

**AMENDMENT TO H.R. 1**  
**OFFERED BY MR. BANKS OF INDIANA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Save Democracy Act”.

4 (b) **FINDINGS.**—Congress finds the following:

5 (1) Congress recognizes that the legitimacy of  
6 the United States’s representative democracy rests  
7 on the integrity of our Federal elections and con-  
8 fidence our citizens have in them.

9 (2) Consistent with article I, section 4, clause  
10 1 of the Constitution of the United States and the  
11 principles of federalism, primary authority to regu-  
12 late Federal elections is reserved to the States, while  
13 Congress’s role is secondary.

14 (3) While exercising its primary role in deter-  
15 mining the manner in which Federal elections shall  
16 be carried out, States must seek to protect the fair-  
17 ness, accessibility, and integrity of the elections.

18 (4) Congress should limit its secondary role in  
19 regulating Federal elections to instances in which

1 State regulation of Federal elections has contributed  
2 to or proven unsuccessful in preventing impropriety.

3 **SEC. 2. INTEGRITY IN VOTER REGISTRATION.**

4 (a) PROHIBITING AUTOMATIC VOTER REGISTRA-  
5 TION.—Section 8 of the National Voter Registration Act  
6 of 1993 (52 U.S.C. 20507) is amended—

7 (1) by redesignating subsection (j) as sub-  
8 section (k); and

9 (2) by inserting after subsection (i) the fol-  
10 lowing new subsection:

11 “(j) PROHIBITING REGISTRATION PURSUANT TO  
12 AUTOMATIC VOTER REGISTRATION SYSTEM.—

13 “(1) PROHIBITION.—A State may not register  
14 an individual to vote in elections for Federal office  
15 pursuant to an automatic voter registration system.

16 “(2) DEFINITION.—In this subsection, an  
17 ‘automatic voter registration system’ means, with re-  
18 spect to a State, a system that registers an indi-  
19 vidual to vote in elections for Federal office in the  
20 State, if eligible, by electronically transferring the  
21 information necessary for registration from govern-  
22 ment agencies to election officials of the State so  
23 that, unless the individual affirmatively declines to  
24 be registered, the individual will be registered to vote  
25 in such elections.”.

1 (b) PROHIBITING REGISTRATION TO VOTE OF INDI-  
2 VIDUALS WHO FAIL TO PROVIDE PROOF OF UNITED  
3 STATES CITIZENSHIP.—Section 8 of the National Voter  
4 Registration Act of 1993 (52 U.S.C. 20507), as amended  
5 by subsection (a), is amended—

6 (1) by redesignating subsection (k) as sub-  
7 section (l); and

8 (2) by inserting after subsection (j) the fol-  
9 lowing new subsection:

10 “(k) PROHIBITING REGISTRATION OF INDIVIDUALS  
11 NOT PROVIDING PROOF OF UNITED STATES CITIZEN-  
12 SHIP.—

13 “(1) PROHIBITION.—Notwithstanding any other  
14 provision of this Act, a State may not register an in-  
15 dividual to vote in elections for Federal office held  
16 in the State unless, at the time the individual ap-  
17 plies to register to vote, the individual provides docu-  
18 mentary proof that the individual is a citizen of the  
19 United States, which shall consist of any of the fol-  
20 lowing (or a photocopy thereof):

21 “(A) A certified birth certificate issued by  
22 a State or unit of local government in a State.

23 “(B) A valid United States passport.

24 “(C) A Consular Report of Birth Abroad  
25 issued by the Secretary of State.

1           “(D) A Naturalization Certificate or Cer-  
2           tificate of Citizenship issued by the Secretary of  
3           Homeland Security.

4           “(2) APPLICABILITY.—Paragraph (1) applies  
5           with respect to an individual who applies to register  
6           to vote under section 5, 6, or 7 (including an indi-  
7           vidual who submits the mail voter registration appli-  
8           cation form prescribed by the Election Assistance  
9           Commission pursuant to section 9), or who applies  
10          under any other method of voter registration avail-  
11          able in the State.”.

