



U.S. CITIZENS VOTE --- AMENDMENT





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AMENDMENT**

CITIZENSHIP MATTERS

Americans believe that only U.S. citizens should vote for President and Congress. Polls show a whopping 90 percent of us favor only citizens deciding these federal elections, with just 5 percent in favor of allowing non-citizens to vote.

Is there a single member of Congress, Democrat or Republican, who is in favor of non-citizens voting in federal elections? In fact, Congress passed a law in 1996 (the Senate vote was 97 - 3) making it a crime for non-citizens to vote in federal elections.

But there is a big loophole in that law: the U.S. Constitution clearly gives each state, not Congress, the power to determine who is eligible to vote in federal elections - in Article 1, Section 2 (House); the 17th Amendment (Senate); and Article 2 (President and Vice-President). These provisions make clear that whosoever a state qualifies to vote for its legislature must also qualify to vote in federal elections.

Today, the District of Columbia and four states (California, Illinois, Maryland, and Vermont) allow non-citizen voting at the local level. Nothing prevents these state legislatures from extending suffrage to non-citizens for their state legislative elections and, thereby, also necessarily allowing non-citizens to vote in federal elections. In recent years, legislation has been introduced in Connecticut and New York to do just that.

The only way to close this state-based loophole and guarantee a uniform national citizen only voting policy is **an amendment to the United States Constitution.**

We ask Republicans, Democrats, and independents in Congress to propose that amendment stating "only U.S. citizens" may qualify to vote in federal elections. To respect the People in this 250th anniversary of our country, we ask Congress to submit the proposed amendment to the states by a means that allows ratification by a popular vote of the People of each state. This means, known as ratification by state conventions, was used to ratify the 21st Amendment (repeal of Prohibition) in 1933.

We ask Congress to act speedily and resolutely with bipartisan unity to propose the U.S. Citizens Vote Amendment (USCVA) to be ratified by a popular vote of the People.



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PROVE US WRONG

(SPOILER ALERT: YOU CAN'T)



There is an overwhelming bipartisan consensus of the American people and members of Congress that only U.S. citizens should be eligible to vote for President and Congress.



There is a loophole in the U.S. Constitution through which a state can legally allow noncitizens to vote in federal elections — and no federal statute can prevent a state from doing so.



The Proposed SAVE America Act addresses how federal elections are to be conducted, not who a state may make legally eligible to vote in them.



The only solution to guarantee that only citizens will be eligible to vote in federal elections across all 50 states is an amendment to the U.S. Constitution.



After passing Congress and in honor of the 250th anniversary of the founding of our democracy, the amendment can be and should be ratified by a direct popular vote of the people of each state to assure democratic legitimacy.

