



## DATA SHOW FOREIGNERS REGISTERED IN AUTOMATIC VOTER REGISTRATION IN OREGON AND SOUTH DAKOTA

***Leftist Lawsuit to Force AVR Put Hundreds of Noncitizens on Voter Rolls in SD***

***Oregon Admits AVR System Adds Noncitizens to Rolls in 2024***

**JANUARY 2025 – Automatic voter registration programs are adding foreigners to voter rolls new data show. Records obtained by the Public Interest Legal Foundation have revealed failures in Oregon and South Dakota to keep foreigners off voter rolls in the 2024 Election in these two states.**

For years, PILF has warned that automatic voter registration (AVR) invites error. It is promoted as a streamlining concept to cut down on paperwork at the DMV. It is supposed to increase voter registration rates. Each of these promises sound admirable, but there is a catch: those tasked with executing AVR aren't experienced in election administration and inevitable significant errors occur.

At its essence, AVR forces *department of motor vehicle clerks* into the role of making determinations of voting eligibility. Non-English speakers are routinely confused by the paperwork at DMV, and then their names and addresses are automatically sent to the voter roll. If DMV clerks make errors logging noncitizen customer information, the same can happen. Both scenarios were disclosed shortly before Election Day 2024.

### **South Dakota's Noncitizen Discovery & Correction**

In October 2024, South Dakota officials disclosed that 273 foreign nationals were discovered on the voter roll. They were subsequently removed from the voter roll in time for the presidential election.<sup>1</sup>

Local media noted that specifics were thin about the definition of a “noncitizen” and how they were identified. The disclosure did note that a remedy was being attempted within the South Dakota Department of Public Safety (the State’s driver licensing office).<sup>2</sup> This news triggered NVRA public records requests from PILF to study if local Motor Voter functions were faulty. PILF corresponded with the South Dakota Secretary of State’s (SDSOS) office through the end of 2024 to gather all the

#### Quick Takes

Don't fall for AVR's promises of **convenience**. These systems are **prone to failure** on the most basic element of voter registration: eligibility.

**Oregon** disclosed more than **1,600 cases** of noncitizen voter registration in the week of the **2024 Election**.

**South Dakota** disclosed more than **270 cases** of foreign voter registration weeks before **November 2024**.

Failures in OR and SD's **automatic voter registration systems were officially blamed** for noncitizens becoming enrolled.

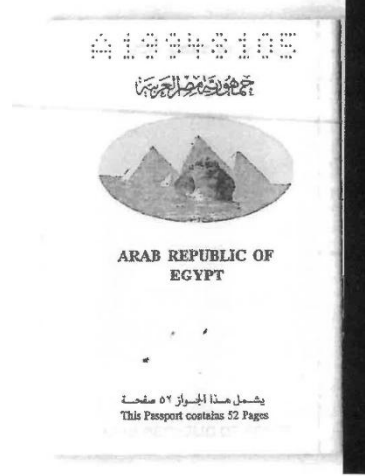
<sup>1</sup> *Argus Leader*; South Dakota removes 273 ‘noncitizens’ from state voter roll ahead of November election (October 7, 2024), <https://www.argusleader.com/story/news/politics/elections/2024/10/07/south-dakota-removes-273-noncitizens-from-state-voter-roll-november-2024-election/75562095007/>

<sup>2</sup> Ibid.

facts. PILF invoked inspection rights under the National Voter Registration Act (NVRA) to access registration, redacted driver's license application records, and immigration documents – which inform the core of this research brief.

**Discovery.** Officials with SDSOS told PILF they had become aware a foreign national was “inadvertently registered to vote” when seeking a driver's license. The licensing agency, Department of Public Safety (DPS), then reviewed the individual's paperwork for errors. The driver's application clearly stated the applicant was a foreign national with acceptable credentials to prove as such. However, the applicant reportedly failed to complete a separate section on the DPS form which would opt them out of automatic voter registration.

The DPS was later tasked with finding similar licensed drivers meeting the same parameters on their paperwork: how many drivers stated they had foreign citizenship but failed to check the opt-out box for automatic voter registration? The return figure was 274 at the time – one more than the reported 273.