12          (c) REQUIRING APPLICANTS FOR VOTER REGISTRA-  
13          TION TO PROVIDE FULL SOCIAL SECURITY NUMBERS.—

14                 (1) REQUIREMENT.—Section 303(a)(5)(A) of  
15                 the Help America Vote Act of 2002 (52 U.S.C.  
16                 21083(a)(5)(A)) is amended to read as follows:

17                         “(A) REQUIRING APPLICANTS TO PROVIDE  
18                         FULL SOCIAL SECURITY NUMBER.—Notwith-  
19                         standing any other provision of law, an applica-  
20                         tion for voter registration for an election for  
21                         Federal office may not be accepted or processed  
22                         by a State unless the application includes the  
23                         applicant’s full Social Security number.”.

24                 (2) CONFORMING AMENDMENT RELATING TO  
25                 CERTAIN VOTERS REGISTERING BY MAIL.—Section

1       303(b)(3)(B)(i) of such Act (52 U.S.C.  
2       21083(b)(3)(B)(i)) is amended by striking “either—  
3       ” and all that follows through “; and” and inserting  
4       “the individual’s full Social Security number; and”.

5               (3) CONFORMING AMENDMENT RELATING TO  
6       WAIVER OF PRIVACY ACT.—Section 303(c) of such  
7       Act (52 U.S.C. 21083(c)) is amended to read as fol-  
8       lows:

9       “(c) PERMITTED USE OF SOCIAL SECURITY NUM-  
10       BERS.—Section 7 of the Privacy Act of 1974 (5 U.S.C.  
11       552a note) does not apply to the use of a Social Security  
12       number under subsection (a)(5)(A) or subsection  
13       (b)(3)(B)(i).”.

14              (d) ENSURING PROVISION OF INFORMATION TO  
15       STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED  
16       FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-  
17       SHIP.—

18              (1) REQUIRING STATE ELECTION OFFICIALS TO  
19       COORDINATE INFORMATION ON RECUSAL AS PART  
20       OF MAINTENANCE OF STATEWIDE VOTER REGISTRA-  
21       TION LIST.—Subparagraph (A) of section 303(a)(2)  
22       of the Help America Vote Act of 2002 (52 U.S.C.  
23       21083(a)(2)) is amended—

24                      (A) by redesignating clause (iii) as clause  
25                      (iv); and

1 (B) by inserting after clause (ii) the fol-  
2 lowing new clause:

3 “(iii) For purposes of removing names  
4 of ineligible voters from the official list of  
5 eligible voters by reason of citizenship sta-  
6 tus, the State shall coordinate the comput-  
7 erized list with records of courts which  
8 have recused individuals from serving on a  
9 jury on the grounds that the individuals  
10 are not citizens of the United States.”.

11 (2) REQUIRING NOTIFICATION BY COURTS.—

12 (A) REQUIREMENT DESCRIBED.—If a  
13 United States district court or a court of any  
14 State or local jurisdiction recuses an individual  
15 from serving on a jury on the grounds that the  
16 individual is not a citizen of the United States,  
17 the court shall transmit a notice of the individ-  
18 ual’s recusal—

19 (i) to the chief State election official  
20 of the State in which the individual re-  
21 sides; and

22 (ii) to the Attorney General.

23 (B) DEFINITIONS.—For purposes of this  
24 subsection—

1 (i) the “chief State election official”  
2 of a State is the individual designated by  
3 the State under section 10 of the National  
4 Voter Registration Act of 1993 (52 U.S.C.  
5 20509) to be responsible for coordination  
6 of the State’s responsibilities under such  
7 Act; and

8 (ii) the term “State” means each of  
9 the several States, the District of Colum-  
10 bia, the Commonwealth of Puerto Rico,  
11 American Samoa, Guam, the United States  
12 Virgin Islands, and the Commonwealth of  
13 the Northern Mariana Islands.

14 (e) EFFECTIVE DATE.—This section and the amend-  
15 ments made by this section shall take effect on the date  
16 of the enactment of this Act, and shall apply with respect  
17 to applications for voter registration which are submitted  
18 on or after such date.

