

AMENDMENT TO RULES COMMITTEE PRINT 119-

27

OFFERED BY MRS. LUNA OF FLORIDA

Page 1, insert before line 1 the following:

1 **TITLE I—FOREIGN INTEL-**
2 **LIGENCE ACCOUNTABILITY**
3 **ACT**

Page 1, line 2, strike “This Act” and insert “This title”.

At the end of the bill add the following new title:

4 **TITLE II—SAVE AMERICA ACT**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Safeguard American
7 Voter Eligibility Act” or the “SAVE America Act”.

8 **SEC. 102. ENSURING ONLY CITIZENS ARE REGISTERED TO**
9 **VOTE IN ELECTIONS FOR FEDERAL OFFICE.**

10 (a) DEFINITION OF DOCUMENTARY PROOF OF
11 UNITED STATES CITIZENSHIP.—Section 3 of the National
12 Voter Registration Act of 1993 (52 U.S.C. 20502) is
13 amended—

14 (1) by striking “As used” and inserting “(a) IN
15 GENERAL.—As used”; and

1 (2) by adding at the end the following:

2 “(b) DOCUMENTARY PROOF OF UNITED STATES
3 CITIZENSHIP.—As used in this Act, the term ‘documen-
4 tary proof of United States citizenship’ means, with re-
5 spect to an applicant for voter registration, any of the fol-
6 lowing:

7 “(1) A form of identification issued consistent
8 with the requirements of the REAL ID Act of 2005
9 that indicates the applicant is a citizen of the United
10 States.

11 “(2) A valid United States passport.

12 “(3) The applicant’s official United States mili-
13 tary identification card, together with a United
14 States military record of service showing that the
15 applicant’s place of birth was in the United States.

16 “(4) A valid government-issued photo identifica-
17 tion card issued by a Federal, State or Tribal gov-
18 ernment showing that the applicant’s place of birth
19 was in the United States.

20 “(5) A valid government-issued photo identifica-
21 tion card issued by a Federal, State or Tribal gov-
22 ernment other than an identification described in
23 paragraphs (1) through (4), but only if presented to-
24 gether with one or more of the following:

1 “(A) A certified birth certificate issued by
2 a State, a unit of local government in a State,
3 or a Tribal government which—

4 “(i) was issued by the State, unit of
5 local government, or Tribal government in
6 which the applicant was born;

7 “(ii) was filed with the office respon-
8 sible for keeping vital records in the State;

9 “(iii) includes the full name, date of
10 birth, and place of birth of the applicant;

11 “(iv) lists the full names of one or
12 both of the parents of the applicant;

13 “(v) has the signature of an individual
14 who is authorized to sign birth certificates
15 on behalf of the State, unit of local govern-
16 ment, or Tribal government in which the
17 applicant was born;

18 “(vi) includes the date that the certifi-
19 cate was filed with the office responsible
20 for keeping vital records in the State; and

21 “(vii) has the seal of the State, unit
22 of local government, or Tribal government
23 that issued the birth certificate.

24 “(B) An extract from a United States hos-
25 pital Record of Birth created at the time of the

1 applicant's birth which indicates that the appli-
2 cant's place of birth was in the United States.

3 “(C) A final adoption decree showing the
4 applicant's name and that the applicant's place
5 of birth was in the United States.

6 “(D) A Consular Report of Birth Abroad
7 of a citizen of the United States or a certifi-
8 cation of the applicant's Report of Birth of a
9 United States citizen issued by the Secretary of
10 State.

11 “(E) A Naturalization Certificate or Cer-
12 tificate of Citizenship issued by the Secretary of
13 Homeland Security or any other document or
14 method of proof of United States citizenship
15 issued by the Federal government pursuant to
16 the Immigration and Nationality Act.

17 “(F) An American Indian Card issued by
18 the Department of Homeland Security with the
19 classification ‘KIC’.”

20 (b) APPLICATION OF REQUIREMENTS.—Section 4 of
21 the National Voter Registration Act of 1993 (52 U.S.C.
22 20503) is amended by striking subsection (b) and insert-
23 ing the following:

24 “(b) REQUIRING APPLICANTS TO PRESENT DOCU-
25 MENTARY PROOF OF UNITED STATES CITIZENSHIP.—

1 Under any method of voter registration in a State, the
2 State shall not accept and process an application to reg-
3 ister to vote in an election for Federal office unless the
4 applicant presents documentary proof of United States
5 citizenship with the application.”.

