



DOES BOSTON HAVE THE FIX FOR FOREIGN NATIONALS VOTING IN U.S. ELECTIONS?

Annual Mandatory Census Identifies Foreign, Inactive Registrants

May 2024 – Boston probably doesn't come to mind when cataloging places that have effective removal of aliens from voter rolls. But the longstanding requirement for an annual census taking (including questions about citizenship status) is used today to update local voter registration lists and reveal foreign participation. Boston serves as an example of how a local or state census can serve as a helpful list maintenance tool. Properly done, it can also supplement the drawing of district lines for elected office relying primarily on citizenship data instead of total population.

PILF has been making public disclosure demands across the nation for alien registration records. In Boston, voter registration records disclosed to PILF demonstrate that Boston and other Massachusetts municipal systems – although not perfect – are a good example for how other states *could* tackle the noncitizen voting question. The records reviewed by PILF offer a recent snapshot of how the system manages to catch and cancel foreign nationals listed throughout the roll on a roughly two-year churn. Unfortunately, a significant percentage of these disclosed records show that votes are still cast and counted within those years before discovery.

City of Boston Core Figures

Boston Election Department officials disclosed to PILF a dataset in 2024, illustrating a variety of trends in foreign nationals voting.

- **Total Disclosed Cancellations for Non-Citizenship:** 70
- **Cancelled Records with Known Histories of Voting:** 22
- **Years with Most Registrations Cancelled:** 2016 and 2017 (13 apiece)
- **Earliest Known Year of Registration:** 1995
- **Longest Known Period of Registration:** 24 years
- **Average Time on Voter Roll:** 2 years

Quick Takes
Massachusetts law requires an annual census of all residents and poses mandatory questions about citizenship status .
Census takers must integrate data collected with voter roll maintenance .
If you identify as a foreign national on the census or fail to respond , you are set on a track to be removed from the voter roll.
Boston disclosed 70 recent examples of foreign voter removals to PILF in 2024 .

Boston's Census & Voter Roll Maintenance Functions

The Census. Every year, the Boston city registrar and similar officials across the Commonwealth are tasked with performing a census or “annual resident listing” for all aged 17 and older.¹ Boston residents have the option to respond to the mandatory census online or by mail.² The form requires the following be provided for each member of a household aged 17 and older: full address, full name, birth date, occupation, **citizenship status**, registered voter status, veteran status, number of dogs, and address history for the previous year if different from current location.³

Voter Roll Maintenance Applications. This mandatory collection of information offers critical insights for anyone managing the voter roll. In fact, the Massachusetts census law demands information the federal government does not: citizenship status. These annual data collections are required⁴ to integrate with the voter roll maintenance process and are explained to residents to protect “your voting rights.”⁵

Enforcement. There is a consequence for not consistently completing the census. Any registered voter who fails to complete the annual survey is warned that their voting status will be changed to INACTIVE until they comply. Records disclosed to PILF show how responses to the census have informed the removal of foreign nationals from the voter roll.

Recent Results. Apart from the foreign national registrants disclosed to PILF, recent federal figures covering the 2022 election cycle (2021-2022) show the census playing a part in voter roll maintenance in Boston and across Massachusetts.⁶ Roughly 18 percent of Boston registrants were mailed confirmation notices prior to a reclassification to inactive status during the period. Also, during this time, about 13 percent of Boston registrants were shed from the voter roll for reasons such as relocation, inactivity, and death.

Notable Boston Case Studies

Documents disclosed by Boston to PILF typically show how the local census system played a role in triggering the removal for non-citizenship. Some documents also show a pattern of registrations being offered to foreign nationals in DMV offices. Below are case studies.

Name: Hai

Registration Source: Unknown

Years Registered: 1.5

Voted: No

This former registrant was identified and eventually removed from the voter roll due to foreign citizenship after officials reviewed his responses to the annual census in 2015. A few months later, the person confirmed his foreign status and was removed.

¹ MGL Ch. 51, § 4.

² <https://www.boston.gov/departments/elections/how-add-your-name-annual-census>

³ <https://www.boston.gov/sites/default/files/file/2023/01/2023%20-%20Blank%20Census%20Form.pdf>

⁴ See note 1.

⁵ See note 3.

⁶ U.S. Election Assistance Commission; EAVS reports for 2022 (accessed April 2024), <https://www.eac.gov/research-and-data/studies-and-reports>



Boston Election Department

Martin J. Walsh, Mayor

May 5, 2015

Dear Hai [REDACTED]

The City of Boston Election Department has received your annual listing information. It has been indicated that you are not a citizen of the United States. However, our records indicate that you are a registered voter. According to Massachusetts General Laws, you must be a citizen in order to vote.

Name: Najib
Registration Source: Unknown
Years Registered: 1
Voted: No

When officials alerted this registrant in 2015 that they failed to respond to the annual census and their active voter status was under review, they offered up the fact that they were not a U.S. citizen. The registrant was subsequently removed from the voter roll in Boston.



