

Union Calendar No. 383

118TH CONGRESS
2D SESSION

H. R. 4460

[Report No. 118–462, Part I]

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

APRIL 15, 2024

Additional sponsors: Mr. LOUDERMILK, Mrs. BICE, Mr. MURPHY, and Mr.
VAN DREW

APRIL 15, 2024

Reported from the Committee on House Administration

APRIL 15, 2024

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

8 (b) **FINDINGS; SENSE OF CONGRESS.**—

9 (1) **FINDINGS.**—Congress finds the following:

10 (A) Every eligible person who wishes to
11 cast a ballot in a Federal election must be per-
12 mitted to do so according to law, and their bal-
13 lot must be examined according to law, and, if
14 it meets all lawful requirements, counted.

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

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

21 (D) The Fifteenth Amendment, the Nine-
22 teenth Amendment, the Twenty-Fourth Amend-
23 ment, and the Twenty-Sixth Amendment,
24 among other references, make clear that the

1 Constitution prohibits voting by non-citizens in
2 Federal elections.

3 (E) Congress has the constitutional au-
4 thority, including under the aforementioned
5 amendments, to pass statutes preventing non-
6 citizens from voting in Federal elections, and
7 did so with the Illegal Immigration Reform and
8 Immigrant Responsibility Act of 1996.

9 (F) Congress may further exercise its con-
10 stitutional authority to ensure the Constitu-
11 tion's prohibition on non-citizen voting in Fed-
12 eral elections is upheld.

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

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

20 (i) confusion on the part of the ineli-
21 gible person with respect to their ineligi-
22 bility to cast a ballot; and

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

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

5 (J) A former Broward County, Florida,
6 elections supervisor has confirmed that ineli-
7 gible non-voters were able to cast ballots in pre-
8 vious elections and that she was not able to lo-
9 cate as many as 2,040 ballots during the 2018
10 midterm recount.

11 (K) This clarification of State authority to
12 maintain Federal voter registration lists to en-
13 sure non-citizens are not included on such lists
14 will promote voter confidence in election proc-
15 esses and outcomes.

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

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

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

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

7 (2) SENSE OF CONGRESS.—It is the sense of
8 Congress that—

9 (A) many States have not adequately met
10 the requirements concerning the removal of in-
11 eligible persons from State voter registration
12 rolls pursuant to section 8 of the National
13 Voter Registration Act of 1993 (52 U.S.C.
14 20507) and should strive to audit and update
15 their voter registration rolls on a routine basis;

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

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

23 (D) States should use all information
24 available to them to maintain Federal voter reg-

1 istration lists and should inform Congress if
2 such data is insufficient; and

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

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

7 (a) CLARIFYING AUTHORITY OF STATES TO REMOVE
8 NONCITIZENS FROM VOTING ROLLS.—

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

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

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

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

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

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

1 (b) REQUIREMENT TO MAINTAIN SEPARATE STATE
2 VOTER REGISTRATION LIST FOR NONCITIZENS.—Section
3 8(a) of the National Voter Registration Act of 1993 (52
4 U.S.C. 20507(a)) is amended—

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

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

9 (3) by adding at the end the following new
10 paragraph:

11 “(7) in the case of a State that allows individ-
12 uals who are not citizens of the United States to
13 vote in elections for public office in the State or any
14 local jurisdiction of the State, ensure that the name
15 of any registrant who is not a citizen of the United
16 States is maintained on a voter registration list that
17 is separate from the official list of eligible voters
18 with respect to registrants who are citizens of the
19 United States.”.

20 (c) REQUIREMENTS FOR BALLOTS FOR STATE OR
21 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-
22 ING.—Section 301(a)(1) of the Help America Vote Act of
23 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at
24 the end the following new subparagraph:

1 “(D) In the case of a State or local juris-
2 diction that allows individuals who are not citi-
3 zens of the United States to vote in elections
4 for public office in the State or local jurisdic-
5 tion, the ballot used for the casting of votes by
6 a noncitizen in such State or local jurisdiction
7 may only include the candidates for the elec-
8 tions for public office in the State or local juris-
9 diction for which the noncitizen is permitted to
10 vote.”.

11 (d) REDUCTION IN PAYMENTS FOR ELECTION AD-
12 MINISTRATION TO STATES OR LOCAL JURISDICTIONS
13 THAT ALLOW NONCITIZEN VOTING.—

14 (1) IN GENERAL.—Title IX of the Help Amer-
15 ica Vote Act of 2002 (52 U.S.C. 21141 et seq.) is
16 amended by adding at the end the following new sec-
17 tion:

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

21 “(a) IN GENERAL.—Notwithstanding any other pro-
22 vision of this Act, the amount of a payment under this
23 Act to any State or local jurisdiction that allows individ-
24 uals who are not citizens of the United States to vote in

1 elections for public office in the State or local jurisdiction
2 shall be reduced by 30 percent.

3 “(b) PROHIBITION ON USE OF FUNDS FOR CERTAIN
4 ELECTION ADMINISTRATION ACTIVITIES.—Notwith-
5 standing any other provision of law, no Federal funds may
6 be used to implement the requirements of section 8(a)(7)
7 of the National Voter Registration Act of 1993 (52 U.S.C.
8 20507(a)(7)) (as added by section 2(b) of the NO VOTE
9 for Non-Citizens Act of 2023) or section 301(a)(1)(D) of
10 the Help America Vote Act of 2002 (52 U.S.C.
11 21081(a)(1)(D)) (as added by 2(c) of the NO VOTE for
12 Non-Citizens Act of 2023) in a State or local jurisdiction
13 that allows individuals who are not citizens of the United
14 States to vote in elections for public office in the State
15 or local jurisdiction.”.

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

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

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

21 (1) IN GENERAL.—Each entity of the Federal
22 Government which maintains information which is
23 relevant to the status of an individual as a registered
24 voter in elections for Federal office in a State shall,

1 upon the request of an election official of the State,
2 provide that information to the election official.

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

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

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

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

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

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

21 (f) ENSURING PROVISION OF INFORMATION TO
22 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED
23 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-
24 SHIP.—

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

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

8 (B) to the Attorney General.

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

11 (A) the “chief State election official” of a
12 State is the individual designated by the State
13 under section 10 of the National Voter Reg-
14 istration Act of 1993 (52 U.S.C. 20509) to be
15 responsible for coordination of the State’s re-
16 sponsibilities under such Act; and

17 (B) the term “State” means each of the
18 several States, the District of Columbia, the
19 Commonwealth of Puerto Rico, American
20 Samoa, Guam, the United States Virgin Is-
21 lands, and the Commonwealth of the Northern
22 Mariana Islands.

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

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

4 (A) by striking “A person” and inserting

5 “(a) IN GENERAL.—A person”; and

6 (B) by adding at the end the following new

7 subsection:

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

9 “(1) IN GENERAL.—It shall be unlawful for any
10 alien to vote in any election in violation of section
11 611 of title 18, United States Code.

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

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

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