

118TH CONGRESS
1ST SESSION

H. R. 4460

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

JULY 3, 2023

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Non-citizens: Outlawed from Voting in Our Trusted
6 Elections Act of 2023” or the “NO VOTE for Non-Citi-
7 zens Act of 2023”.

1 (b) FINDINGS; SENSE OF CONGRESS.—

2 (1) FINDINGS.—Congress finds the following:

3 (A) Every eligible person who wishes to
4 cast a ballot in a Federal election must be per-
5 mitted to do so according to law, and their bal-
6 lot must be examined according to law, and, if
7 it meets all lawful requirements, counted.

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

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

14 (D) The Fifteenth Amendment, the Nine-
15 teenth Amendment, the Twenty-Fourth Amend-
16 ment, and the Twenty-Sixth Amendment,
17 among other references, make clear that the
18 Constitution prohibits voting by non-citizens in
19 Federal elections.

20 (E) Congress has the constitutional au-
21 thority, including under the aforementioned
22 amendments, to pass statutes preventing non-
23 citizens from voting in Federal elections, and
24 did so with the Illegal Immigration Reform and
25 Immigrant Responsibility Act of 1996.

1 (F) Congress may further exercise its con-
2 stitutional authority to ensure the Constitu-
3 tion's prohibition on non-citizen voting in Fed-
4 eral elections is upheld.

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

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

12 (i) confusion on the part of the ineli-
13 gible person with respect to their ineligi-
14 bility to cast a ballot; and

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

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

22 (J) A former Broward County, Florida,
23 elections supervisor has confirmed that ineli-
24 gible non-voters were able to cast ballots in pre-
25 vious elections and that she was not able to lo-

1 cate as many as 2,040 ballots during the 2018
2 midterm recount.

3 (K) This clarification of State authority to
4 maintain Federal voter registration lists to en-
5 sure non-citizens are not included on such lists
6 will promote voter confidence in election proc-
7 esses and outcomes.

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

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

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

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

23 (2) SENSE OF CONGRESS.—It is the sense of
24 Congress that—

1 (A) many States have not adequately met
2 the requirements concerning the removal of in-
3 eligible persons from State voter registration
4 rolls pursuant to section 8 of the National
5 Voter Registration Act of 1993 (52 U.S.C.
6 20507) and should strive to audit and update
7 their voter registration rolls on a routine basis;

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

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

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

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

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

23 (a) **CLARIFYING AUTHORITY OF STATES TO REMOVE**
24 **NONCITIZENS FROM VOTING ROLLS.—**

1 (1) AUTHORITY UNDER REGULAR REMOVAL
2 PROGRAMS.—Section 8(a)(4) of the National Voter
3 Registration Act of 1993 (52 U.S.C. 20507(a)(4)) is
4 amended—

5 (A) by striking “or” at the end of subpara-
6 graph (A);

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

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

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

13 (2) CONFORMING AMENDMENT RELATING TO
14 ONGOING REMOVAL.—Section 8(c)(2)(B)(i) of such
15 Act (52 U.S.C. 20507(c)(2)(B)(i)) is amended by
16 striking “(4)(A)” and inserting “(4)(A) or (B)”.

17 (b) REQUIREMENT TO MAINTAIN SEPARATE STATE
18 VOTER REGISTRATION LIST FOR NONCITIZENS.—Section
19 8(a) of the National Voter Registration Act of 1993 (52
20 U.S.C. 20507(a)) is amended—

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

23 (2) in paragraph (6), by striking the period at
24 the end and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

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

12 (c) REQUIREMENTS FOR BALLOTS FOR STATE OR
13 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-
14 ING.—Section 301(a)(1) of the Help America Vote Act of
15 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at
16 the end the following new subparagraph:

17 “(D) In the case of a State or local jurisdic-
18 tion that allows individuals who are not citi-
19 zens of the United States to vote in elections
20 for public office in the State or local jurisdic-
21 tion, the ballot used for the casting of votes by
22 a noncitizen in such State or local jurisdiction
23 may only include the candidates for the elec-
24 tions for public office in the State or local jurisdic-

1 the Help America Vote Act of 2002 (52 U.S.C.
2 21081(a)(1)(D)) (as added by 2(c) of the NO VOTE for
3 Non-Citizens Act of 2023) in a State or local jurisdiction
4 that allows individuals who are not citizens of the United
5 States to vote in elections for public office in the State
6 or local jurisdiction.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents of such Act is amended by adding at the end
9 the following new item:

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

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

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

18 (2) POLICIES AND PROCEDURES.—Consistent
19 with section 3506(g) of title 44, United States Code,
20 an entity of the Federal Government shall carry out
21 this subsection in accordance with policies and pro-
22 cedures which will ensure that the information is
23 provided securely, accurately, and in a timely basis.

1 (3) CONFORMING AMENDMENT RELATING TO
2 COVERAGE UNDER PRIVACY ACT.—Section 552a(b)
3 of title 5, United States Code, is amended—

4 (A) by striking “or” at the end of para-
5 graph (11);

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

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

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

13 (f) ENSURING PROVISION OF INFORMATION TO
14 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED
15 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-
16 SHIP.—

17 (1) REQUIREMENT DESCRIBED.—If a United
18 States district court recuses an individual from serv-
19 ing on a jury on the grounds that the individual is
20 not a citizen of the United States, the court shall
21 transmit a notice of the individual’s recusal—

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

24 (B) to the Attorney General.

1 (2) DEFINITIONS.—For purposes of this sub-
2 section—

3 (A) the “chief State election official” of a
4 State is the individual designated by the State
5 under section 10 of the National Voter Reg-
6 istration Act of 1993 (52 U.S.C. 20509) to be
7 responsible for coordination of the State’s re-
8 sponsibilities under such Act; and

9 (B) the term “State” means each of the
10 several States, the District of Columbia, the
11 Commonwealth of Puerto Rico, American
12 Samoa, Guam, the United States Virgin Is-
13 lands, and the Commonwealth of the Northern
14 Mariana Islands.

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

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

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

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

24 “(b) PROHIBITION ON VOTING BY ALIENS.—

1 “(1) IN GENERAL.—It shall be unlawful for any
2 alien to vote in any election in violation of section
3 611 of title 18, United States Code.

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

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

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