19 **SEC. 3. INTEGRITY IN CASTING OF BALLOTS.**

20 (a) PROMOTING INTEGRITY IN CASTING OF BAL-  
21 LOTS.—Title III of the Help America Vote Act of 2002  
22 (52 U.S.C. 21081 et seq.) is amended—

23 (1) by redesignating sections 304 and 305 as  
24 sections 305 and 306; and

1           (2) by inserting after section 303 the following  
2           new section:

3   **“SEC. 304. PROMOTING INTEGRITY IN CASTING OF BAL-**  
4                           **LOTS.**

5           “(a) REQUIRING PROVISION OF IDENTIFICATION AS  
6   CONDITION OF VOTING.—

7           “(1) INDIVIDUALS VOTING IN PERSON.—Not-  
8           withstanding any other provision of law, the appro-  
9           priate State or local election official may not provide  
10          a ballot for an election for Federal office to an indi-  
11          vidual who desires to vote in person unless the indi-  
12          vidual presents to the official a current and valid  
13          identification.

14          “(2) INDIVIDUALS VOTING OTHER THAN IN  
15          PERSON.—Notwithstanding any other provision of  
16          law, the appropriate State or local election official  
17          may not accept any ballot for an election for Federal  
18          office provided by an individual who votes other than  
19          in person unless the individual submits with the bal-  
20          lot a copy of a current and valid identification.

21          “(3) CURRENT AND VALID IDENTIFICATION DE-  
22          FINED.—In this subsection, a ‘current and valid  
23          identification’ means a current and valid version of  
24          any of the following:



1                   “(A) An identification issued by a State or  
2                   a unit of local government in a State.

3                   “(B) A United States passport.

4                   “(C) A military identification card.

5                   “(D) An identification issued by a tribal  
6                   government.

7           “(b) PROHIBITING DELIVERY OF BALLOTS BY MAIL  
8 UNLESS REQUESTED.—A State may not deliver a ballot  
9 in an election for Federal office to an individual by mail  
10 unless the individual requests that the State deliver the  
11 ballot to the individual by mail.

12           “(c) PROHIBITING USE OF DROP BOXES FOR COL-  
13 LECTION OF BALLOTS.—A State may not use a drop box  
14 for the collection of voted absentee ballots in an election  
15 for Federal office unless the drop box is located inside a  
16 building which serves as an office for a State or local elec-  
17 tion official.

18           “(d) RESTRICTIONS ON DELIVERY OF VOTED BAL-  
19 LOTS BY THIRD PARTIES.—A State may not accept a  
20 voted absentee ballot in an election for Federal office  
21 which is delivered in person to an election official by any  
22 individual other than the voter to whom the ballot was  
23 transmitted, other than an individual described as follows:

24                   “(1) An election official while engaged in offi-  
25                   cial duties as authorized by law.

1           “(2) An employee of the United States Postal  
2           Service while engaged in official duties as authorized  
3           by law.

4           “(3) Any other individual who is allowed by law  
5           to collect and transmit United States mail, while en-  
6           gaged in official duties as authorized by law.

7           “(e) PROHIBITING ACCEPTANCE OF ABSENTEE BAL-  
8           LOTS RECEIVED AFTER DATE OF ELECTION.—A State  
9           may not accept a voted absentee ballot in an election for  
10          Federal office which is not received by the appropriate  
11          State or local election official prior to the time at which  
12          the polls in the election close on the date of the election.

13          “(f) USE OF SOCIAL SECURITY NUMBERS TO CROSS-  
14          CHECK IDENTIFICATIONS OF INDIVIDUALS CASTING BAL-  
15          LOTS IN AN ELECTION WITH INDIVIDUALS REGISTERED  
16          TO VOTE IN THE ELECTION.—

17          “(1) REQUIREMENT.—Immediately upon the  
18          closing of the polls in an election for Federal office,  
19          each State shall verify the identification of each indi-  
20          vidual who cast a ballot in the election by carrying  
21          out a cross-check of the individual’s identification  
22          with the individual’s identification in the official list  
23          of individuals who are registered to vote in the elec-  
24          tion, using the individual’s full Social Security num-

1       ber as the method for determining the individual's  
2       identification.

3               “(2) REPORT TO CONGRESS.—Not later than 7  
4       days after the closing of the polls in an election for  
5       Federal office, the State shall submit to the Com-  
6       mittee on House Administration of the House of  
7       Representatives and the Committee on Rules and  
8       Administration of the Senate a report on the State's  
9       compliance with subsection (a), and shall include in  
10      the report—

11               “(A) the percentage of individuals who cast  
12      votes in the election whose identifications were  
13      verified by the State under such subsection; and

14               “(B) the number of individuals who cast  
15      votes in the election, or who attempted to cast  
16      votes in the election, whose identifications could  
17      not be verified by the State under such sub-  
18      section.

