step, Iowa was able to identify 2,186 potential non-citizens on its voter registration list.¹² Iowa ultimately narrowed that list to 277 by taking steps like the those recommended throughout this brief.

As of January 2024, Iowa's voter rolls had approximately 2,203,718 registered voters.¹³ By comparison Wisconsin had approximately 3,627,273 registered voters on its rolls as of August 2025.¹⁴ If Wisconsin's rate of non-citizen registrants were similar to Iowa's, the comparison could yield approximately 456 potential non-citizens, and 57 votes cast after the various verification steps that were taken in Iowa. Although the two states are not identical demographically, they have some similarities giving a potential idea of the scope of the problem.

But the comparison of the statewide voter registration list to the DOT database(s) of non-citizens is just the first step.

* Wis. Admin. Code § Trans. 102.14-102.15

† 18 U.S.C. § 2721

‡ 18 U.S.C. § 2721(b)(1)

Registrants Verified Through SSA

Under HAVA, individuals without a Wisconsin driver's license or state ID may register using the last four digits of their Social Security number, which is then verified against Social Security Administration (SSA) records. However, SSA data confirm only that the SSN matches the registrant's name and date of birth, not citizenship. Because lawful non-citizens may possess SSNs, this verification path creates a gap that could allow ineligible registrations to pass undetected. To close this gap, all SSA-verified registrants should also be checked against the federal SAVE database in Step 2.

STEP #2

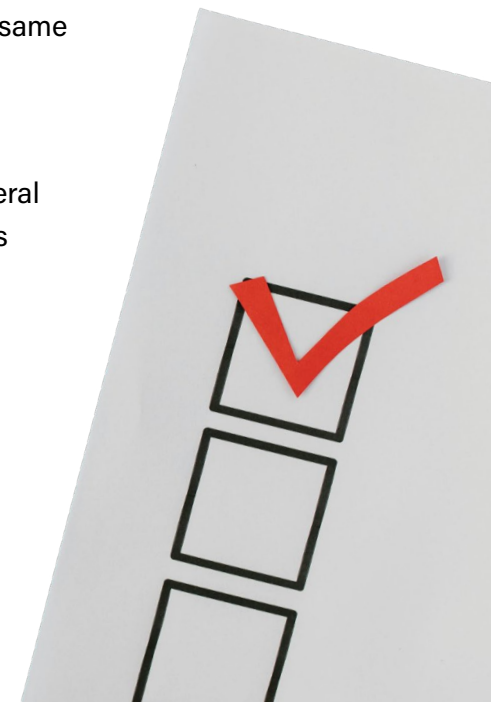
Check all names identified in Step 1 against the Department of Homeland Security's SAVE Program to confirm citizenship status.

The Systematic Alien Verification for Entitlements (SAVE) database, administered by U.S. Citizenship and Immigration Services (USCIS), provides state and local governments with a reliable way to confirm whether an individual is a U.S. citizen.¹⁵ Traditionally used to determine eligibility for public benefits or licenses, the system works by allowing agencies to submit basic identifying information—such as name, date of birth, and alien registration number—and receive prompt verification of immigration or citizenship status.

Furthermore, states are permitted to utilize SAVE for voter registration and voter list maintenance. This is confirmed by a USCIS fact sheet, which states that federal law prohibits non-U.S. citizens from voting in federal elections and that SAVE can be used to determine voter eligibility, such as verifying whether flagged registrants are citizens.¹⁶ Applying this process in Wisconsin would allow officials to accurately confirm voter eligibility, prevent ineligible registrations, and protect the rights of lawful voters.

Any names identified in Step 1 should then be checked against the SAVE database to confirm each individual's eligibility to vote. This second step is functionally the same process that Iowa utilized to conduct their audit.

Some may wonder why Step 1 is necessary rather than submitting Wisconsin's entire voter registration list to the SAVE database in Step 2. At present, the federal government does not appear to have the capacity to efficiently process millions of records through SAVE at one time. President Trump's March 2025 Executive Order on election integrity called for expanded federal use of SAVE and other databases. However, until that capability actually exists, the most practical approach is to narrow the pool of potential non-citizens by first comparing the statewide list against DOT and SSA records. This reduces the number of names requiring SAVE verification and makes the process significantly more efficient.



