



The Honorable Mike Lee

SAFEGUARD AMERICAN VOTER ELIGIBILITY ACT

Senator Lee will be introducing the Safeguard American Voter Eligibility (SAVE) Act which would require the administrative and practical implementation of 18 USC § 611 which prohibits any alien from voting in a federal election. In *Arizona v. Inter Tribal Council of Arizona, Inc.*, the Supreme Court found that the National Voter Registration Act (NVRA), as written, would preempt a state's ability to require proof of citizenship. *See*, 133 S. Ct. 2247 (2013). The SAVE Act would amend the NVRA to *require* individuals registering to vote in federal elections to provide proof of citizenship.

BACKGROUND

Since President Biden assumed office and opened our southern border, more than 10 million illegal aliens have entered the country. The Administration is dispersing these individuals across the country, reportedly with the largest numbers being transported to “red” states. Every state (except South Carolina) issues driver's licenses to noncitizens, and nineteen states issue driver's licenses to illegal aliens. Just a visit to the DMV can easily result in an individual being registered to vote—regardless of citizenship. (Currently, registration only requires an attestation of citizenship.) With an additional 10 million people in the country, we need to take precautions against allowing ineligible voters to participate in our federal elections.

Only citizens of the United States may vote in federal elections. The problem for states is differentiating—without violating the current text of the NVRA—a citizen of the United States, eligible to vote in a federal election, from a non-citizen who is ineligible. This legislation would reconcile the NVRA with the federal law prohibiting non-citizens from voting (18 USC § 611).

Article IV, Section 4 of the Constitution requires the United States to “guarantee to every State in this Union a Republican Form of Government”. Protecting the vote of each American from nullification by illegal voters is essential to that guarantee.

THE SAVE ACT:

- Amends the NVRA to require states to obtain documentary proof of U.S. citizenship when registering an individual to vote in a federal election.
- Sets forth a universe of acceptable means for demonstrating citizenship *and* directs states to establish an alternative process for those who lack documentary proof of citizenship, but who are, in fact, citizens.
- Requires states to establish a process for removing non-citizens from existing voter rolls.
- Adds federal penalties for knowingly registering a non-citizen to vote in a federal election.

Please contact Elizabeth Oberan at x47116 to cosponsor.