To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to ensure that only eligible American citizens may participate in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. introduced the following bill; which was referred to the Committee on

A BILL

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to ensure that only eligible American citizens may participate in elections for Federal office, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; SENSE OF CONGRESS.

(a) Short Title.—This Act may be cited as the “Non-Citizens: Outlawed from Voting in Our Trusted Elections Act of 2023” or the “NO VOTE for Non-Citizens Act of 2023”.

(b) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds the following:

(A) Every eligible person who wishes to cast a ballot in a Federal election must be permitted to do so according to law, and their ballot must be examined according to law, and, if it meets all lawful requirements, counted.

(B) Congress has long required States to maintain Federal voter registration lists in a manner that promotes voter confidence.

(C) The changes included herein are not intended to be an expansion of Federal power but rather a clarification of State authority.

(D) The Fifteenth Amendment, the Nineteenth Amendment, the Twenty-Fourth Amendment, and the Twenty-Sixth Amendment, among other references, make clear that the Constitution prohibits voting by non-citizens in Federal elections.

(E) Congress has the constitutional authority, including under the aforementioned amendments, to pass statutes preventing non-citizens from voting in Federal elections, and did so with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.
(F) Congress may further exercise its constitutional authority to ensure the Constitution’s prohibition on non-citizen voting in Federal elections is upheld.

(G) Since the Constitution prohibits non-citizens from voting in Federal elections, such ineligible persons must not be permitted to be placed on Federal voter registration lists.

(H) Improper placement of an ineligible non-citizen on a Federal voter registration list leads to—

(i) confusion on the part of the ineligible person with respect to their ineligibility to cast a ballot; and

(ii) an increased likelihood that human error will permit ineligible persons to cast ballots in Federal elections.

(I) State officials have confirmed that poorly maintained voter registration lists lead to ineligible persons casting ballots in Federal elections.

(J) A former Broward County, Florida, elections supervisor has confirmed that ineligible non-voters were able to cast ballots in previous elections and that she was not able to lo-
cate as many as 2,040 ballots during the 2018 midterm recount.

(K) This clarification of State authority to maintain Federal voter registration lists to ensure non-citizens are not included on such lists will promote voter confidence in election processes and outcomes.

(L) Congress has the authority to ensure that no Federal elections funding is used to support States that permit non-citizens to cast ballots in any election.

(M) Federal courts and executive agencies have much of the information States may need to maintain their Federal voter registration lists, and those entities should make that information accessible to State election authorities.

(N) It is important to clarify the penalty for any violation of law that allows a non-citizen to cast a ballot in a Federal election.

(O) To protect the confidence of voters in Federal elections, it is important to implement the policy described herein.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—
(A) many States have not adequately met
the requirements concerning the removal of in-
eligible persons from State voter registration
rolls pursuant to section 8 of the National
Voter Registration Act of 1993 (52 U.S.C.
20507) and should strive to audit and update
their voter registration rolls on a routine basis;

(B) allowing non-citizens to cast ballots in
American elections weakens our electoral sys-
tem and the value of citizenship and sows dis-
trust in our elections system;

(C) even if a State has the sovereign au-
thority, no State should permit non-citizens to
cast ballots in State or local elections;

(D) States should use all information
available to them to maintain Federal voter reg-
istration lists and should inform Congress if
such data is insufficient; and

(E) Congress may take further action in
the future to address this problem.

SEC. 2. ENSURING ONLY ELIGIBLE AMERICAN CITIZENS
MAY PARTICIPATE IN FEDERAL ELECTIONS.

(a) Clarifying Authority of States to Remove
Noncitizens From Voting Rolls.—
(1) Authority Under Regular Removal Programs.—Section 8(a)(4) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is amended—

(A) by striking “or” at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) the registrant’s status as a noncitizen of the United States; or”.

(2) Conforming Amendment Relating to Ongoing Removal.—Section 8(c)(2)(B)(i) of such Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by striking “(4)(A)” and inserting “(4)(A) or (B)”.

(b) Requirement to Maintain Separate State Voter Registration List for Noncitizens.—Section 8(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)) is amended—

(1) in paragraph (5)(B), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new paragraph:

“(7) in the case of a State that allows individuals who are not citizens of the United States to vote in elections for public office in the State or any local jurisdiction of the State, ensure that the name of any registrant who is not a citizen of the United States is maintained on a voter registration list that is separate from the official list of eligible voters with respect to registrants who are citizens of the United States.”.