6 (c) REGISTRATION WITH APPLICATION FOR MOTOR
7 VEHICLE DRIVER’S LICENSE.—Section 5 of the National
8 Voter Registration Act of 1993 (52 U.S.C. 20504) is
9 amended—

10 (1) in subsection (a)(1), by striking “Each
11 State motor vehicle driver’s license application” and
12 inserting “Subject to the requirements under section
13 8(j), each State motor vehicle driver’s license appli-
14 cation”;

15 (2) in subsection (c)(1), by striking “Each
16 State shall include” and inserting “Subject to the
17 requirements under section 8(j), each State shall in-
18 clude”;

19 (3) in subsection (c)(2)(B)—

20 (A) in clause (i), by striking “and” at the
21 end;

22 (B) in clause (ii), by adding “and” at the
23 end; and

24 (C) by adding at the end the following new
25 clause:

1 “(iii) verify that the applicant is a citizen
2 of the United States;”;

3 (4) in subsection (c)(2)(C)(i), by striking “(in-
4 cluding citizenship)” and inserting “, including the
5 requirement that the applicant provides documentary
6 proof of United States citizenship”; and

7 (5) in subsection (c)(2)(D)(iii), by striking “;
8 and” and inserting the following: “, other than as
9 evidence in a criminal proceeding or immigration
10 proceeding brought against an applicant who know-
11 ingly attempts to register to vote and knowingly
12 makes a false declaration under penalty of perjury
13 that the applicant meets the eligibility requirements
14 to register to vote in an election for Federal office;
15 and”.

16 (d) **REQUIRING DOCUMENTARY PROOF OF UNITED**
17 **STATES CITIZENSHIP WITH NATIONAL MAIL VOTER**
18 **REGISTRATION FORM.**—Section 6 of the National Voter
19 Registration Act of 1993 (52 U.S.C. 20505) is amended—

20 (1) in subsection (a)(1)—

21 (A) by striking “Each State shall accept
22 and use” and inserting “Subject to the require-
23 ments under section 8(j), each State shall ac-
24 cept and use”; and

1 (B) by striking “Federal Election Commis-
2 sion” and inserting “Election Assistance Com-
3 mission”;

4 (2) in subsection (b), by adding at the end the
5 following: “The chief State election official of a
6 State shall take such steps as may be necessary to
7 ensure that residents of the State are aware of the
8 requirement to provide documentary proof of United
9 States citizenship to register to vote in elections for
10 Federal office in the State.”;

11 (3) in subsection (c)(1)—

12 (A) in subparagraph (A), by striking
13 “and” at the end;

14 (B) in subparagraph (B) by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 subparagraph:

18 “(C) the person did not provide documen-
19 tary proof of United States citizenship when
20 registering to vote.”; and

21 (4) by adding at the end the following new sub-
22 section:

23 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-
24 SHIP.—

1 “(1) PRESENTING PROOF OF UNITED STATES
2 CITIZENSHIP TO ELECTION OFFICIAL.—An applicant
3 who submits the mail voter registration application
4 form prescribed by the Election Assistance Commis-
5 sion pursuant to section 9(a)(2) or a form described
6 in paragraph (1) or (2) of subsection (a) shall not
7 be registered to vote in an election for Federal office
8 unless—

9 “(A) the applicant presents documentary
10 proof of United States citizenship in person to
11 the office of the appropriate election official not
12 later than the deadline provided by State law
13 for the receipt of a completed voter registration
14 application for the election; or

15 “(B) in the case of a State which permits
16 an individual to register to vote in an election
17 for Federal office at a polling place on the day
18 of the election and on any day when voting, in-
19 cluding early voting, is permitted for the elec-
20 tion, the applicant presents documentary proof
21 of United States citizenship to the appropriate
22 election official at the polling place not later
23 than the date of the election.

24 “(2) NOTIFICATION OF REQUIREMENT.—Upon
25 receiving an otherwise completed mail voter registra-

1 tion application form prescribed by the Election As-
2 sistance Commission pursuant to section 9(a)(2) or
3 a form described in paragraph (1) or (2) of sub-
4 section (a), the appropriate election official shall
5 transmit a notice to the applicant of the requirement
6 to present documentary proof of United States citi-
7 zenship under this subsection, and shall include in
8 the notice instructions to enable the applicant to
9 meet the requirement.

10 “(3) ACCESSIBILITY.—Each State shall, in con-
11 sultation with the Election Assistance Commission,
12 ensure that reasonable accommodations are made to
13 allow an individual with a disability who submits the
14 mail voter registration application form prescribed
15 by the Election Assistance Commission pursuant to
16 section 9(a)(2) or a form described in paragraph (1)
17 or (2) of subsection (a) to present documentary
18 proof of United States citizenship to the appropriate
19 election official.”.

