



THE WYOMING CONSTITUTION PROTECTS WYOMING ELECTION INTEGRITY

Topline

Wyoming's Constitution is direct about who can vote: "Every citizen of the United States."¹

In Article 6 Section 5, the Wyoming Constitution describes exactly who can vote: "Electors must be citizens of United States. No person shall be deemed a qualified elector of this state, unless such person be a citizen of the United States."²

This is language that most other states do not have in their constitutions. Several states are working to add the same language that Wyoming's founders had the foresight to include when they wrote our Constitution.³

There is no election security problem in Wyoming, least of all from noncitizens who are explicitly barred by the state constitution from voting in any Wyoming election.⁴ If the goal is to make it easier to vote and harder to cheat, Wyoming does not need to prohibit its own citizens from voting out of fear that noncitizens might attempt to violate existing Wyoming law and the Wyoming Constitution. Our current system works, flagging any issues that get resolved via the County Clerk's offices.

National Context

The [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) passed by the US Congress 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.⁵ Federal law also states that noncitizens who violate the law are **inadmissible**⁶ and **deportable**.

Further, no state constitutions explicitly allowed noncitizens to vote in state or local elections. Wyoming's highly specific constitutional language is something other states have mirrored in recent years. Voters in [eight states](#) considered ballot measures to amend their state constitutions to add language that "only" citizens can vote in their elections. The

¹ [Constitution of the State of Wyoming](#), Article 6, Section 2: Qualifications of electors.

² [Constitution of the State of Wyoming](#), Article 6, Section 5: Electors must be citizens of United States.

³ According to [Ballotpedia](#), seven states seeking to adjust their Constitution include AL, AZ, CO, FL, LA, ND, OH.

⁴ [Heritage Foundation Voter Fraud Map](#). The map shows only four instances of voter fraud in Wyoming since 2000, none by noncitizens. The [database](#) reflects only 24 votes cast by noncitizens out of the total number of votes cast nationwide over a period of nearly 50 years.

⁵ Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)

IIRIRA ([Public Law 104-208 \(PDF\)](#)) required that the INS, and now DHS as its successor, respond to inquiries from federal, state, and local agencies seeking to verify or determine the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law. Under this authority, these agencies can use SAVE to help determine an individual's immigration status or naturalized/acquired citizenship for benefits and licenses.

⁶ "Inadmissible" refers to citizens who are ineligible to receive visas and ineligible to be admitted to the U.S.



measures were adopted in all eight states that put the question before the voters in 2024: Idaho, Iowa, Kentucky, Missouri, North Carolina, Oklahoma, South Carolina, Wisconsin. Since 2018, a total of 14 states have adopted language in their state constitutions mirroring Wyoming's original and existing language.

As noted, federal law prohibits noncitizens from voting and subjects any violator to criminal penalties and deportation if they do.

Qualified Electors and Wyoming ID

Wyoming does not allow noncitizens to vote. **Of Wyoming's 23 counties, all 23 prohibit noncitizens from casting a vote in any election as per the requirements of the Wyoming Constitution and Title 22.**⁷ The map below shows all the counties in which noncitizens are prohibited from voting (23/23).



Conservative election integrity advocates point out that the problem of noncitizens trying to vote is easily addressed through compliance with the Real ID Act.⁸ "To meet REAL ID Act requirements, state motor vehicle administrations must verify the immigration status of

⁷ [Constitution of the State of Wyoming](#), Article 6, Sections 2 and 5 explicitly prohibit noncitizens from voting. W.S. § 22-1-101(b) states: "This Election Code shall be construed so that all legally qualified electors may register and vote, that those who are not qualified shall not vote, and that fraud and corruption in elections shall be prevented."

⁸ The REAL ID Act ([Public Law 109-13 \(PDF\)](#)) established certain minimum standards for state-issued driver's licenses and state-issued identification cards for those documents to be acceptable for official purposes.



noncitizen applicants for a REAL ID driver's license or identification card.⁹ Wyoming was among the earliest adopters of the Real ID Act.

Wyoming statute prescribes details for identification and registration, means and methods for election administration, specifics about casting and counting ballots. Wyoming has clear information about who can vote—only citizens of the United States—how those voters can access the ballot box, and how their votes will be tallied.

The documents needed to prove citizenship aren't common items. Most people don't carry the required documents on hand — like a passport, or a birth certificate – yet those are the documents you need for a drivers license in Wyoming. According to the Wyoming Department of Transportation as dictated by [WY Stat § 31-7-111 \(2022\)](#), these are the documents that a first-time applicant needs to provide:¹⁰

Applying for a Wyoming License, Permit or ID Card?