(c) Requirements for Ballots for State or Local Jurisdictions That Allow Noncitizen Voting.—Section 301(a)(1) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at the end the following new subparagraph:

“(D) In the case of a State or local jurisdiction that allows individuals who are not citizens of the United States to vote in elections for public office in the State or local jurisdiction, the ballot used for the casting of votes by a noncitizen in such State or local jurisdiction may only include the candidates for the elections for public office in the State or local jurisdic-
diction for which the noncitizen is permitted to vote.”.

(d) Reduction in Payments for Election Administration to States or Local Jurisdictions That Allow Noncitizen Voting.—

(1) In general.—Title IX of the Help America Vote Act of 2002 (52 U.S.C. 21141 et seq.) is amended by adding at the end the following new section:

“SEC. 907. REDUCTION IN PAYMENTS TO STATES OR LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOTING.

“(a) In general.—Notwithstanding any other provision of this Act, the amount of a payment under this Act to any State or local jurisdiction that allows individuals who are not citizens of the United States to vote in elections for public office in the State or local jurisdiction shall be reduced by 30 percent.

“(b) Prohibition on Use of Funds for Certain Election Administration Activities.—Notwithstanding any other provision of law, no Federal funds may be used to implement the requirements of section 8(a)(7) of the National Voter Registration Act of 1993 (52 U.S.C. 20507(a)(7)) (as added by section 2(b) of the NO VOTE for Non-Citizens Act of 2023) or section 301(a)(1)(D) of
the Help America Vote Act of 2002 (52 U.S.C. 21081(a)(1)(D)) (as added by 2(c) of the NO VOTE for Non-Citizens Act of 2023) in a State or local jurisdiction that allows individuals who are not citizens of the United States to vote in elections for public office in the State or local jurisdiction.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following new item:

“Sec. 907. Reduction in payments to States or local jurisdictions that allow noncitizen voting.”.

(e) PROMOTING PROVISION OF INFORMATION BY FEDERAL ENTITIES.—

(1) IN GENERAL.—Each entity of the Federal government which maintains information which is relevant to the status of an individual as a registered voter in elections for Federal office in a State shall, upon the request of an election official of the State, provide that information to the election official.

(2) POLICIES AND PROCEDURES.—Consistent with section 3506(g) of title 44, United States Code, an entity of the Federal government shall carry out this subsection in accordance with policies and procedures which will ensure that the information is provided securely, accurately, and in a timely basis.
(3) **Conforming Amendment Relating to Coverage Under Privacy Act.**—Section 552a(b) of title 5, United States Code, is amended—

(A) by striking “or” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; or”; and

(C) by adding at the end the following new paragraph:

“(13) to an election official of a State in accordance with section 2(e) of the NO VOTE for Non-Citizens Act of 2023.”.

(f) **Ensuring Provision of Information to State Election Officials on Individuals Recused From Jury Service on Grounds of Noncitizenship.**—

(1) **Requirement Described.**—If a United States district court recuses an individual from serving on a jury on the grounds that the individual is not a citizen of the United States, the court shall transmit a notice of the individual’s recusal—

(A) to the chief State election official of the State in which the individual resides; and

(B) to the Attorney General.
DEFINITIONS.—For purposes of this subsection—

(A) the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State’s responsibilities under such Act; and

(B) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(g) PROHIBITION ON VOTING BY NONCITIZENS IN FEDERAL ELECTIONS.—

(1) IN GENERAL.—Section 12 of the National Voter Registration Act of 1993 (52 U.S.C. 20511) is amended—

(A) by striking “A person” and inserting “(a) IN GENERAL.—A person”; and

(B) by adding at the end the following new subsection:

“(b) PROHIBITION ON VOTING BY ALIENS.—
“(1) IN GENERAL.—It shall be unlawful for any alien to vote in any election in violation of section 611 of title 18, United States Code.

“(2) PENALTIES.—Any person who violates this subsection shall be fined under title 18, United States Code, imprisoned not more than one year, or both.”.

(2) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall apply with respect to elections held on or after the date of the enactment of this Act.