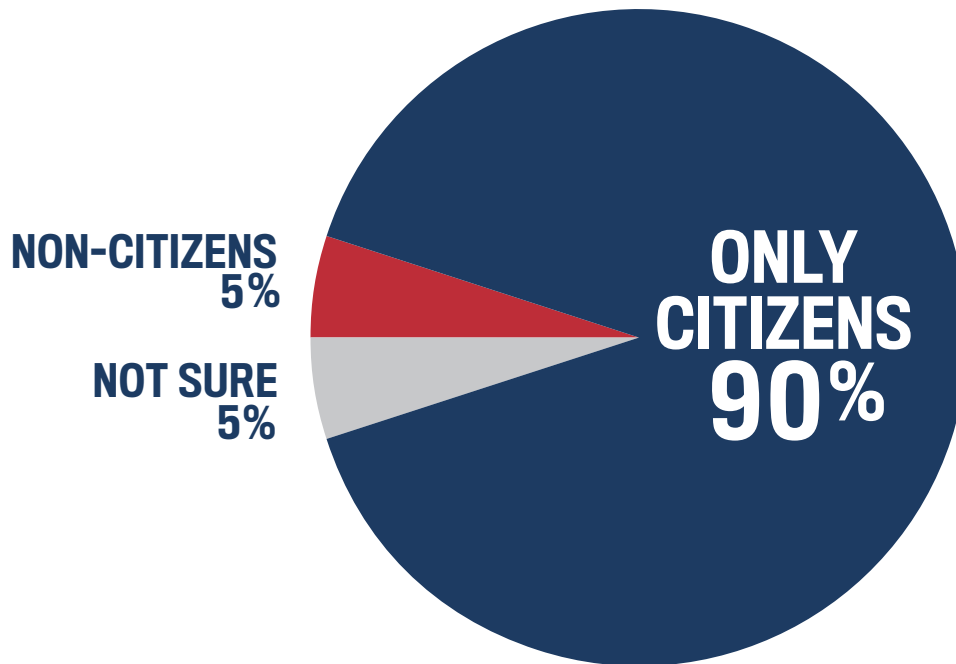


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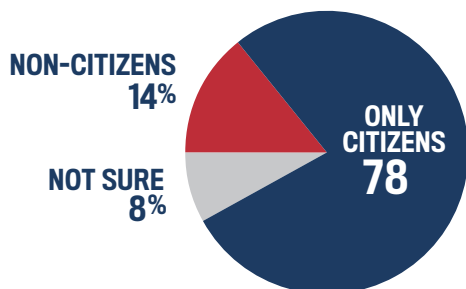
A Winning Issue, Evidenced By National Polling

Do you believe that only U.S. citizens should be able to vote in elections for Congress and the President? Or do you believe that noncitizens should also have the right to vote in these national elections?

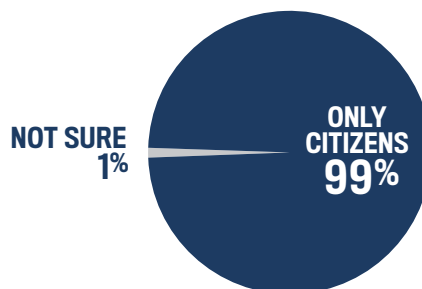
NATIONWIDE



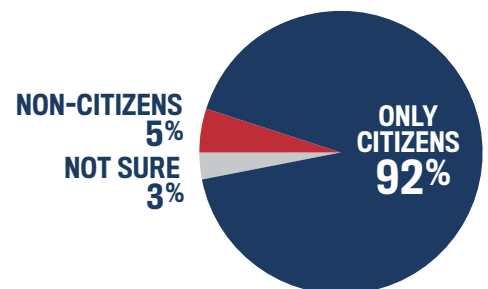
DEMOCRATS



REPUBLICANS



NON-PARTISAN



Survey conducted July 15-17, 2025. 1,011 likely voters participated in this survey. Survey weighted to match national turnout demographics. Margin of error is $\pm 3\%$ with a 95% level of confidence. Totals do not always equal 100% due to rounding.



The Problem

The U.S. Constitution does not require that voters be citizens of the United States but leaves it to the states to decide.

Should a state decide that noncitizens are eligible to vote for members of their state House, then noncitizens in that state would instantly qualify as voters for contests for the U.S. House and U.S. Senate. States also decide the qualifications of voters for President and Vice-President.

Relevant Constitutional Language

Article I, Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the **Qualifications requisite for Electors of the most numerous Branch of the State Legislature.**

17th Amendment

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. **The electors in each state shall have the qualification requisite for electors of the most numerous branch of the state legislatures.**

Article II, Section 1

The executive power shall be vested in a President of the United States of America. He shall hold his office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no senator or Representative, or Person holding an Office or Trust or Profit under the United States, shall be appointed an Elector.



119TH CONGRESS
2D SESSION

H. J. RES. 152

Proposing an amendment to the Constitution of the United States to ensure that only citizens are eligible to vote in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2026

Ms. LEE of Florida (for herself, Mr. GOODEN, Mr. FRY, Ms. LETLOW, Mr. HARIDOPoulos, and Mr. HUNT) submitted the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to ensure that only citizens are eligible to vote in Federal elections.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein),* That the fol-
4 lowing article is proposed as an amendment to the Con-
5 stitution of the United States, which shall be valid to all
6 intents and purposes as part of the Constitution when
7 ratified by conventions in three-fourths of the several
8 States:

1933 RATIFICATION

A remarkable event occurred in 1933: an amendment to the U.S. Constitution was ratified by a vote of the people! And it was done easily, quickly, and without controversy.

If it was done in 1933, it can be done in today's America.

When Congress proposes an amendment, Congress chooses one of two modes of ratification by the states: by the legislature or by convention*. Congress chose the convention mode in 1933 for the amendment to repeal Prohibition, knowing it was tantamount to a popular vote of the people. They chose this mode out of concern the pro-temperance lobby would stymie ratification by the legislatures.