**SOUTH DAKOTA DRIVER LICENSE / I.D. CARD APPLICATION**

SO DRIVER LICENSE NUMBER: [REDACTED]

NAME: [REDACTED] DATE OF BIRTH: [REDACTED]

RESIDENTIAL ADDRESS: [REDACTED] CITY: Alameda STATE: SD ZIP CODE: 57002

MAILING ADDRESS: [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP CODE: [REDACTED]

HIGHT: [REDACTED] WGT: [REDACTED] EYE COLOR: [REDACTED] HAIR COLOR: [REDACTED]

SEX: [REDACTED] COLORED VISION CORRECTED: [REDACTED]

CLASSIFICATION: [REDACTED]

**SECTION A: ALL APPLICANTS**

1. YES  NO  Do you have a Living Will and want it to be included on your license?
2. YES  NO  Do you have Eligible Power of Attorney for health and want it to be included on your license?
3. YES  NO  Are you currently subject to child support payments of \$1,000 or more?
4. YES  NO  Do you currently have a license in another jurisdiction?
5. YES  NO  Do you currently have an identification card issued in another jurisdiction?
6. YES  NO  Do you currently, or have you ever had your right to drive suspended, revoked, annulled, disqualified, or denied?
7. YES  NO  Have you had your current driver license or identification card and are applying for a medical card?
8. YES  NO  Have you, in the past twelve months, experienced any epilepsy or neurological conditions or other convulsions, seizures, or blackout spells, the state of the last episode.
9. YES  NO  Are you currently on active duty, or the dependent of a person on active duty, in the U.S. Armed Forces? (Must show ID)
10. YES  NO  Are you a United States citizen? (If yes, you must show documents proving lawful status.)
11. YES  NO  Do you have a valid, unexpired, U.S. Federal Driver License, National Driver Register (NDR), Uniform Services ID (USID) or a combination of any of these documents?

In the event of my death, I would like to be an organ/donor donor.

To receive an existing driver indicator on your card, write "Transfer" here \_\_\_\_\_ and hide here \_\_\_\_\_

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**SECTION B: VOTER REGISTRATION**

Your information will be used to update your voter registration or register you to vote.

Do not use any information for voter registration purposes. (Your driver's license registration will be unaffected. If you register, the places where you register to vote will be unaffected.)

Do not use any information for voter registration purposes. (Your driver's license registration will be unaffected. If you register, the places where you register to vote will be unaffected.)

If you are currently registered to vote in South Dakota and you have chosen to party that party that you will be enrolled in a party affiliation with:

Last registered location: City \_\_\_\_\_ State \_\_\_\_\_

I declare, under penalty of perjury (if you have a license and are 18 years old), that:

- 1. I am at least 18 years old at the time of this application.
- 2. I have maintained residence in South Dakota for at least 30 days prior to submitting this application.
- 3. I will be 18 or older by the time of the next election.
- 4. I have not been listed on any other voter registration list.
- 5. I am not currently serving a sentence for a felony conviction, and I am not currently on probation or parole.

Description of address: If the address you provided shows in a post office box, mail box or general delivery, please provide a physical location of your address, such as a street name, a full street address, a P.O. Box number, or a community location.

I understand that I am an operator of a motor vehicle in this state, have received the instruction of my state or other entity necessary to operate a motor vehicle, and have been issued a license or other authority to operate a motor vehicle in this state. I understand that I am subject to the withdrawal of my state or other authority subsequent to being tested for sobriety or drug use and other safety-related activities as required by the state to the best of my knowledge and belief, in all of my personal and professional transactions.

I certify that, if required by law, I have already registered with the Statewide System: If I have not registered, I am consenting to registration as required by Federal law. I authorize the Department of Public Safety to forward my personal information required for such registration to the U.S. Selective Service System pursuant to SDCL 35-15.17 and SDCL 35-15.24-25.

I understand that upon issuance of a driver's license or identification card in the state of South Dakota, any driver's license or identification card previously issued to another state shall be null and void.

SIGNATURE: \_\_\_\_\_ DATE OF APPLICATION: 08/17/23

200,000 copies were printed at a cost of \$1.02 cents per copy per SDCL 6-10D-15

AUG 17 2023

**SECTION C: COMMERCIAL DRIVER LICENSE APPLICANTS ONLY**

**Commercial License Classifications:**

- Class A: Combination Vehicle - 26,000 lbs. or more
- Class B: Heavy Single Vehicle - 26,000 lbs. or more
- Class C: Single Vehicle - under 26,000 lbs. with applicable endorsements
- Class D: Commercial Learner Permit (CLP)
- Class E: Class F, Class G, Class H

**Endorsements:**

- Class I: Tank Vehicle (T)
- Class II: Combination Tractor-Trailer (TT)
- Class III: Hazardous Materials (H)
- Class IV: 25 Days
- Class V: 180 Days

**Medical Requirements:**

- Class A, B, C: Must be approved by medical exam requirements (see CPD PART 301) and DOT Medical Certificate required.
- Class D: (1) One license and one exempt from medical exam requirements (see CPD PART 301).
- Class E: (1) One license and one exempt from medical exam requirements (see CPD PART 301).
- Class F, G, H: (1) One license and one exempt from medical exam requirements (see CPD PART 301).

