AMENDMENT TO RULES COMMITTEE PRINT 116-7
OFFERED BY MR. FITZPATRICK OF PENNSYLVANIA

Strike page 169, line 10 and all that follows through page 172, line 19 and insert the following:

SEC. 1904. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.

(a) Requirement to Provide Photo Identification as Condition of Casting Ballot.—

(1) In general.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 15481 et seq.) is amended by inserting after section 303 the following new section:

“SEC. 303A. PHOTO IDENTIFICATION REQUIREMENTS.

“(a) Provision of Identification Required as Condition of Casting Ballot.—

“(1) Individuals voting in person.—

“(A) Requirement to provide identification.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who
2 desires to vote in person unless the individual presents to the official a valid photo identification.

“(B) AVAILABILITY OF PROVISIONAL BALLOT.—

“(i) IN GENERAL.—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless, not later than 10 days after casting the provisional ballot, the individual presents to the official—

“(I) the identification required under subparagraph (A); or

“(II) an affidavit attesting that the individual does not possess the identification required under subparagraph (A) because the individual has
a religious objection to being photographed.

“(ii) NO EFFECT ON OTHER PROVISIONAL BALLOTING RULES.—Nothing in clause (i) may be construed to apply to the casting of a provisional ballot pursuant to section 302(a) or any State law for reasons other than the failure to present the identification required under subparagraph (A).

“(2) INDIVIDUALS VOTING OTHER THAN IN PERSON.—

“(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot a copy of a valid photo identification.

“(B) EXCEPTION FOR OVERSEAS MILITARY VOTERS.—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved. In
this subparagraph, the term ‘absent uniformed
services voter’ has the meaning given such term
in section 107(1) of the Uniformed and Over-
seas Citizens Absentee Voting Act (52 U.S.C.
20310(1)), other than an individual described
in section 107(1)(C) of such Act.

“(b) Provision of Identifications Without
Charge to Individuals Unable to Pay Costs of Ob-
taining Identification or Otherwise Unable to
Obtain Identification.—If an individual presents a
State or local election official with an affidavit attesting
that the individual is unable to pay the costs associated
with obtaining a valid photo identification under this sec-
tion, or attesting that the individual is otherwise unable
to obtain a valid photo identification under this section
after making reasonable efforts to obtain such an identi-
fication, the official shall provide the individual with a
valid photo identification under this subsection without
charge to the individual.

“(c) Valid Photo Identifications Described.—
For purposes of this section, a ‘valid photo identification’
means, with respect to an individual who seeks to vote in
a State, any of the following:
“(1) A valid State-issued motor vehicle driver’s license that includes a photo of the individual and an expiration date.

“(2) A valid State-issued identification card that includes a photo of the individual and an expiration date.

“(3) A valid United States passport for the individual.

“(4) A valid military identification for the individual.

“(5) Any other form of government-issued identification that the State may specify as a valid photo identification for purposes of this subsection.

“(d) Notification of Identification Requirement to Applicants for Voter Registration.—

“(1) In general.—Each State shall ensure that, at the time an individual applies to register to vote in elections for Federal office in the State, the appropriate State or local election official notifies the individual of the photo identification requirements of this section.

“(2) Special rule for individuals applying to register to vote online.—Each State shall ensure that, in the case of an individual who applies to register to vote in elections for Federal of-
office in the State online, the online voter registration system notifies the individual of the photo identification requirements of this section before the individual completes the online registration process.

“(e) TREATMENT OF STATES WITH PHOTO IDENTIFICATION REQUIREMENTS IN EFFECT AS OF DATE OF ENACTMENT.—If, as of the date of the enactment of this section, a State has in effect a law requiring an individual to provide a photo identification as a condition of casting a ballot in elections for Federal office held in the State and the law remains in effect on and after the effective date of this section, the State shall be considered to meet the requirements of this section if—

“(1) the State submits a request to the Attorney General and provides such information as the Attorney General may consider necessary to determine that the State has in effect such a law and that the law remains in effect; and

“(2) the Attorney General approves the request.

“(f) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held in 2020 or any succeeding year.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Photo identification requirements.”.

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(b) CONFORMING AMENDMENT RELATING TO VOL-
UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMI-
sION.—Section 311(b) of such Act (52 U.S.C. 21101(b)),
as amended by section 1101(b), section 1611(b), and sec-
tion 1621(b), is further amended—

(1) by striking “and” at the end of paragraph
(5);

(2) by striking the period at the end of para-
graph (6) and inserting “; and”; and

(3) by adding at the end the following new
paragraph:

“(7) in the case of the recommendations with
respect to section 303A, October 1, 2018.”.

(c) CONFORMING AMENDMENTS RELATING TO RE-
PEAL OF EXISTING PHOTO IDENTIFICATION REQUIRE-
MENTS FOR CERTAIN VOTERS.—

(1) IN GENERAL.—Section 303 of such Act (42
U.S.C. 15483) is amended—

(A) in the heading, by striking “AND RE-
QUIREMENTS FOR VOTERS WHO REGISTER
BY MAIL”;

(B) in the heading of subsection (b), by
striking “FOR VOTERS WHO REGISTER BY
MAIL” and inserting “FOR MAIL-IN REGISTRA-
TION FORMS”;

(2) by striking the period at the end of para-
graph (6) and inserting “; and”;

(3) by adding at the end the following new
paragraph:

“(7) in the case of the recommendations with
respect to section 303A, October 1, 2018.”.
(C) in subsection (b), by striking paragraphs (1) through (3) and redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively; and

(D) in subsection (c), by striking “subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)” and inserting “subsection (a)(5)(A)(i)(II)”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements.”.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to elections for Federal office held in 2020 or any succeeding year.