19               “(g) EXCEPTION FOR ABSENT MILITARY AND OVER-  
20      SEAS VOTERS.—This section does not apply with respect  
21      to any individual who is entitled to vote by absentee ballot  
22      under the Uniformed and Overseas Citizens Absentee Vot-  
23      ing Act (52 U.S.C. 20301 et seq.).

24               “(h) EFFECTIVE DATE.—This section shall apply  
25      with respect to the regularly scheduled general election for

1 Federal office held in 2022 and any succeeding election  
2 for Federal office.”.

3 (b) CONFORMING AMENDMENT RELATING TO EXIST-  
4 ING IDENTIFICATION REQUIREMENTS.—Section 303 of  
5 such Act (52 U.S.C. 21083) is amended—

6 (1) by striking subsection (b); and

7 (2) in subsection (c), as amended by section  
8 2(c)(3), by striking “or subsection (b)(3)(B)(i)”.

9 (c) CONFORMING AMENDMENT RELATING TO EN-  
10 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
11 is amended by striking “and 303” and inserting “303, and  
12 304”.

13 (d) CLERICAL AMENDMENT.—The table of contents  
14 of such Act is amended—

15 (1) by redesignating the items relating to sec-  
16 tions 304 and 305 as relating to sections 305 and  
17 306; and

18 (2) by inserting after the item relating to sec-  
19 tion 303 the following:

“Sec. 304. Promoting integrity in casting of ballots.”.

20 **SEC. 4. INTEGRITY IN TABULATION OF BALLOTS.**

21 (a) PROMOTING INTEGRITY.—Title III of the Help  
22 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as  
23 amended by section 3(a), is amended—

24 (1) by redesignating sections 305 and 306 as  
25 sections 306 and 307; and

1           (2) by inserting after section 304 the following  
2           new section:

3   **“SEC. 305. PROMOTING INTEGRITY IN TABULATION OF BAL-**  
4                           **LOTS.**

5           “(a) MINIMUM PRESENCE OF ELECTION OBSERV-  
6   ERS.—The appropriate State or local election official shall  
7   permit at least 2 representatives of each candidate appear-  
8   ing on the ballot in a general election for Federal office  
9   to observe the tabulation of the ballots in the election.

10          “(b) CONTINUOUS TABULATION OF BALLOTS UNTIL  
11   COMPLETION.—

12           “(1) IN GENERAL.—Upon the closing of the  
13   polls on the date of an election for Federal office,  
14   the appropriate State or local election official shall  
15   continue the tabulation of the ballots cast in the  
16   election without interruption (other than an inter-  
17   ruption caused by an emergency affecting the health  
18   or safety of the election officials carrying out the  
19   tabulation) until each lawfully cast ballot has been  
20   tabulated.

21           “(2) EXCEPTION FOR PROVISIONAL BALLOTS.—  
22   Paragraph (1) does not apply with respect to the  
23   tabulation of any provisional ballot cast in the elec-  
24   tion.

1       “(c) POST-ELECTION AUDIT.—Not later than 30  
2 days after each election for Federal office held in the  
3 State, each State shall conduct and publish an audit of  
4 the effectiveness and accuracy of the voting systems used  
5 to carry out the election and the performance of the State  
6 and local election officials who carried out the election.

7       “(d) EFFECTIVE DATE.—This section shall apply  
8 with respect to the regularly scheduled general election for  
9 Federal office held in 2022 and any succeeding election  
10 for Federal office.”.

11       (b) CONFORMING AMENDMENT RELATING TO EN-  
12 FORCEMENT.—Section 401 of such Act (52 U.S.C.  
13 21111), as amended by section 3(c), is amended by strik-  
14 ing “and 304” and inserting “304, and 305”.

15       (c) CLERICAL AMENDMENT.—The table of contents  
16 of such Act, as amended by section 3(d), is amended—

17           (1) by redesignating the items relating to sec-  
18 tions 305 and 306 as relating to section 306 and  
19 307; and

20           (2) by inserting after the item relating to sec-  
21 tion 304 the following new item:

“Sec. 305. Promoting integrity in tabulation of ballots.”.

Amend the title so as to read: “A bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of

ballots in elections for Federal office, and for other purposes.”.