**Other Information:**

- Class A, B, C: Must be approved by medical exam requirements (see CPD PART 301) in accordance with SDCL 35-15A-24 (Penalties Only and valid DOT Medical Certificate required).
- Class D: (1) One license and one exempt from medical exam requirements (see CPD PART 301).
- Class E: (1) One license and one exempt from medical exam requirements (see CPD PART 301).
- Class F, G, H: (1) One license and one exempt from medical exam requirements (see CPD PART 301).

**SECTION D: APPLICANTS UNDER 18 YEARS OF AGE**

**Parental Consent:** If you are under 18 years of age, you must have the consent of your parent or guardian. The consent form must be completed and signed by the parent or guardian and submitted with this application. It must be signed by the parent or guardian and the applicant. It must be signed by the parent or guardian and the applicant. It must be signed by the parent or guardian and the applicant.

**Examiner License Only:**

Commercial License Plates: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Other License Plate: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

**Visual Acuity:** OK \_\_\_\_\_ 300 FT/20 FT \_\_\_\_\_ COMPLETION DATE \_\_\_\_\_

**Left Eye:** OK \_\_\_\_\_ BOTH EYES WITH CORRECTIVE LENSES \_\_\_\_\_

**Right Eye:** OK \_\_\_\_\_ BOTH EYES WITH CORRECTIVE LENSES \_\_\_\_\_

**NEW:** RENEWAL \_\_\_\_\_ CLIP \_\_\_\_\_ TEST RESULTS \_\_\_\_\_

**TRANSFER:** DATA CHANGE \_\_\_\_\_ FE COLLECTOR'S SIGNATURE \_\_\_\_\_ EXAMINER'S SIGNATURE \_\_\_\_\_

**Personal Information:**

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

**EXAMINER'S SIGNATURE:** \_\_\_\_\_

**Due Diligence from South Dakota Election Officials.** PILF was informed by state officials that once the list of 274 was complete, each name was compared to the voter roll and, unsurprisingly, was found already registered to vote. The list of 274 was then fed into the U.S. Systematic Alien Verification for Entitlements (SAVE) data gateway by DPS in early October. SAVE is a tool meant for government agencies offering programs or entitlements to query federal immigration data for the latest status of known foreign nationals residing in the United States. So, if a years-old driver's

license application says “foreign national” but there’s a matching U.S. voter registration, officials could cover the time gap to see if naturalization had occurred for everyone in question. South Dakota’s SAVE exercise cut the list down from 274 to 273 – the publicly disclosed figure.<sup>3</sup>

The two-week process, according to the SDSOS, did not end with one pass of SAVE. The SDSOS then prepared to inform the affected 273 registrants of their circumstances with letters and queued their records for cancellation. Before cancelling each, SDSOS ordered a second run of SAVE for the 273 to cover any instances of naturalization happening within the roughly two weeks passed since the first review. There were no changes among the 273. SAVE worked.

Case Closed | Case Status: Case Closed

**SAVE**  
SENSITIVE BUT UNCLASSIFIED

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### SAVE Response

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**Applicant Status:** Lawful Permanent Resident - Employment Authorized

The applicant is a non-national of the U.S. who has been granted authorization to live and work in the United States permanently as an immigrant. See the [Guide to Understanding SAVE Verification Responses](#) for additional information. Follow your agency's policy when determining whether this applicant is eligible for benefits.

