

[DRAFT]

JUNE 27, 2024

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”.

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

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that the right of a citizen of the United States to  
5 vote in any taxpayer-funded election for public office shall  
6 not be denied or abridged by the United States or by any  
7 State on the grounds of political party affiliation or lack  
8 thereof.

9 (b) REQUIREMENTS FOR ELECTIONS FOR FEDERAL  
10 OFFICE.—

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

19 (2) RESTRICTIONS RELATING TO UNAFFILI-  
20 ATED VOTERS.—

21 (A) RESTRICTIONS ON SHARING OF INFOR-  
22 MATION.—A State shall not share information  
23 relating to an unaffiliated voter in a primary  
24 election for Federal office, including the voter's  
25 name and contact information, with a political  
26 party or with any other person who may rea-

1 sonably be expected to use the information for  
2 a political or politically-connected commercial  
3 purpose, including soliciting funds.

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

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

20 (1) the State permits an unaffiliated voter who  
21 is registered to vote in an election for State or local  
22 office held in the State to vote in any primary elec-  
23 tion for such office held in the State, except that the  
24 State shall not permit an unaffiliated voter to vote

1 in primary elections for such office of more than one  
2 political party;

3 (2) the State applies the restrictions on sharing  
4 information relating to unaffiliated voters in primary  
5 elections for Federal office, as described in sub-  
6 section (a)(2)(A), to information relating to unaffili-  
7 ated voters in primary elections for State and local  
8 office; and

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

15 (d) TRANSITION ASSISTANCE GRANTS.—

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

1           (2) USE OF FUNDS.—A State shall use the pay-  
2           ment received under this subsection to cover the  
3           costs of permitting unaffiliated voters who are reg-  
4           istered to vote in elections for Federal, State, or  
5           local office held in the State to vote in any primary  
6           election for such office held in the State.

7           (3) AUTHORIZATION OF APPROPRIATIONS.—  
8           There are authorized to be appropriated for fiscal  
9           year 2025 and each succeeding fiscal year such sums  
10          as may be necessary for grants under this sub-  
11          section.

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

13           (1) the terms “election” and “Federal office”  
14           have the meanings give such terms in section 301 of  
15           the Federal Election Campaign Act of 1971 (52  
16           U.S.C. 30101);

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

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

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

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

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

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

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

21          (c) ELECTIONS FOR STATE AND LOCAL OFFICE.—  
22          Notwithstanding any other provision of law, a State may  
23          not use any funds provided by the Federal Government  
24          directly for election administration purposes unless the  
25          State certifies to the Election Assistance Commission that

1 the State does not permit any person who is not a citizen  
2 of the United States to vote in any election for State or  
3 local office or any ballot initiative or referendum held in  
4 the State.