

The only way to prevent states from allowing noncitizens to vote in federal elections?

The Federal Law That Wasn't?

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For the last eight years, Americans for Citizen Voting, a group that I chair, has worked to give more than 40 million voters in 15 states a chance to decide whether to amend their state constitutions to say “only” U.S. citizens are eligible to vote in state and local elections.

In all 15 states, voters overwhelmingly passed the Citizen Only Voting Amendment.

This year, six more states — Alaska, Arizona, Arkansas, Kansas, South Dakota, and West Virginia — have Citizen Only Voting measures on their ballot.

Throughout the course of these state campaigns, the media and many liberal Democrats have browbeat us that, “It is already illegal for noncitizens to vote in federal elections!”

Of course, we were *not* talking about federal elections.

Now, increasingly, we are.

Indeed, there is a 1996 federal statute making it a federal crime for noncitizens to vote in federal elections. But, as we have been warning, it is of dubious constitutionality.

Under Article 1, Section 2 (House), the 17th Amendment (Senate), and Article II (President), the Constitution gives the States [the power](#) to determine who votes in federal elections in that state. Qualifications to vote are thus state matters.

Now, the Trump administration is prosecuting more than 30 cases of noncitizens voting under this federal law, causing at least five defendants to challenge its constitutionality.

“In Miami, U.S. District Judge David Leibowitz is presiding over the case of Chelsea Cox, a Jamaican citizen accused of voting in the 2020 federal election,” Reuters [reported](#) earlier this month. “In June, the judge said he wanted an independent assessment of the law’s constitutionality.”

In a friend of the court brief, Paul Clement [argues](#) that “history and precedent reinforce that citizenship is a voter qualification and one that is fully within the scope of states’ power over such matters.”

Clement, a well-respected former solicitor general, also indicated “a more permanent solution,” noting that Rep. Laurel Lee (R-Fla.) has introduced a constitutional amendment, House Joint Resolution 152, to restrict voting in federal elections to only U.S. citizens.

Congressional Republicans, focused on the SAVE Act, failed to give a hearing or bring to a vote this, the only way to prevent states from allowing noncitizens to vote in federal elections.

This is Common Sense. I’m Paul Jacob.

* The 15 states that have already passed Citizen Only Voting constitutional amendments are: Alabama, California, Colorado, Florida, Idaho, Iowa, Kentucky, Louisiana, Missouri, North Carolina, North Dakota, Ohio, South Carolina, Texas, Wisconsin.