

117TH CONGRESS
2D SESSION

H. R. 7959

To amend the National Voter Registration Act of 1993 to clarify the authority of States to remove noncitizens from voting rolls and to require States to maintain separate voter registration lists for noncitizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2022

Mr. RODNEY DAVIS of Illinois 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 to clarify the authority of States to remove noncitizens from voting rolls and to require States to maintain separate voter registration lists for noncitizens, 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.**

4 This Act may be cited as the “Noncitizens: Outlawed
5 from Voting in Our Trusted Elections Act of 2022” or
6 the “NO VOTE for Noncitizens Act of 2022”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

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

3 (1) Every eligible person who wishes to cast a
4 ballot in a Federal election must be permitted to do
5 so according to law, and their ballot must be exam-
6 ined according to law, and, if it meets all lawful re-
7 quirements, counted.

8 (2) Congress has long required States to main-
9 tain Federal voter registration lists in a manner that
10 promotes voter confidence.

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

14 (4) The Fifteenth Amendment, the Nineteenth
15 Amendment, the Twenty-Fourth Amendment, and
16 the Twenty-Sixth Amendment, among other ref-
17 erences, make clear that the Constitution prohibits
18 voting by noncitizens in Federal elections.

19 (5) Congress has the constitutional authority,
20 including under the aforementioned amendments, to
21 pass statutes preventing noncitizens from voting in
22 Federal elections, and did so with the Illegal Immi-
23 gration Reform and Immigrant Responsibility Act of
24 1996.

25 (6) Congress may further exercise its constitu-
26 tional authority to ensure the Constitution's prohibi-

1 tion on noncitizen voting in Federal elections is
2 upheld.

3 (7) Since the Constitution prohibits noncitizens
4 from voting in Federal elections, such ineligible per-
5 sons must not be permitted to be placed on Federal
6 voter registration lists.

7 (8) Improper placement of an ineligible noncit-
8 izen on a Federal voter registration list leads to—

9 (A) confusion on the part of the ineligible
10 person with respect to their ineligibility to cast
11 a ballot; and

12 (B) an increased likelihood that human
13 error will permit ineligible persons to cast bal-
14 lots in Federal elections.

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

18 (10) A former Broward County, Florida, elec-
19 tions supervisor has confirmed that ineligible non-
20 voters were able to cast ballots in previous elections
21 and that she was not able to locate as many as
22 2,040 ballots during the 2018 midterm recount.

23 (11) This clarification of State authority to
24 maintain Federal voter registration lists to ensure
25 noncitizens are not included on such lists will pro-

1 mote voter confidence in election processes and out-
2 comes.

3 (12) Congress has the authority to ensure that
4 no Federal elections funding is used to support
5 States that permit noncitizens to cast ballots in any
6 election.

7 (13) Federal courts and executive agencies have
8 much of the information States may need to main-
9 tain their Federal voter registration lists, and those
10 entities should make that information accessible to
11 State election authorities.

12 (14) It is important to clarify the penalty for
13 any violation of law that allows a noncitizen to cast
14 a ballot in a Federal election.

15 (15) To protect the confidence of voters in Fed-
16 eral elections, it is important to implement the policy
17 described herein.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) allowing noncitizens to cast ballots in Amer-
21 ican elections weakens our electoral system and the
22 value of citizenship and sows distrust in our elec-
23 tions system;

1 (2) even if a State has the sovereign authority,
2 no State should permit noncitizens to cast ballots in
3 State or local elections;

4 (3) States should use all information available
5 to them to maintain Federal voter registration lists
6 and should inform Congress if such data is insuffi-
7 cient; and

8 (4) Congress may take further action in the fu-
9 ture to address this problem.

