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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To require States to permit unaffiliated voters to vote in primary elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FITZPATRICK introduced the following bill; which was referred to the Committee on _____

A BILL

To require States to permit unaffiliated voters to vote in primary elections for Federal office, 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 “Let America Vote
5 Act”.

6 **SEC. 2. REQUIRING STATES TO PERMIT UNAFFILIATED**
7 **VOTERS TO VOTE IN PRIMARY ELECTIONS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the right of a citizen of the United States to

1 vote in any taxpayer-funded election for public office shall
2 not be denied or abridged by the United States or by any
3 State on the grounds of political party affiliation or lack
4 thereof.

5 (b) REQUIREMENTS FOR ELECTIONS FOR FEDERAL
6 OFFICE.—

7 (1) ACCESS OF UNAFFILIATED VOTERS TO PRI-
8 MARIES.—Each State shall permit an unaffiliated
9 voter who is registered to vote in an election for
10 Federal office held in the State to vote in any pri-
11 mary election for such office held in the State, ex-
12 cept that the State shall not permit an unaffiliated
13 voter to vote in primary elections for such office of
14 more than one political party.

15 (2) RESTRICTIONS RELATING TO UNAFFILI-
16 ATED VOTERS.—

17 (A) RESTRICTIONS ON SHARING OF INFOR-
18 MATION.—A State shall not share information
19 relating to an unaffiliated voter in a primary
20 election for Federal office, including the voter's
21 name and contact information, with a political
22 party or with any other person who may rea-
23 sonably be expected to use the information for
24 a political or politically-connected commercial
25 purpose, including soliciting funds.

1 (B) RESTRICTIONS ON STATUS OF VOTER
2 ON OFFICIAL REGISTRATION LIST.—For pur-
3 poses of a State’s official voter registration list,
4 a State shall not treat an individual who is an
5 unaffiliated voter as a member of, or as an indi-
6 vidual who is otherwise affiliated with, the polit-
7 ical party who held the primary election in
8 which the individual voted solely on the grounds
9 that the individual voted in that primary elec-
10 tion.

11 (c) ELECTIONS FOR STATE AND LOCAL OFFICE.—
12 Notwithstanding any other provision of law, a State may
13 not use any funds provided by the Federal Government
14 directly for election administration purposes unless the
15 State certifies to the Election Assistance Commission
16 that—

17 (1) the State permits an unaffiliated voter who
18 is registered to vote in an election for State or local
19 office held in the State to vote in any primary elec-
20 tion for such office held in the State, except that the
21 State shall not permit an unaffiliated voter to vote
22 in primary elections for such office of more than one
23 political party;

24 (2) the State applies the restrictions on sharing
25 information relating to unaffiliated voters in primary

1 elections for Federal office, as described in sub-
2 section (a)(2)(A), to information relating to unaffili-
3 ated voters in primary elections for State and local
4 office; and

5 (3) the State applies the restrictions on treating
6 unaffiliated voters in primary elections for Federal
7 office as members of, or as individuals who are oth-
8 erwise affiliated with, a political party, as described
9 in subsection (a)(2)(B), to unaffiliated voters in pri-
10 mary elections for State and local office.

11 (d) TRANSITION ASSISTANCE GRANTS.—

12 (1) PAYMENT OF GRANTS.—If a State certifies
13 to the Election Assistance Commission that the
14 State is in compliance with the requirements of this
15 section with respect to a fiscal year, the Commission
16 shall make a payment to the State during that fiscal
17 year and each of the 4 succeeding fiscal years in an
18 amount equal to 2 percent of the total amount of re-
19 quirements payments made to the State under sec-
20 tion 251 of the Help America Vote Act of 2002 (52
21 U.S.C. 21001).

22 (2) USE OF FUNDS.—A State shall use the pay-
23 ment received under this subsection to cover the
24 costs of permitting unaffiliated voters who are reg-
25 istered to vote in elections for Federal, State, or

1 local office held in the State to vote in any primary
2 election for such office held in the State.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated for fiscal
5 year 2025 and each succeeding fiscal year such sums
6 as may be necessary for grants under this sub-
7 section.

8 (e) DEFINITIONS.—For purposes of this section—

9 (1) the terms “election” and “Federal office”
10 have the meanings give such terms in section 301 of
11 the Federal Election Campaign Act of 1971 (52
12 U.S.C. 30101);

13 (2) the term “primary election” means an elec-
14 tion (including a primary election held for the ex-
15 pression of a preference for the nomination of indi-
16 viduals for election to the office of President) held
17 by any political party to nominate individuals who
18 would appear on a general election ballot as a can-
19 didate for election for Federal office, including a
20 convention or caucus of a political party which has
21 authority to nominate such a candidate;

22 (3) the term “State” has the meaning given
23 such term in section 901 of the Help America Vote
24 Act of 2002 (52 U.S.C. 21141); and

1 (4) the term “unaffiliated voter” means an in-
2 dividual who is not registered to vote as a member
3 of a political party or otherwise affiliated with a po-
4 litical party.

5 (f) EFFECTIVE DATE.—This Act shall apply with re-
6 spect to elections held after the date of the enactment of
7 this Act.

8 **SEC. 3. PROHIBITING NONCITIZENS FROM VOTING.**

9 (a) STATEMENT OF POLICY.—It is the policy of the
10 United States that no person who is not a citizen shall
11 be permitted or granted the right to vote in any taxpayer-
12 funded election for public office held by or in the United
13 States or any State.

14 (b) ELECTIONS FOR FEDERAL OFFICE.—No State
15 shall permit any person who is not a citizen of the United
16 States to vote in any election for Federal office held in
17 the State.

18 (c) ELECTIONS FOR STATE AND LOCAL OFFICE.—
19 Notwithstanding any other provision of law, a State may
20 not use any funds provided by the Federal Government
21 directly for election administration purposes unless the
22 State certifies to the Election Assistance Commission that
23 the State does not permit any person who is not a citizen
24 of the United States to vote in any election for State or

- 1 local office or any ballot initiative or referendum held in
- 2 the State.