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SAVE Response Details	Agency Submitted Details
<b>Case Verification Number:</b> [REDACTED]	<b>Full Name:</b> [REDACTED]
<b>Class of Admission (COA) Code:</b> ASS	<b>Date of Birth:</b> [REDACTED]
<b>Country of Birth:</b> [REDACTED]	<b>Alien Number:</b> [REDACTED]
<b>Date Admitted To:</b> INDEFINITE	<b>Initiated On:</b> [REDACTED]
	<b>Initiated By:</b> [REDACTED]
	<b>Point of Contact Name:</b> [REDACTED]
	<b>Point of Contact Phone Number:</b> [REDACTED]
	<b>Requested Benefits:</b> Driver License
	<b>Attached Document:</b> No

**The Fix.** The 273 foreigners were sent form letters about how the State corrected errors and their subsequent removal from the voter roll. Of note was how South Dakota took responsibility for the “error” and advised the foreign nationals on how to become re-registered after gaining U.S. citizenship. This action should help to minimize any legal jeopardy when any of the 273 seek naturalization.

None of these official actions discouraged the ACLU of South Dakota from reflexively and ridiculously demanding “reinstatement” of the 273 foreign nationals who were “illegally purge[d]” due to reliance on “flawed and outdated data” in time for the 2024 Election.<sup>4</sup>

Such is the modern civil rights movement – always zealously defending and preserving vulnerabilities in the American election system.

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<sup>3</sup> Ibid.

<sup>4</sup> ACLU-South Dakota; ACLU of South Dakota Demands Immediate Reinstatement of Voters Purged from Voter Registration Rolls (October 8, 2024), <https://www.aclusd.org/en/press-releases/aclu-south-dakota-demands-immediate-reinstatement-voters-purged-registration-rolls>

**How Could This Happen in South Dakota?** If you were surprised to find out South Dakota had automatic voter registration like in California, Oregon, and others, you're probably not alone. This administrative policy did not arise through the democratic process of legislative enactments. This shoddy system was the product of a settlement agreement in a lawsuit from leftist nonprofits<sup>5</sup> representing the Rosebud Sioux and other plaintiffs. In September 2020, the SDSOS and other state agencies were sued under the National Voter Registration Act for “widespread violations” impacting particularly Native residents at DMV and other social service agencies.<sup>6</sup> The U.S. District Court ruled for the plaintiffs in May 2022, finding multiple violations of Section 5 and Section 7 of the law (which generally requires voter registration opt-in offers be consistently given throughout a state). A settlement agreement was entered later that year. The settlement smuggled in an automatic voter registration regime thanks to a forced re-write of the Driver's License Application.<sup>7</sup> The form is still used today.<sup>8</sup>

### Oregon Engages Emergency Shutdown of AVR as Noncitizens Appear in 2024

Despite being the first state in the nation to implement AVR in 2016, foreign nationals still got on the voter rolls in the 2024 election. In the weeks ahead of the presidential election, the system was breaking down. Governor Tina Kotek was forced to order a suspension of AVR operations to protect more noncitizens from illegal registrations.

It all started quite like in South Dakota: around September 13, the Oregon Secretary of State (ORSOS) disclosed that 306 foreign nationals had been registered since 2021 (or sooner) with limited explanations on causes beyond “human error and lax processes at the DMV.”<sup>9</sup> About two weeks later, the suspected noncitizen figure mushroomed to 1,260. DMV personnel took the blame for incorrectly coding foreigners into a customer database as having U.S. passports or similar proofs of citizenship when they did not.<sup>10</sup> Aggravating the problem was a 2021 law that allowed foreigners to receive driver's licenses even if they could not prove legal presence. DMV leadership specifically blamed this statutory combination as a cause for illegal registrations because it complicated a DMV clerk's paperwork flow and created more chances for customer data to automatically send to the voter roll.<sup>11</sup> Oregon election officials offered assistance to affected foreign nationals who may face naturalization challenges due to the AVR system.<sup>12</sup>

On September 23, the ORSOS published a press release touting that DMV had “implemented a fix” to the problem for the roughly 1,260 “impacted by the data processing error.”<sup>13</sup> The release outlined

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<sup>5</sup> DEMOS; Factsheet: Rosebud Sioux Tribe v. Barnett (accessed 2024), <https://www.demos.org/litigation/factsheet-rosebud-sioux-tribe-v-barnett>

<sup>6</sup> Ibid.