Boston Election Department
Boston City Hall, Room 241
Boston, Massachusetts 02201

(617) 635-3767

Voter OO
NOT A CITIZEN

CITY OF BOSTON
ELECTION DEPT.

2015 OCT 16 P 4: 14

October 2015

RECEIVED

sorry I can't vote because I am not a us citizen yet.

NAJIB [REDACTED]
[REDACTED]
BOSTON MA [REDACTED]

Dear Voter:

Our records indicate that you have not responded to the annual street listing (census) as required by law (Massachusetts General Laws chapter 51, section 4). Therefore, your name will be designated as "inactive" on the voting list.

If you have not moved or if you have moved to a new address in the City of Boston, complete, sign and return this form in the postage paid envelope and you will be restored immediately to the active voters list.

If you have moved to another city/town, complete, sign and return this form in the postage pre-paid envelope and your name will be immediately removed from the voters list here. You must register to vote in your new city/town. You may use a mail in form to register.

If you do not return this form, your name will be removed from the voters list if you do not vote in at least one of the next two state elections or take other action that would reinstate you as an active voter.

Name: Sam
Registration Source: DMV
Years Registered: 2
Voted: No

This registrant lays the blame for his registration on the DMV when he tried to get a state identification card. Records disclosed to PILF do not indicate any voting history.

Elections Department
Room 241
1 City Hall Square
Boston, MA 02201

CITY OF BOSTON
ELECTIONS DEPT.
2016 SEP 26 P 12:43
RECEIVED

August 31, 2016

Dear City/Town Clerk,

I, Sam [REDACTED] am writing to unregister to vote. I am an immigrant and accidentally registered to vote when applying for my Massachusetts Identification. I mistakenly registered because I did not realize that by doing so I was claiming to be a U.S. citizen, which I am not. Had I understood this, I would not have registered. I would greatly appreciate it if you would unregister me. Thank you.

Name: Paul
Registration Source: DMV
Years Registered: 4
Voted: Yes*

This former registrant notes that he was improperly registered when getting his driver's license. Later, his American wife went to vote and was accidentally checked into the polling place under the male foreign national's name.

DESCRIPTION OF REQUEST:

Registered through RMV not a citizen. Resident says he never voted. However appeared to have voted 11/3/2009. Mr. [REDACTED] was probably given voter history instead of giving it to his wife. Please see ATTACHED.

Name: Fred
Registration Source: DMV
Years Registered: 2
Voted: No

This registrant's file is representative of many cancellation records provided to PILF from Boston and, generally, across the country. Foreign nationals are reflexively offered applications to vote and they unwittingly accept.

**REASON for
REMOVAL**

The registry of Motor Vehicle added me to vote, but I am a greencard holder and not a citizen.

Common Causes of Foreign Registrants, Nationally

The National Voter Registration Act of 1993 (**Motor Voter**) provides the most common pathway for foreign nationals to get registered to vote. The 24 states plus D.C.⁷ that have **automatic Motor Voter**, meaning they are not giving the immigrant a chance to decline registration, exacerbate the problem. States giving **driver's licenses to illegal immigrants** increase traffic to DMVs. States with higher amounts of **legal immigration** mean even more driver's licenses or state IDs are needed for daily life (and increases the risk of screening immigrants for voter registration). **Border states** see a greater number of legal immigrants and individuals moving back and forth – especially those having twin cities on their border (like Nogales, AZ/Nogales, Sonora). Finally, battleground states with a high number of **third-party voter registration drives** can expose immigrants to improperly getting registered to vote. Every scenario where a foreign national encounters Motor Voter protocols creates risks for premature voter registration.

Prior PILF Research, Litigation on Aliens Voting

For nearly a decade, PILF has uncovered government records of alien voter cancellations. These studies were carried out in places like Arizona, California, Illinois, Pennsylvania, New Jersey, Michigan, Nevada, Texas, and sanctuary cities across the nation. Those reports are made available on the PILF website.⁸ Sometimes research cannot occur without litigation to unlock official records. PILF has brought and won federal trial and appellate court cases in North Carolina, Pennsylvania, Maine, and Texas to secure access.⁹ PILF is litigating against Alameda County, California, for similar

⁷ <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration>

⁸ PILF Reports archive, <https://publicinterestlegal.org/foreign-nationals-voting/>

⁹ PILF litigation archive, <https://publicinterestlegal.org/cases/>

records.¹⁰ This campaign has made it easier to study alien election participation than ever before in the Motor Voter era.

PILF President, J. Christian Adams

“There is no doubt that foreigners are getting registered to vote and casting ballots. The Massachusetts’ census system offers a lesson on the use of diverse data to better inform voter list maintenance. By doing so, you protect American elections from foreign interference.”

¹⁰ <https://publicinterestlegal.org/cases/pilf-v-dupuis/>