First time applicants who are US Citizens and Lawful Non-US Citizens, or if documents have not been presented previously, need the following documents:

To expedite this application, please ensure you provide the required number of documents from each section below.

<div style="background-color: #fff9c4; padding: 5px; border: 1px solid black;">Section 1: Proof of Identity (must present ONE)</div> <p>Note: All documents presented must be certified originals or certified amended originals or true copies certified by the issuing agency.</p> <ul style="list-style-type: none"> <input type="checkbox"/> State Certified Birth Certificate (Not a hospital certificate of live birth) <input type="checkbox"/> Valid U.S. Passport (Unexpired) <input type="checkbox"/> Consular Report of Birth Abroad <input type="checkbox"/> Certificate of Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Valid Permanent Resident Card <input type="checkbox"/> Valid Employment Authorization Document (may require additional documentation) <input type="checkbox"/> Valid Foreign Passport and U.S. Visa <p>**If your name is now different see Name Change Section.</p>	<div style="background-color: #fff9c4; padding: 5px; border: 1px solid black;">Section 2: Proof of Current Residence (must present TWO)</div> <p>Note: The documents must contain your name and current physical address (not a P.O. Box). For a minor child, a parent/guardian may provide the proof of residence in the parent/guardian name. Documents can be no more than 30-45 days old. Amazon packages are not acceptable.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any mail addressed to you at your current physical or residential address. <p>EXAMPLES: Utility bill, rent receipt, bank statement, insurance policy, telephone bill, mortgage document, vehicle registration, pay stub, tax document, voter registration, report card, magazine bill, doctors bill etc.</p>	<div style="background-color: #fff9c4; padding: 5px; border: 1px solid black;">Section 3: Proof of Social Security Number (not required, but recommended)</div> <ul style="list-style-type: none"> <input type="checkbox"/> Social Security Card <input type="checkbox"/> W-2 Form <input type="checkbox"/> Bank Statement that includes your full Social Security Number <input type="checkbox"/> Any official or government document that includes your name and full Social Security Number
<div style="background-color: #fff9c4; padding: 5px; border: 1px solid black;">Name Change—Must Present Proof (must present ONE)</div> <ul style="list-style-type: none"> <input type="checkbox"/> Marriage certificate <input type="checkbox"/> Divorce decree <input type="checkbox"/> Any name change order issued by a state or federal court or government 		

⁹ U.S. Citizenship and Immigration Services, History of SAVE and voting legislation pertaining to noncitizens.

¹⁰ Wyoming Statute 31-7-111. Application for license or permit generally. (a) Every application for an instruction permit, driver's license, commercial driver's license or commercial learner's permit shall be made upon a form furnished by the division. Every application shall be accompanied by the proper fee, proof of residence and proof of identity. Proof of identity shall be established by a certified copy of the applicant's birth certificate, valid unexpired United States passport, consular report of birth abroad, certificate of citizenship, certificate of naturalization, permanent resident card, employment authorization document, foreign passport (with United States visa affixed and accompanied by an approved document documenting the applicant's most recent admittance to the United States), state issued driver's license or identification card which complies with federal law and applicable regulations, or other document required by the division to establish identity where reasons beyond the applicant's control prevent the applicant from presenting the documents required by this subsection.

¹¹ Retrieved from the Wyoming Department of Transportation, https://dot.state.wy.us/home/driver_license_records/driver-license.html



Conclusion

The Heritage Foundation Voter Fraud Database lists only 4 cases of voter fraud in Wyoming since 2000. Of those, zero were votes cast by noncitizens.¹² Stoking misinformation about the presence or prevalence of noncitizens voting in Wyoming does not address an existing election problem in Wyoming. Instead, it increases the likelihood that qualified electors will be deterred from lawfully exercising their voting franchise. This may serve to drive down voter turnout.¹³

Wyoming has clear constitutional language about who is a qualified elector and eligible voter. Any effort to restrict access to the ballot box that claims there are concerns about voter fraud or noncitizens voting is an attempt to restrict the access of all voters for no reason.

Wyoming elections continue to be the safest and most secure in the nation—and have been since the state's founding.

¹² <https://www.heritage.org/voterfraud>

¹³ Wyoming's Primary Election on August 20, 2024 [saw the lowest voter turnout](#) in nearly a decade and the second lowest in three decades. According to the Wyoming Secretary of State, there are 454,508 eligible voters in Wyoming, but only 122,718 voted in last year's primaries meaning approximately 27% of all qualified electors participated in Wyoming's decisive election.