<sup>7</sup> <https://www.democracymarket.com/wp-content/uploads/2022/05/129-joint-mot-to-approve-settlement-2.pdf>

<sup>8</sup> <https://dps.sd.gov/driver-licensing/south-dakota-licensing-information/applications-forms>

<sup>9</sup> Oregon Public Broadcasting; Hundreds of noncitizens in Oregon were registered to vote due to human error (September 13, 2024), <https://www.opb.org/article/2024/09/13/noncitizens-registered-oregon-error/>

<sup>10</sup> Oregon Public Broadcasting; Updated findings show nearly 1,260 possible noncitizens were registered to vote in Oregon since 2021 (September 23, 2024), <https://www.opb.org/article/2024/09/23/voter-registration-noncitizen-oregon-motor-voter/>

<sup>11</sup> Ibid.

<sup>12</sup> *The Oregonian*; Oregon offers to help non-citizens who were mistakenly registered to vote remain eligible for citizenship (September 25, 2024), <https://www.oregonlive.com/politics/2024/09/oregon-offers-to-help-non-citizens-who-were-mistakenly-registered-to-vote-remain-eligible-for-citizenship.html>

<sup>13</sup> ORSOS; Following DMV review of all relevant records... (September 23, 2024), <https://apps.oregon.gov/oregon-newsroom/OR/SOS/Posts/Post/dmv-potential-ineligible-voters-improper-registration-records>

adjustments to DMV paperwork flows and additional controls to prevent future mishaps. A full-time staff position was also created to monitor the AVR system.

The story didn't end here, unfortunately. On October 7, Governor Kotek ordered a temporary shutdown of AVR because hundreds more noncitizens were found.<sup>14</sup> Some registrants were subject to the old glitch but were found late, 123 of them. Another batch of 178 registrants indicated a *new* AVR system error where DMV customers from American Samoa and Swains Island were confused for U.S. citizens.<sup>15</sup> The total then stood at 1,560. On November 8, Oregon announced the total had jumped to 1,617 and promised to continue studying the issue into 2025.<sup>16</sup>

The AVR system was funneling non-citizens onto Oregon voter rolls.

### Common Causes of Foreign Registrants, Nationally

The National Voter Registration Act of 1993 (NVRA or 'Motor Voter') provides the most common pathway for foreign nationals to get registered to vote. The 24 states plus D.C. that have automatic Motor Voter Registration, meaning they are not often 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 levels 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. Unfortunately, if an illegal immigrant becomes registered and has lived a life to avoid contact with the federal government at every opportunity, there are few data-driven tools to identify and remove them from a voter roll.

### Prior PILF Research, Litigation on Aliens Voting

For 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.<sup>17</sup> Sometimes research cannot occur without litigation. PILF has brought and won federal trial and appellate court cases in California, North Carolina, Pennsylvania, Maine, and Texas to secure access.<sup>18</sup> PILF recently settled a case for records against Alameda County, California<sup>19</sup>, and

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<sup>14</sup> Oregon Public Broadcasting; Oregon Gov. calls for DMV to pause automatic voter registration as number of people mistakenly added to voter roll grows (October 7, 2024), <https://www.opb.org/article/2024/10/07/oregon-dmv-department-motor-vehicles-voter-registration-voting-vote-elections/>

<sup>15</sup> Ibid.

<sup>16</sup> Oregon Capital Chronicle; Oregon DMV discovers dozens more voter registrations of non-U.S. citizens (November 8, 2024), <https://oregoncapitalchronicle.com/2024/11/08/oregon-dmv-discovers-dozens-of-new-voter-registrations-of-non-u-s-citizens-though-none-has-voted/>

<sup>17</sup> PILF Reports archive, <https://publicinterestlegal.org/foreign-nationals-voting/>

<sup>18</sup> PILF litigation archive, <https://publicinterestlegal.org/cases/>

<sup>19</sup> <https://publicinterestlegal.org/cases/pilf-v-dupuis/>

found that admitted noncitizens were commonly registered in recent years.<sup>20</sup> This campaign has made it easier to study alien election participation than ever before in the Motor Voter era.

**PILF President, J. Christian Adams**

*“Automatic Voter Registration is a flawed policy that puts aliens on voter rolls. Policymakers should reject automatic voter registration. They cause chaos on the rolls and put immigrants in legal jeopardy.”*

**Support More of This Research**

PILF is the pioneer in research techniques and litigation to uncover real foreign voting in American elections. The Foundation is committed to building a record of facts which policymakers can trust to address this problem for their communities. If you wish to support this work, please follow the QR code below to give a tax-deductible donation.



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<sup>20</sup> <https://publicinterestlegal.org/reports/election-officials-are-registering-self-confessed-foreign-nationals-to-vote-in-oakland/>