All State legislatures in 1933 realized the only publicly acceptable method of choosing delegates to the convention was a vote of the people to choose between delegates pledged FOR or AGAINST ratification. All "conventions" were strictly ministerial in which the elected delegates voted as pledged. Each of the 39 "conventions" was in "session" for only a few hours, with one lasting only 17 minutes. Most convention vote tallies were unanimous in favor of repealing Prohibition.

Americans for Citizen Voting (ACV) will soon mount a campaign urging Congress to propose an amendment to close the loophole in the US Constitution through which non-citizens could be LEGALLY qualified to vote in elections for Congress and the President. The model legislation provided to Congress by ACV includes the convention mode to enable ratification by the popular vote of the people in each State. As we commemorate the 250th year of our nation's founding, ACV seeks to bring into reality the immortal first three words of the Constitution "We the People" by enabling the people themselves to decide upon ratification of the proposed amendment. This mode is faithful to democracy and respectful of the people.




If Congress proposes this amendment and chooses the convention mode of ratification, each state legislature is responsible for enacting a statute** to define the parameters for the convention, such as the nomination of delegates, election of delegates, convention rules, etc. As an aid to legislators and chief election officers, ACV offers a model statute (to be adjusted for the specific circumstances of each State) for a ratification convention based on modern election practices.

*NOT a convention of the States to propose amendments, but a convention held in each State to ratify an amendment proposed by Congress





**There are 10 states that still have legacy ratification convention statutes as part of their existing statutory code: Delaware, Florida, Idaho, Indiana, Montana, New Mexico, Ohio, Utah, Vermont, and Wyoming. These legacy statutes contain outdated election practices. ACV encourages legislators to revise these statutes to incorporate modern election practices.






Ratifying the Amendment

-  The Constitution offers a method of ratification using statewide ballot measures.
-  Congress has only chosen this method once, for the ratification of the 21st amendment (Prohibition repeal).
-  There is no time limit on ratification. However, if the USCVA gets through Congress quickly, many states could ratify it this November, during the Midterms.

Our Method of Ratification

-  Congress passes the US Citizens Vote Amendment (USCVA)
-  State legislatures pass statutes to organize their Ratification Conventions
-  U.S. citizens vote to ratify USCVA
-  Ratification is achieved when voters in 38 states approve USCVA

The Tangible Effects

-  The Constitution, rather than statute, determines that voting in federal elections is reserved only for citizens of the United States.
-  States will retain autonomy in determining their local and statewide voter qualifications - without the possibility of affecting federal elections.
-  Every citizen qualified through their state's requirements will qualify for federal voting. No noncitizen, even if qualified to vote locally or statewide, will qualify for federal voting.

COMMONLY ASKED QUESTIONS ABOUT THE U.S. CITIZENS VOTE AMENDMENT (USCVA)

Isn't there a federal law that already makes it illegal for non-citizens to vote in federal elections?

Yes, but that law would be meaningless if a state decided to let non-citizens vote for their state legislature. The U.S. Constitution ties voter eligibility for Congressional election to the voter eligibility for state legislative elections.

Does the USCVA apply to local, state, and federal elections?

No, USCVA would only apply to federal elections.

Have non-citizens ever voted legally in U.S. elections?

Yes, throughout the 19th century, numerous states allowed certain non-citizens to vote in elections, including federal elections. Some states allowed “declarant aliens,” immigrants who had declared an intent to become citizens, to vote. Prior to 1926, 40 states and territories permitted non-citizen voting at some point. This practice eventually ended through state laws and constitutional provisions, but the Constitution itself never created a nationwide prohibition.

Have there been any attempts by a state to legalize non-citizen voting in state legislative elections, this triggering automatic eligibility in federal elections?

Yes, there have been several attempts to legalize non-citizen voting on the state level in recent years in New York and Connecticut. Had these attempts been successful non-citizens would be legally voting in those states' congressional elections.

Does USCVA trample on states' rights?

No. If USCA is ratified the states would still be in charge of the elections in their states and determining who is eligible to vote in state and local elections.

Why would it be wrong for one or several states to let non-citizens vote for their federal representatives?

Congress is a national legislature, working for everybody. A strong nationwide consensus exists that only U.S. citizens should be deciding who serves in that body. For some states to destroy that consensus by allowing representatives to be partially chosen by citizens of other countries will divide our country.

