

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:

1 **SEC. 1904. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.**
2

3 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF CASTING BALLOT.—
4

5 (1) IN GENERAL.—Title III of the Help America
6 Vote Act of 2002 (52 U.S.C. 15481 et seq.) is
7 amended by inserting after section 303 the following
8 new section:

9 **“SEC. 303A. PHOTO IDENTIFICATION REQUIREMENTS.**

10 “(a) PROVISION OF IDENTIFICATION REQUIRED AS
11 CONDITION OF CASTING BALLOT.—

12 “(1) INDIVIDUALS VOTING IN PERSON.—

13 “(A) REQUIREMENT TO PROVIDE IDENTIFICATION.—Notwithstanding any other provi-
14 sion of law and except as provided in subpara-
15 graph (B), the appropriate State or local elec-
16 tion official may not provide a ballot for an
17 election for Federal office to an individual who
18

1 desires to vote in person unless the individual
2 presents to the official a valid photo identifica-
3 tion.

4 “(B) AVAILABILITY OF PROVISIONAL BAL-
5 LOT.—

6 “(i) IN GENERAL.—If an individual
7 does not present the identification required
8 under subparagraph (A), the individual
9 shall be permitted to cast a provisional bal-
10 lot with respect to the election under sec-
11 tion 302(a), except that the appropriate
12 State or local election official may not
13 make a determination under section
14 302(a)(4) that the individual is eligible
15 under State law to vote in the election un-
16 less, not later than 10 days after casting
17 the provisional ballot, the individual pre-
18 sents to the official—

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

21 “(II) an affidavit attesting that
22 the individual does not possess the
23 identification required under subpara-
24 graph (A) because the individual has

1 a religious objection to being photo-
2 graphed.

3 “(ii) NO EFFECT ON OTHER PROVI-
4 SIONAL BALLOTING RULES.—Nothing in
5 clause (i) may be construed to apply to the
6 casting of a provisional ballot pursuant to
7 section 302(a) or any State law for reasons
8 other than the failure to present the identi-
9 fication required under subparagraph (A).

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

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

20 “(B) EXCEPTION FOR OVERSEAS MILITARY
21 VOTERS.—Subparagraph (A) does not apply
22 with respect to a ballot provided by an absent
23 uniformed services voter who, by reason of ac-
24 tive duty or service, is absent from the United
25 States on the date of the election involved. In

1 this subparagraph, the term ‘absent uniformed
2 services voter’ has the meaning given such term
3 in section 107(1) of the Uniformed and Over-
4 seas Citizens Absentee Voting Act (52 U.S.C.
5 20310(1)), other than an individual described
6 in section 107(1)(C) of such Act.

7 “(b) PROVISION OF IDENTIFICATIONS WITHOUT
8 CHARGE TO INDIVIDUALS UNABLE TO PAY COSTS OF OB-
9 TAINING IDENTIFICATION OR OTHERWISE UNABLE TO
10 OBTAIN IDENTIFICATION.—If an individual presents a
11 State or local election official with an affidavit attesting
12 that the individual is unable to pay the costs associated
13 with obtaining a valid photo identification under this sec-
14 tion, or attesting that the individual is otherwise unable
15 to obtain a valid photo identification under this section
16 after making reasonable efforts to obtain such an identi-
17 fication, the official shall provide the individual with a
18 valid photo identification under this subsection without
19 charge to the individual.

20 “(c) VALID PHOTO IDENTIFICATIONS DESCRIBED.—
21 For purposes of this section, a ‘valid photo identification’
22 means, with respect to an individual who seeks to vote in
23 a State, any of the following:

1 “(1) A valid State-issued motor vehicle driver’s
2 license that includes a photo of the individual and an
3 expiration date.

4 “(2) A valid State-issued identification card
5 that includes a photo of the individual and an expi-
6 ration date.

7 “(3) A valid United States passport for the in-
8 dividual.

9 “(4) A valid military identification for the indi-
10 vidual.

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

14 “(d) NOTIFICATION OF IDENTIFICATION REQUIRE-
15 MENT TO APPLICANTS FOR VOTER REGISTRATION.—

16 “(1) IN GENERAL.—Each State shall ensure
17 that, at the time an individual applies to register to
18 vote in elections for Federal office in the State, the
19 appropriate State or local election official notifies
20 the individual of the photo identification require-
21 ments of this section.

22 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
23 ING TO REGISTER TO VOTE ONLINE.—Each State
24 shall ensure that, in the case of an individual who
25 applies to register to vote in elections for Federal of-

1 fice in the State online, the online voter registration
2 system notifies the individual of the photo identifica-
3 tion requirements of this section before the indi-
4 vidual completes the online registration process.

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

14 “(1) the State submits a request to the Attor-
15 ney General and provides such information as the
16 Attorney General may consider necessary to deter-
17 mine that the State has in effect such a law and
18 that the law remains in effect; and

19 “(2) the Attorney General approves the request.

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

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents of such Act is amended by inserting after the
25 item relating to section 303 the following new item:

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

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

6 (1) by striking “and” at the end of paragraph
7 (5);

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

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

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

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

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

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

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

1 (C) in subsection (b), by striking para-
2 graphs (1) through (3) and redesignating para-
3 graphs (4) and (5) as paragraphs (1) and (2),
4 respectively; and

5 (D) in subsection (c), by striking “sub-
6 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)”
7 and inserting “subsection (a)(5)(A)(i)(II)”.

8 (2) CLERICAL AMENDMENT.—The table of con-
9 tents of such Act is amended by amending the item
10 relating to section 303 to read as follows:

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

11 (d) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section shall apply with respect to
13 elections for Federal office held in 2020 or any succeeding
14 year.

