

To the office of U.S. Senator Eric Schmitt

Re: SJRES 212 (119th Congress), A joint resolution proposing an amendment to the Constitution of the United States to ensure that only citizens are eligible to vote in Federal elections. • Latest action (2026-08-07): Read twice and referred to the Committee on the Judiciary.
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Citizen Voter Integrity and Federal Election Assurance Act of 2025

The measure, as described from the official record: To make crystal clear that only U.S. citizens may vote in federal elections, and to prevent noncitizens from casting ballots in U.S. congressional and presidential elections.

THE PROPOSAL

This Act makes it a federal statutory requirement that no State shall permit a person who is not a citizen of the United States to register to vote or to vote in any federal election. Existing law at 18 U.S.C. § 611 already makes noncitizen voting a crime; this Act builds on that authority by directing the Election Assistance Commission (EAC) to run a five-year Citizen Voter Integrity Grant Program. States that accept grants must certify, under penalty of law, that their voter registration and list-maintenance procedures use the federal SAVE database, Social Security records, and state vital records to identify and remove registrants who are not citizens from federal voter rolls, in a targeted and nondiscriminatory manner.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Deobligated unobligated balances from existing HAVA/EAC appropriations, plus a \$1 fee on each new naturalization certificate issued by Department of Homeland Security; no new general tax.
Funding Amount	\$50 million per year for 5 years (total \$250 million).
Sunset Years	5 years
Oversight Body	Election Assistance Commission with Inspector General audits; annual report to Congress on removals, errors, appeals, and provisional ballots.
Enforcement Mechanism	Attorney General may bring civil action in federal court to compel state compliance; states that knowingly violate the notice-and-appeal provisions lose 5% of HAVA funds for the year; noncitizens who vote are referred to ICE and remain subject to existing criminal penalties under 18 U.S.C. § 611.
Effective Date	January 1, 2026, or 30 days after enactment, whichever is later.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Clause)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause)
- Article I, Section 4, Clause 1 (Congressional regulation of federal elections)

- Amendment XIV, Section 5 (Enforcement Clause)
- Amendment X (reserved state power limit)

Concerns with the measure as written:

- The original's broad phrase 'citizens are eligible to vote Federal in elections' could be read as a new voter qualification imposed directly on states, intruding on the states' reserved power under Article I, Section 2, Clause 1 and the Tenth Amendment over their own election elector qualifications.
- A constitutional amendment is unnecessary because 18 U.S.C. § 611 already makes it a crime for noncitizens to vote in federal elections, and Congress has Article I, Section 4, Clause 1 authority to make or alter time, place, and manner regulations for congressional elections, plus the Necessary and Proper Clause (Article I, Section 8, Clause 18) to implement that power.
- Without explicit due-process safeguards, the amendment could invite states to purge voters based solely on database flags, risking erroneous removal of naturalized citizens and violating the Due Process Clause of the Fifth Amendment (applicable to the federal government) and the Fourteenth Amendment's Due Process Clause (applicable to the states).

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities by protecting every eligible citizen's right to vote through explicit due-process safeguards—mandatory 90-day notice, an appeal process, and count-only-after-verification provisional ballots—and by avoiding a divisive constitutional amendment, instead using federal grants rather than unfunded mandates. Honors Republican priorities by making noncitizen voting an effective federal enforcement priority, requiring citizenship verification, penalizing noncompliant states, and ensuring that noncitizens are removed from federal voter rolls.

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