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COMMONLY ASKED QUESTIONS ABOUT THE U.S. CITIZENS VOTE AMENDMENT (USCVA) CONT.

Will the USCVA prevent non-citizens from voting illegally?

No.

Will USCVA prevent voter fraud?

No.

Isn't this just like the SAVE Act or SAVE America Act?

No. The SAVE Act and SAVE America Act are proposed statutes that would require voters to provide proof of their own citizenship in order to prevent illegal non-citizen voting. USCVA would prevent states from legalizing non-citizen voting.

Aren't constitutional amendments ratified by state legislatures?

They can be and mostly are but the other option that Congress has only chosen once is ratification via popular vote through state ratifying conventions.

Is a State Ratifying Convention like a Convention of States where the entire Constitution is up for debate and all kinds of new things could be added to the Constitution?

No. State Ratifying Conventions are much like the Electoral College and nothing at all like a Convention of States. Voters will vote yes or no on ratifying USCVA on Election Day and a few weeks later pledged delegates will hold the actual ratifying convention and vote to ratify the amendment.

Is there any non-legislator alive on the entire planet who has ever gotten to vote on amending the U.S. Constitution?

No, this will be a first for *everybody*.



LEGAL BACKGROUNDER

Why a Constitutional Amendment Is The Only Certain Solution

Executive Summary

It is widely assumed that only U.S. citizens are legally allowed to vote in federal elections. However, under the current U.S. Constitution, that assumption is not fully correct. The Constitution does not expressly require citizenship as a qualification for voting in federal elections, nor does it give Congress clear authority to impose such a requirement by statute.

Instead, the Constitution leaves voter qualifications to the states. While most states today require U.S. citizenship to vote, history and constitutional structure show that states can choose otherwise. Congress has attempted to prohibit non-citizen voting through federal law, but that statute rests on uncertain constitutional ground and could be repealed or invalidated.

As a result, the only legally durable way to guarantee that only U.S. citizens vote in federal elections is to adopt a constitutional amendment. This white paper explains why that is the case, how such an amendment could be structured, and how it could be ratified.

I. Why the Constitution Does Not Guarantee Citizen Only Voting

A. The Constitution Does Not Create a General Right to Vote

The U.S. Constitution does not grant an explicit “right to vote.” Instead, it assumes voting exists and regulates who decides voter qualifications. For elections to Congress, the Constitution ties federal voter qualifications to those used for each state’s own legislature. This means:

- States decide who can vote for their own legislative bodies.
- Whoever can vote for a state’s main legislative chamber can also vote for the U.S. House and Senate from that state.

There is no constitutional requirement that those voters be U.S. citizens. Presidential elections are handled similarly. States decide how presidential electors are chosen, with Congress having only limited authority over timing—not voter eligibility.

B. Congress Lacks Power to Set Voter Qualifications

Some assume Congress can simply legislate citizenship requirements for federal elections. Supreme Court precedent strongly suggests otherwise.

The Constitution gives Congress authority over the “time, place, and manner” of federal elections, but courts have consistently distinguished how elections are conducted from who is qualified to vote. Voter qualifications are treated as a separate, substantive issue reserved to the states.

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B. Congress Lacks Power to Set Voter Qualifications (cont.)

The Supreme Court's modern cases—most notably *Arizona v. Inter Tribal Council of Arizona*—reflect broad agreement among justices that Congress cannot use its election-administration powers to dictate voter qualifications.

C. Historical Practice Confirms State Control

History reinforces this constitutional reading. At various points in American history, many states allowed non-citizens to vote, including in federal elections. This practice existed:

- Before the Constitution
- During the Founding era
- Well into the 19th and early 20th centuries

States such as Wisconsin, Ohio, Maryland, and others extended voting rights to non-citizens, sometimes including those who merely declared an intention to become citizens. These practices ended due to political changes—not constitutional prohibitions.

This historical record demonstrates that non-citizen voting has long been viewed as a state policy choice, not a constitutional violation.

II. Why Federal Statutes Are Not a Reliable Solution

A. The Existing Federal Ban Is Constitutionally Vulnerable

In 1996, Congress enacted a statute that criminalizes non-citizen voting in federal elections. While still on the books, this law has never been tested in court on the question of whether Congress had constitutional authority to pass it.

