

111TH CONGRESS
2D SESSION

H. R. 6492

To amend the Help America Vote Act of 2002 to require that States certify that aliens are prohibited from voting in elections for State or local office as a condition of receiving funds under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2010

Mr. POE of Texas (for himself, Mr. McKEON, Mr. PITTS, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. KING of Iowa, Mr. KINGSTON, Ms. FOXX, and Mr. CULBERSON) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require that States certify that aliens are prohibited from voting in elections for State or local office as a condition of receiving funds under such Act, 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 “Voter Integrity Act”.

1 **SEC. 2. PROHIBITION ON VOTING BY ALIENS AS CONDITION**
2 **OF RECEIVING CERTAIN FUNDS UNDER HELP**
3 **AMERICA VOTE ACT OF 2002.**

4 (a) IN GENERAL.—Title IX of the Help America Vote
5 Act of 2002 (42 U.S.C. 15541 et seq.) is amended by add-
6 ing at the end the following new section:

7 **“SEC. 907. PROHIBITION ON VOTING BY ALIENS AS CONDI-**
8 **TION OF RECEIVING CERTAIN FUNDS.**

9 “(a) IN GENERAL.—A grant or other payment under
10 this Act may not be made to a State after the date of
11 the enactment of this section unless such State certifies
12 that—

13 “(1) with respect to an election for State or
14 local office administered by such State or a unit of
15 local government in such State after the date of the
16 receipt of such grant or other payment, at the time
17 of such certification and at the time of such election,
18 the laws of such State prohibit an alien from voting
19 in such election; and

20 “(2) such State will make a good-faith effort to
21 enforce the prohibition described in paragraph (1).

22 “(b) FALSE CERTIFICATION.—If a Federal agency
23 making a grant or other payment to a State under this
24 Act determines that such State has made a false certifi-
25 cation under subsection (a)—

1 “(1) such State shall repay to the United
2 States an amount equal to the portion of all grants
3 or other payments under this Act made by such
4 agency and received by such State during the period
5 beginning on the day after the date of the enactment
6 of this section and ending on the date of the deter-
7 mination; and

8 “(2) an additional grant or other payment
9 under this Act may not be made to such State
10 until—

11 “(A) the repayment required by paragraph
12 (1) has been completed; and

13 “(B) such State demonstrates to the satis-
14 faction of the Federal agency making such
15 grant or other payment that the certifications
16 required by subsection (a) are true.

17 “(c) EXCEPTIONS.—

18 “(1) VOTING BY CERTAIN ALIEN MEMBERS OF
19 THE ARMED FORCES.—Nothing in this section shall
20 be construed to prohibit a State from allowing to
21 vote in an election for State or local office a person
22 who may be naturalized under section 329 of the
23 Immigration and Nationality Act (8 U.S.C. 1440) by
24 reason of active-duty service as a member of the Se-
25 lected Reserve of the Ready Reserve or in an active-

1 duty status in the military, air, or naval forces of
2 the United States during the period designated by
3 the President in Executive Order 13269.

4 “(2) CERTAIN FUNDS FOR ASSISTING ABSENT
5 UNIFORMED SERVICES VOTERS AND OVERSEAS VOT-
6 ERS.—This section shall not apply with respect to
7 requirements payments described in section
8 251(b)(3).

9 “(d) ALIEN DEFINED.—In this section, the term
10 ‘alien’ has the meaning given such term in section
11 101(a)(3) of the Immigration and Nationality Act (8
12 U.S.C. 1101(a)(3)).”.

13 (b) CONFORMING AMENDMENT.—The table of con-
14 tents in section 1(b) of such Act (42 U.S.C. 15301 note)
15 is amended by inserting after the item relating to section
16 906 the following new item:

“Sec. 907. Prohibition on voting by aliens as condition of receiving certain
funds.”.

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