STEP #3

Manually review the confirmed names to eliminate any errors apparent after the computer matching.

After checking the list of potential non-citizen registered voters against the SAVE database, the process should include a manual review of the remaining names to identify any potential matching errors. Computer-generated lists often contain inaccuracies caused by data entry mistakes or other anomalies, such as:

- **Misspellings**
- **Name changes** (e.g., due to marriage or divorce)
- **Name variations or use of nicknames** (e.g., Bob versus Robert)
- **Incorrectly transposed numbers** in birth dates or identification numbers
- **Address differences** (e.g., "St." versus "Street")
- **Different individuals** sharing the same name and similar identifying information, which could include people with common names (e.g., Robert Smith) or family members who share a name (e.g., Junior and Senior).

Reviewing each record that remains after Step 2 ensures that only accurate, verified matches move forward in the process and reduces the risk of mistakenly flagging lawful voters due to clerical or matching errors.

STEP #4

Notify the individuals identified as non-citizens and provide an opportunity to correct any error.

After Steps 1 through 3 are complete, each person on the voter registration list who is identified as a non-citizen—and therefore deemed ineligible to vote—should be sent a notice by mail to the address on record. The notice should explain the finding and provide a defined grace period for the individual to submit documentation to correct any error.

Acceptable documentation could include a U.S. passport, a birth certificate, a certificate of naturalization, or other official proof of citizenship. All responses should be tracked, and the resolution of each case should be documented to ensure transparency, accuracy, and accountability in the audit process.

STEP #5

Remove Confirmed Non-Citizens from the Voter Registration List.

After completing the first four steps, the Wisconsin Elections Commission (WEC) should be required to remove all individuals confirmed as non-citizens and therefore ineligible to vote from the voter registration

list. If an error occurs, the affected individual may lawfully re-register at any time, including on Election Day, as permitted under current Wisconsin law.

In addition, the State should publish an anonymized version of the audit results, including the number of flagged records, confirmed non-citizens, and resolved cases, to maintain transparency.

WHO SHOULD CONDUCT THE AUDIT?

Nothing in this proposal requires a change in state law. The constitutional duty to enforce the law falls to the Executive Branch, and the Governor should direct that this audit be completed before the next statewide election (in April of 2026). If the Governor refuses to act this year, then the Legislature, in its oversight role, should carry out Steps 1 through 3 and report its findings to the people of Wisconsin.

The simplest way to accomplish this is through the Legislative Audit Bureau (LAB). Wisconsin law provides that *“the state auditor or designated employees shall at all times with or without notice have access to all departments and to any books, records or other documents maintained by the departments and relating to their expenditures, revenues, operations, and structure, including specifically any such books, records, or other documents that are confidential by law.”**

Because the DMV is a state department, this statutory authority extends to its records—including those protected by the federal Driver’s Privacy Protection Act (DPPA)—when LAB conducts an authorized audit. Accordingly, both the Executive Branch and the Legislature have authority under the DPPA to review DMV records, obtain the necessary voter registration data from WEC, arrange access to the SAVE database, and complete the comparison.

Once complete, LAB should issue a report on the number, if any, of non-citizens who have voted in recent elections, allowing the Legislature to determine whether further action is necessary.

LEGISLATIVE ACTION

While not required ahead of the forthcoming election, the Legislature should also consider codifying this audit process in statute to ensure that it is conducted regularly, follows uniform procedures, and is completed before each statewide election.

* Wis. Stat. § 13.94

Conclusion



Ensuring the integrity of Wisconsin's elections is not a partisan issue—it is a foundational requirement of a functioning democracy. The adoption of the 2024 Constitutional Amendment presents both a clear mandate and an opportunity to strengthen public trust by verifying that only eligible citizens are registered to vote. Conducting a thorough audit of the statewide voter registration list, using existing tools and safeguards, will promote transparency, address legitimate concerns, and help prevent unlawful votes from diluting the voice of lawful voters. Even if the audit identifies a minimal problem, the process itself is common sense and will further increase public trust in Wisconsin's electoral process.

Endnotes

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