The statute does not clearly rest on Congress's election powers. Instead, it appears to rely indirectly on Congress's immigration authority. That connection is weak. Regulating immigration and regulating voting qualifications are distinct constitutional domains. Courts would likely view voter qualifications as belonging to the states unless the Constitution itself says otherwise.

B. Enforcement Amendments Do Not Fill the Gap

The Reconstruction Amendments and later voting-rights amendments prohibit discrimination in voting based on race, sex, age (over 18), or failure to pay a poll tax. However:

- These amendments do not define who may vote
- They protect voters from discrimination; they do not establish citizenship as a requirement
- Congress's enforcement power under these amendments is remedial, not substantive

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B. Enforcement Amendments Do Not Fill the Gap (cont.)

Congress may eliminate discriminatory barriers, but it cannot create entirely new voter disqualifications without constitutional authorization.

C. States Could Trigger Federal Noncitizen Voting Indirectly

A critical but under-appreciated point is that if a state allows non-citizens to vote in its own legislative elections, the Constitution automatically extends that eligibility to elections for Congress from that state.

This means that even reforms aimed solely at local, or state elections could unintentionally allow non-citizen voting in federal races. Congress cannot block that outcome through ordinary legislation.

III. The Case for a Constitutional Amendment

A. Why an Amendment is Necessary

Given the constitutional structure, only an amendment can:

- Clearly establish U.S. citizenship as a federal voting qualification
- Prevent states from unilaterally extending federal voting rights to non-citizens
- Remove uncertainty surrounding congressional authority
- Ensure permanence beyond shifting political majorities

Without an amendment, federal citizenship requirements are still dependent on state law choices and vulnerable federal statutes.

B. Proposed Amendment Structure

The proposed amendment would do two main things:

1. Substantive Rule - It would state plainly that only U.S. citizens may vote in elections for:
 - President and Vice President
 - Presidential electors
 - Members of Congress
2. Enforcement Framework
 - States would enforce the rule through their own laws
 - Congress would retain authority to override or supplement state enforcement, mirroring the existing Elections Clause
 - Congress would have explicit authority to enforce the rule in the District of Columbia

This approach respects federalism while ensuring national uniformity on the citizenship requirement.

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C. Ratification by State Convention

The proposal recommends ratification by state conventions, rather than state legislatures. This method:

- Allows for more direct expression of the people's will
- Was successfully used to repeal Prohibition through the 21st Amendment
- Can be structured to allow voters to elect delegates pledged for or against ratification

Historical precedent shows that convention-based ratification can be conducted efficiently and democratically.

