

HM 1225

2016

## 1 House Memorial

2 A memorial to the Congress of the United States,  
3 urging Congress to amend certain federal laws to  
4 remove obstacles to states exercising their authority  
5 and obligation, under state and federal law, to  
6 protect the integrity of elections by ensuring that  
7 only United States citizens are registered to vote.

8  
9 WHEREAS, one of the most fundamental and cherished rights  
10 under the Constitution of the United States is the right to  
11 vote, and

12 WHEREAS, the right to vote is rightly conferred only upon  
13 citizens of the United States, and

14 WHEREAS, when noncitizens are able to vote notwithstanding  
15 the legal prohibition against it, the votes of lawful citizens  
16 are diluted and election outcomes affected, and

17 WHEREAS, with an estimated 11 million to 20 million illegal  
18 immigrants present in the United States, state and local voter  
19 registration entities must be able to exercise their authority  
20 to prevent the registration of noncitizens and remove  
21 noncitizens who register to vote, and

22 WHEREAS, in order to increase voter registration, Congress  
23 passed the National Voter Registration Act of 1993 (NVRA), which  
24 requires states to "accept and use" a uniform "Federal Form" to  
25 register voters for federal elections, and

26 WHEREAS, the Federal Form developed by the Federal Election

HM 1225

2016

27 Assistance Commission requires only that an applicant aver,  
28 under penalty of perjury, that he or she is a citizen of the  
29 United States of America and does not require any accompanying  
30 documentary evidence of citizenship, and

31 WHEREAS, in 2004, Arizona voters approved a ballot  
32 proposition that required voter registration officials to  
33 "reject any application for registration that is not accompanied  
34 by satisfactory evidence of United States citizenship,"  
35 including the Federal Form, and

36 WHEREAS, in the case of *Arizona et al. v. Inter Tribal*  
37 *Council of Arizona, Inc., et al.*, 133 S. Ct. 2247 (2013), the  
38 United States Supreme Court held that Arizona's evidence of  
39 citizenship requirement, as applied to Federal Form applicants,  
40 is preempted by the NVRA's mandate that states "accept and use"  
41 the Federal Form, and

42 WHEREAS, the holding in *Arizona v. Inter Tribal Council of*  
43 *Arizona, Inc.*, is grounded upon a statutory interpretation that  
44 the NVRA requirement that states "accept and use" the Federal  
45 Form does not allow states to require an applicant to submit  
46 documentary proof of citizenship supporting a response on the  
47 Federal Form that he or she is a citizen of the United States of  
48 America, and

49 WHEREAS, the holding in *Arizona v. Inter Tribal Council of*  
50 *Arizona, Inc.*, can be superseded by Congress amending the NVRA  
51 to clarify that states have the authority to require documentary  
52 proof of citizenship for applicants who seek to register to vote

53 using the Federal Form, and

54 WHEREAS, the Immigration Reform and Control Act (IRCA),  
55 Pub. L. No. 99-603, required the Federal Government to establish  
56 a system that would allow for immediate verification of the  
57 immigration status of noncitizen applicants for, and recipients  
58 of, certain types of federally funded benefits and to make the  
59 system available to federal, state, and local governmental  
60 entities that issue such benefits, which resulted in the  
61 creation of the Systematic Alien Verification for Entitlements  
62 (SAVE) program database, and

63 WHEREAS, the Illegal Immigration Reform and Immigrant  
64 Responsibility Act (IIRIRA), Pub. L. No. 104-208, mandated that  
65 the federal agency charged with enforcement of immigration laws  
66 "shall respond to an inquiry by a Federal, State, or local  
67 government agency, seeking to verify or ascertain the  
68 citizenship or immigration status of any individual within the  
69 jurisdiction of the agency for any purpose authorized by law, by  
70 providing the requested verification or status information," but  
71 also limited the number of inquiries state agencies may make,  
72 limited the circumstances under which a state agency may  
73 inquire, and authorized the federal agency charged with  
74 enforcement of immigration laws to limit its responses to  
75 inquiring agencies, and

76 WHEREAS, the SAVE program uses an online system that checks  
77 the immigration status of an individual against millions of  
78 Department of Homeland Security database records, allowing

HM 1225

2016

79 states and local agencies access to the most accurate and up-to-  
80 date information regarding immigration status, and, to  
81 facilitate the states' efforts to ensure that noncitizens are  
82 not registered to vote, Congress should clarify existing federal  
83 statutory law and expressly grant states the right of immediate  
84 access to the SAVE program database in order to allow the states  
85 to confirm immigration status information for purposes of voter  
86 registration, and

87 WHEREAS, Congress should amend the NVRA to clarify that the  
88 90-day provision codified in 52 U.S.C. s. 20507(c)(2)(A) does  
89 not preclude removal of noncitizens from the voter registration  
90 rolls within 90 days before an election and that the general  
91 removal provision codified in 52 U.S.C. s. 20507(c)(2)(B) allows  
92 removal of noncitizens from the voter registration rolls at any  
93 time, and

94 WHEREAS, the foregoing statutory changes are necessary in  
95 order to ensure the integrity of voter registration rolls in  
96 Florida and throughout the United States of America and in  
97 particular to prevent illegal immigrants from registering to  
98 vote, NOW, THEREFORE,

99

100 Be It Resolved by the Legislature of the State of Florida:

101

102 That the Legislature of the State of Florida requests the  
103 United States Congress to amend the NVRA to clarify that states  
104 have authority to require documentary proof of citizenship for

Page 4 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hm1225-00

HM 1225

2016

105 applicants who seek to register to vote using the Federal Form;  
106 amend the IRCA and the IIRIRA to expressly grant the states  
107 immediate access to the SAVE program database, allowing states  
108 to confirm immigration status information for purposes of voter  
109 registration; and amend the NVRA to clarify that the 90-day  
110 provision codified in 52 U.S.C. s. 20507(c)(2)(A) does not  
111 preclude removal of noncitizens from the voter registration  
112 rolls within 90 days before an election and that the general  
113 removal provision codified in 52 U.S.C. s. 20507(c)(2)(B) allows  
114 removal of noncitizens from the voter registration rolls at any  
115 time.

116 BE IT FURTHER RESOLVED that copies of this memorial be  
117 dispatched to the President of the United States, to the  
118 President of the United States Senate, to the Speaker of the  
119 United States House of Representatives, to each member of the  
120 Florida delegation to the United States Congress, and to the  
121 presiding officer of each house of the Legislature of each  
122 state.