



MODEL POLICY | Center for Election Integrity

PROHIBITING NON-CITIZEN VOTING ACT

PURPOSE OF THIS ACT

- The Prohibiting Non-Citizen Voting Act ensures that states have the means to guarantee that only American citizens can vote in American elections.
- While federal law prohibits non-citizens from voting in federal elections, states often do not have laws providing enforcement mechanisms to certify that non-citizens are not registered or voting.
- This Act draws from elements of the SAVE Act, federal legislation that would close these loopholes nationwide. This model legislation also prohibits non-citizen voting in state and local elections and provides the same mechanisms to ensure that this is not occurring.

Section 1. Title

This Act shall be named the “Prohibiting Non-Citizen Voting Act.”

Section 2. Qualifying Documents for Proof of U.S. Citizenship

Under any method of voter registration in [State], the [appropriate governing body] shall not accept and process an application to register to vote in an election for federal, state, or local office unless the applicant presents documentary proof of United States citizenship with the application. In order to register to vote, the applicant must provide documentary proof of United States Citizenship, which includes any one of the following:

- A. A valid United States passport.
- B. The applicant’s official United States military identification card, together with a United States military record of service, which shows that the applicant’s place of birth was in the United States.
- C. A valid government-issued photo identification card issued by a federal, state, or tribal government showing that the applicant’s place of birth was in the United States.



- D. A valid government-issued photo identification card issued by a federal, state, or tribal government other than an identification described in (A) through (D), but only if presented together with one or more of the following:
- i. A certified birth certificate issued by a state, a unit of local government in a state, or a tribal government, which:
 1. Was issued by the state, unit of local government, or tribal government in which the applicant was born;
 2. Was filed with the office responsible for keeping vital records in the state;
 3. Includes the full name, date of birth, and place of birth of the applicant;
 4. Lists the full names of one or both of the parents of the applicant;
 5. Includes the signature of an individual who is authorized to sign birth certificates on behalf of the state, unit of local government, or tribal government in which the applicant was born;
 6. Includes the date that the certificate was filed with the office responsible for keeping vital records in the state; and
 7. Has the seal of the state, unit of local government, or tribal government that issued the birth certificate.
 - ii. An extract from a United States hospital Record of Birth created at the time of the applicant's birth, which indicates that the applicant's place of birth was in the United States.
 - iii. A final adoption decree showing the applicant's name and that the applicant's place of birth was in the United States.
 - iv. A Consular Report of Birth Abroad of a citizen of the United States or a certification of the applicant's Report of Birth of a United States citizen issued by the Secretary of State.
 - v. A Naturalization Certificate or Certificate of Citizenship issued by the Secretary of Homeland Security or any other document or method of proof of United States citizenship issued by the Federal government pursuant to the Immigration and Nationality Act.
 - vi. An American Indian Card issued by the Department of Homeland Security with the classification "KIC."

Section 3. Presenting Proof of United States Citizenship to Election Officials

- A. An applicant who submits the mail voter registration application form described in [cite statute] shall not be registered to vote in an election for federal, state, or local office unless the applicant presents documentary proof of United States citizenship in person to the office of the [appropriate election governing body] not later than the deadline provided by state law for the receipt of a completed voter registration application for the election.
- B. Upon receiving an otherwise completed mail voter registration application form described in [cite statute], the [appropriate election governing body] shall transmit a notice to the applicant of the requirement to present documentary proof of United States citizenship under this subsection and shall include in the notice instructions to enable the applicant to meet the requirement.



- C. The **[appropriate election governing body]** shall ensure that reasonable accommodations are made to allow an individual with a disability who submits the mail voter registration application form described in **[cite statute]** to present documentary proof of United States citizenship to the appropriate election official.

Section 4. Ensuring Non-Citizens Are Not Present on Existing Voter Rolls

The **[appropriate election governing body]** shall take affirmative steps on an ongoing basis to ensure that only United States citizens are registered to vote under the provisions of this Act, which shall include the establishment of a program described in Section 5 (A) not later than 30 days after the date of the enactment of this section.

- A. The **[appropriate election governing body]** may meet the requirements of Section 5 by establishing a program under which the state identifies individuals who are not United States citizens using information supplied by one or more of the following sources:
- i. The Department of Homeland Security through the Systematic Alien Verification for Entitlements (“SAVE”) or otherwise.
 - ii. The Social Security Administration through the Social Security Number Verification Service or otherwise.
 - iii. State agencies that supply State identification cards or driver’s licenses where the agency confirms the United States citizenship status of applicants.
 - iv. Other sources, including databases, which provide confirmation of United States citizenship status.
- B. The **[appropriate governing body]** shall remove from the voter roll all identified individuals who are not United States citizens within 14 days of identification.

Section 5. Providing Enforcement Mechanisms and Penalties

- A. A person, including an election official, who, in any election for federal, state, or local office:
- i. Knowingly and willfully registers an applicant to vote in an election for federal, state, or local office who fails to present documentary proof of United States citizenship; or
 - ii. Knowingly and willfully allows a person who is not a citizen of the United States to remain on the voter roll for a time period longer than 14 days past when the person was identified as not a citizen of the United States; or
 - iii. Knowingly and willfully allows a person who is not a citizen of the United States to vote in federal, state, or local elections shall be fined no more than \$30,000, or imprisoned not more than 10 years, or both.
- B. A person who is not a citizen of the United States who, in any election for federal, state, or local office:
- i. Knowingly and willingly registers to vote in an election for federal, state, or local office shall be fined no more than \$5000, or imprisoned not more than three years, or both.
 - ii. Knowingly and willingly votes in an election for federal, state, or local office, shall:
 1. Be fined no more than \$30,000, or imprisoned not more than 11,”0 years, or both



2. Immediately and permanently lose access to [State] state services, including the following:
 1. Medicaid
 2. Temporary Assistance for Needy Families funds and any [State] state-funded food program
 3. In-state tuition benefits
 4. Supplemental Security Income
3. These penalties are in addition to any federal penalties already in place for a person who votes in a federal election and who is not a citizen of the United States.

Section 6. Clarifications and Effective Date

- A. Nothing in this Act or in any amendment made by this Act may be construed to supersede, restrict, or otherwise affect the ability of an individual to cast a provisional ballot in an election for federal, state, or local office or to have the ballot counted in the election if the individual is verified as a citizen of the United States.
- B. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply with respect to applications for voter registration that are submitted on or after such date.