Conclusion

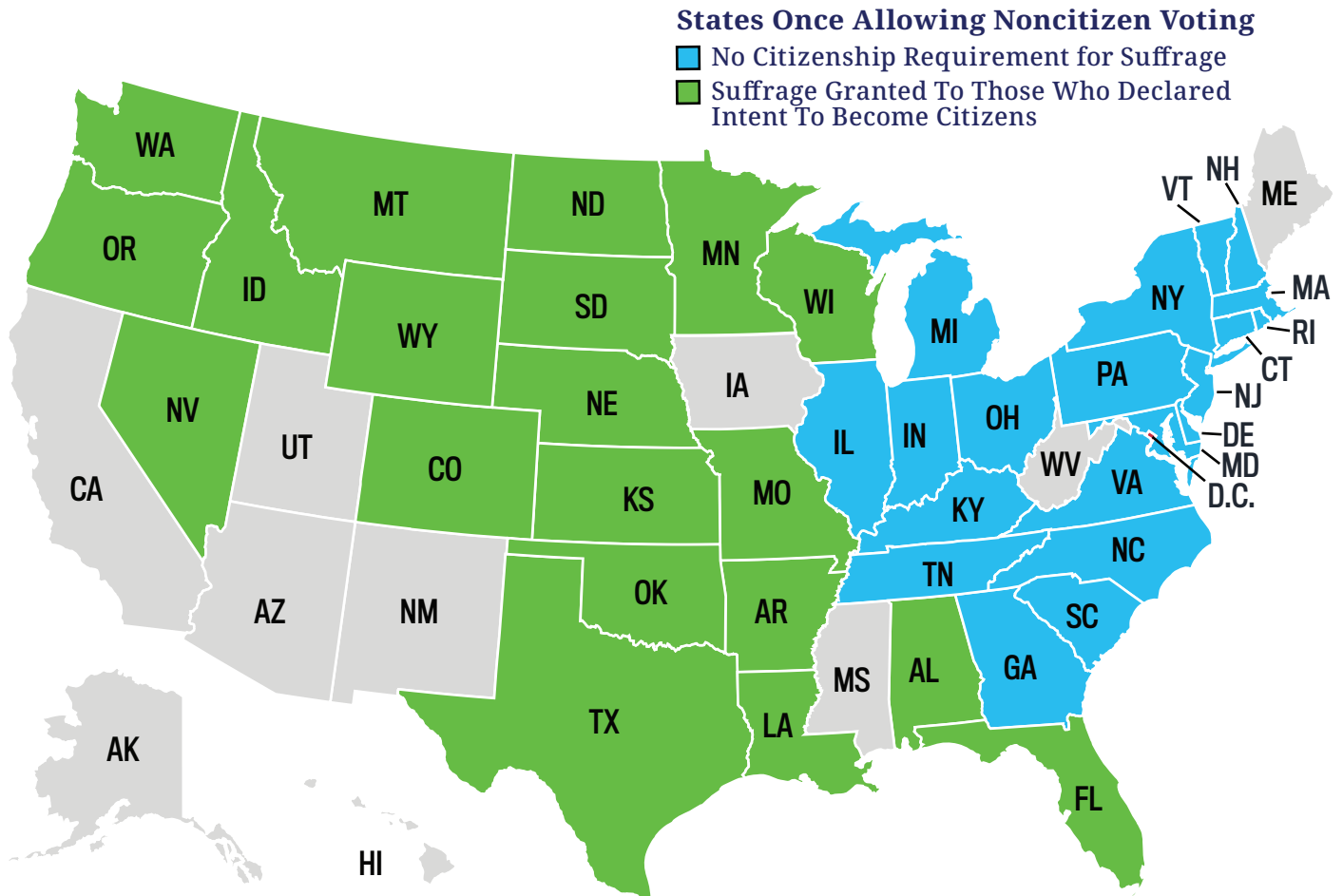
Under the current Constitution, citizen-only voting in federal elections is not guaranteed. States retain broad authority over voter qualifications, Congress lacks clear power to impose citizenship requirements, and existing federal statutes rest on uncertain constitutional foundations.

History shows that non-citizen voting has occurred before—and could occur again—through state action alone. For those who believe that voting in federal elections should be reserved exclusively to U.S. citizens, the legal answer is clear: only a constitutional amendment provides certainty, durability, and legitimacy.

Such an amendment would preserve the balance of state and federal authority, close constitutional gaps, and reflect the will of the American people through the amendment process itself.



STATES THAT ALLOWED NONCITIZENS TO VOTE* IN STATE AND FEDERAL ELECTIONS BEFORE 1926



*Often as an incentive to attract immigrant settlers in the early years of statehood

Source: Hayduk, Ronald (2006), Democracy For All: Restoring Immigrant Voting Rights In The United States, Routledge.