10 **SEC. 3. PROMOTING EFFECTIVE MAINTENANCE OF VOTER**
11 **REGISTRATION LISTS.**

12 (a) CLARIFYING AUTHORITY OF STATES TO REMOVE
13 NONCITIZENS FROM VOTING ROLLS.—

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

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

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

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

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

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

5 (b) REQUIREMENT TO MAINTAIN SEPARATE STATE
6 VOTER REGISTRATION LIST FOR NONCITIZENS.—Section
7 8(a) of the National Voter Registration Act of 1993 (52
8 U.S.C. 20507(a)) is amended—

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

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

13 (3) by adding at the end the following new
14 paragraph:

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

24 (c) REQUIREMENTS FOR BALLOTS FOR STATE OR
25 LOCAL JURISDICTIONS THAT ALLOW NONCITIZEN VOT-

1 ING.—Section 301(a)(1) of the Help America Vote Act of
 2 2002 (52 U.S.C. 21081(a)(1)) is amended by adding at
 3 the end the following new subparagraph:

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

14 (d) REDUCTION IN PAYMENTS FOR ELECTION AD-
 15 MINISTRATION TO STATES OR LOCAL JURISDICTIONS
 16 THAT ALLOW NONCITIZEN VOTING.—

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

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

24 “Notwithstanding any other provision of this Act, the
 25 amount of a payment under this Act to any State or local

1 jurisdiction that allows individuals who are not citizens of
 2 the United States to vote in elections for public office in
 3 the State or local jurisdiction shall be reduced by 30 per-
 4 cent.”.

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

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

8 (e) ENSURING PROVISION OF INFORMATION TO
 9 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED
 10 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-
 11 SHIP.—

12 (1) REQUIRING STATE ELECTION OFFICIALS TO
 13 COORDINATE INFORMATION ON RECUSAL AS PART
 14 OF MAINTENANCE OF STATEWIDE VOTER REGISTRA-
 15 TION LIST.—Subparagraph (A) of section 303(a)(2)
 16 of the Help America Vote Act of 2002 (52 U.S.C.
 17 21083(a)(2)) is amended—

18 (A) by redesignating clause (iii) as clause
 19 (iv); and

20 (B) by inserting after clause (ii) the fol-
 21 lowing new clause:

22 “(iii) For purposes of removing names
 23 of ineligible voters from the official list of
 24 eligible voters by reason of citizenship sta-

1 tus, the State shall coordinate the comput-
2 erized list with records of courts which
3 have recused individuals from serving on a
4 jury on the grounds that the individuals
5 are not citizens of the United States.”.

6 (2) REQUIRING NOTIFICATION BY COURTS.—

7 (A) REQUIREMENT DESCRIBED.—If a
8 United States district court or a court of any
9 State or local jurisdiction recuses an individual
10 from serving on a jury on the grounds that the
11 individual is not a citizen of the United States,
12 the court shall transmit a notice of the individ-
13 ual’s recusal—

14 (i) to the chief State election official
15 of the State in which the individual re-
16 sides; and

17 (ii) to the Attorney General.

18 (B) DEFINITIONS.—For purposes of this
19 subsection—

20 (i) the “chief State election official”
21 of a State is the individual designated by
22 the State under section 10 of the National
23 Voter Registration Act of 1993 (52 U.S.C.
24 20509) to be responsible for coordination

1 of the State’s responsibilities under such
2 Act; and

3 (ii) the term “State” means each of
4 the several States, the District of Colum-
5 bia, the Commonwealth of Puerto Rico,
6 American Samoa, Guam, the United States
7 Virgin Islands, and the Commonwealth of
8 the Northern Mariana Islands.

9 **SEC. 4. PROHIBITION ON VOTING BY NONCITIZENS IN FED-**
10 **ERAL ELECTIONS.**

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

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

15 (2) by adding at the end the following new sub-
16 section:

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

18 “(1) IN GENERAL.—It shall be unlawful for any
19 alien to vote in any election in violation of section
20 611 of title 18, United States Code.

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

1 (b) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall apply with respect to
3 elections held on or after the date of the enactment of
4 this Act.

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