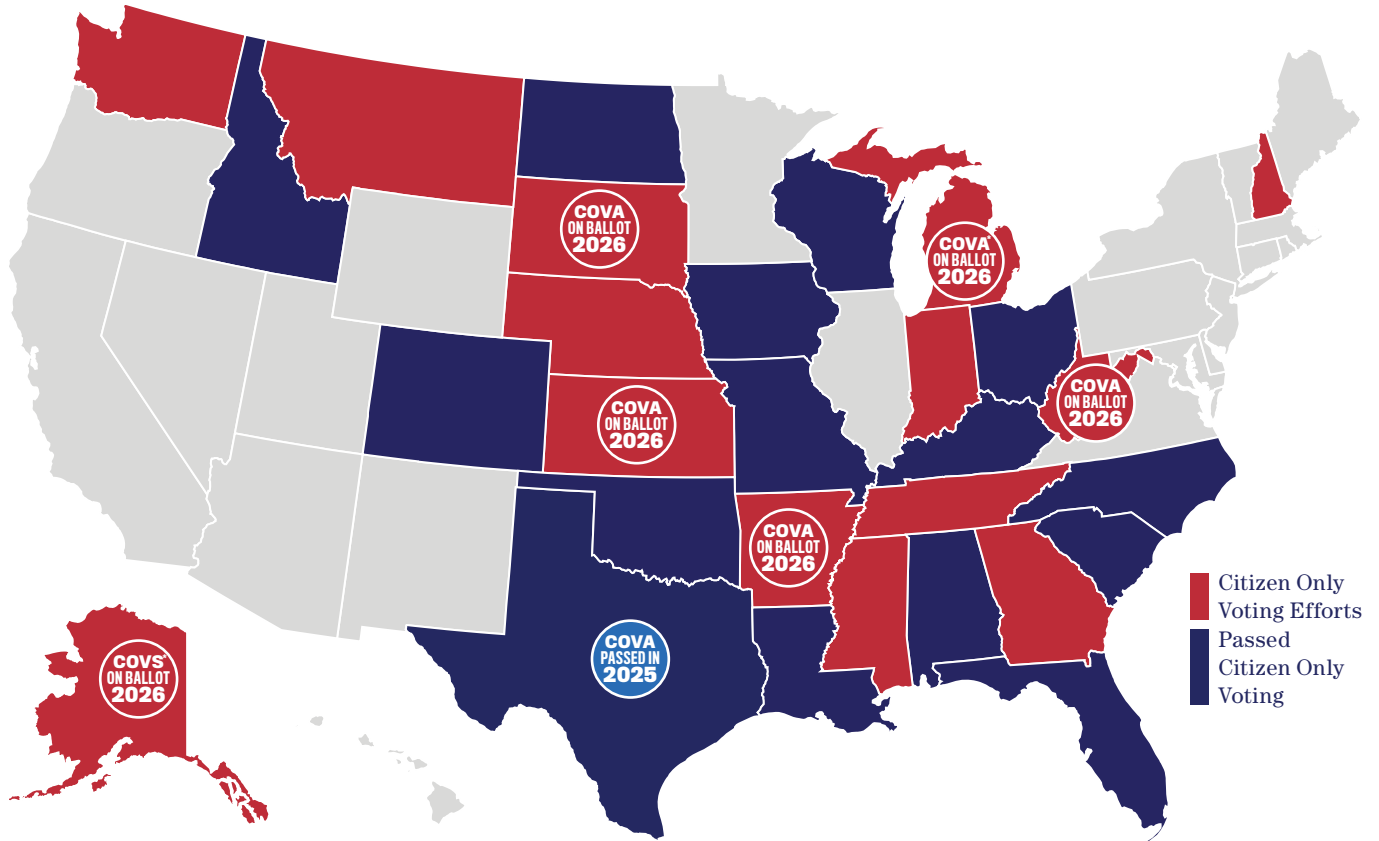
CITIZENS-ONLY VOTING BALLOT MEASURES ELECTION RESULTS

Year	State	YES Votes	YES %	NO %	NO Votes
2018	North Dakota	208,499	66%	34%	107,751
2020	Alabama	1,535,862	77%	23%	458,487
	Colorado	1,985,239	63%	37%	1,171,137
	Florida	8,307,109	79%	21%	2,169,684
2022	Louisiana	314,678	73%	27%	113,808
	Ohio	3,099,868	77%	23%	931,205
2024	Idaho	572,865	65%	35%	309,456
	Iowa	1,150,332	77%	23%	341,034
	Kentucky	1,208,989	62%	38%	727,515
	Missouri	1,966,852	68%	32%	906,851
	North Carolina	4,184,680	78%	22%	1,208,865
	Oklahoma	1,207,520	81%	19%	288,267
	South Carolina	1,982,865	86%	14%	324,432
	Wisconsin	2,272,446	71%	29%	950,445
2025	Texas	2,133,723	72%	28%	831,114
	TOTAL	32,131,527	75%	25%	10,840,051



STATE CONSTITUTIONAL AMENDMENTS

Citizen Only Voting Amendments



* Michigan & Alaska: Will be on 2026 ballot pending certification of citizen-initiated petitions.



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NEED MORE INFORMATION? WANT TO HELP?

If you need to know more about our cause, our bill, or our rationale, please visit USCVA.org.

To speak directly with our dedicated media contact, **Jack Tomczak**, Please call **(202) 919-9558**, email Jack@onlycitizens.vote, or make a request for contact at USCitizensVote.org/contact-us



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