20 (e) REQUIREMENTS FOR VOTER REGISTRATION
21 AGENCIES.—Section 7 of the National Voter Registration
22 Act of 1993 (52 U.S.C. 20506) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (4)(A), by adding at the
25 end the following new clause:

1 “(iv) Receipt of documentary proof of
2 United States citizenship of each applicant to
3 register to vote in elections for Federal office in
4 the State.”; and

5 (B) in paragraph (6)—

6 (i) in subparagraph (A)(i)(I), by strik-
7 ing “(including citizenship)” and inserting
8 “, including the requirement that the ap-
9 plicant provides documentary proof of
10 United States citizenship”;

11 (ii) by redesignating subparagraphs
12 (B) and (C) as subparagraphs (C) and
13 (D), respectively; and

14 (iii) by inserting after subparagraph
15 (A) the following new subparagraph:

16 “(B) ask the applicant the question, ‘Are you a
17 citizen of the United States?’ and if the applicant
18 answers in the affirmative require documentary
19 proof of United States citizenship prior to providing
20 the form under subparagraph (C);”;

21 (2) in subsection (c)(1), by inserting “who are
22 citizens of the United States” after “for persons”.

23 (f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-
24 TION OF VOTER REGISTRATION.—Section 8 of the Na-

1 tional Voter Registration Act of 1993 (52 U.S.C. 20507)

2 is amended—

3 (1) in subsection (a)—

4 (A) by striking “In the administration of
5 voter registration” and inserting “Subject to
6 the requirements of subsection (j), in the ad-
7 ministration of voter registration”; and

8 (B) in paragraph (3)—

9 (i) in subparagraph (B), by striking
10 “or” at the end; and

11 (ii) by adding at the end the following
12 new subparagraphs:

13 “(D) based on documentary proof or
14 verified information that the registrant is not a
15 United States citizen; or

16 “(E) the registration otherwise fails to
17 comply with applicable State law;”;

18 (2) by redesignating subsection (j) as sub-
19 section (l); and

20 (3) by inserting after subsection (i) the fol-
21 lowing new subsections:

22 “(j) ENSURING ONLY CITIZENS ARE REGISTERED TO
23 VOTE.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of this Act, a State may not register an in-

1 dividual to vote in elections for Federal office held
2 in the State unless, at the time the individual ap-
3 plies to register to vote, the individual provides docu-
4 mentary proof of United States citizenship.

5 “(2) REQUIREMENT IN CASES OF NAME DIS-
6 CREPANCIES IN DOCUMENTATION.—Notwithstanding
7 any other provision of law, a State shall accept and
8 process an application to register to vote in an elec-
9 tion for Federal office if the applicant—

10 “(A) presents with the application docu-
11 mentation that would constitute documentary
12 proof of United States citizenship, except that
13 the name on the documentation is not the name
14 of the applicant; and

15 “(B) provides, through a process estab-
16 lished by the State (which shall be subject to
17 any relevant guidance adopted by the Election
18 Assistance Commission)—

19 “(i) additional documentation as nec-
20 essary to establish that the name on the
21 documentation is a previous name of the
22 applicant; or

23 “(ii) an affidavit signed by the appli-
24 cant attesting that the name on the docu-

1 mentation is a previous name of the appli-
2 cant.

3 “(3) ADDITIONAL PROCESSES IN CERTAIN
4 CASES.—

5 “(A) PROCESS FOR THOSE WITHOUT DOC-
6 UMENTARY PROOF.—

7 “(i) IN GENERAL.—Subject to any rel-
8 evant guidance adopted by the Election As-
9 sistance Commission, each State shall es-
10 tablish a process under which an applicant
11 who cannot provide documentary proof of
12 United States citizenship under paragraph
13 (1) may, if the applicant signs an attesta-
14 tion under penalty of perjury that the ap-
15 plicant is a citizen of the United States
16 and eligible to vote in elections for Federal
17 office, submit such other evidence to the
18 appropriate State or local official dem-
19 onstrating that the applicant is a citizen of
20 the United States and such official shall
21 make a determination as to whether the
22 applicant has sufficiently established
23 United States citizenship for purposes of
24 registering to vote in elections for Federal
25 office in the State.

1 “(ii) AFFIDAVIT REQUIREMENT.—If a
2 State or local official makes a determina-
3 tion under clause (i) that an applicant has
4 sufficiently established United States citi-
5 zenship for purposes of registering to vote
6 in elections for Federal office in the State,
7 such determination shall be accompanied
8 by an affidavit developed under clause (iii)
9 signed by the official swearing or affirming
10 the applicant sufficiently established
11 United States citizenship for purposes of
12 registering to vote.

13 “(iii) DEVELOPMENT OF AFFIDAVIT
14 BY THE ELECTION ASSISTANCE COMMIS-
15 SION.—The Election Assistance Commis-
16 sion shall develop a uniform affidavit for
17 use by State and local officials under
18 clause (ii), which shall—

19 “(I) include an explanation of the
20 minimum standards required for a
21 State or local official to register an
22 applicant who cannot provide docu-
23 mentary proof of United States citi-
24 zenship to vote in elections for Fed-
25 eral office in the State; and

1 “(II) require the official to ex-
2 plain the basis for registering such
3 applicant to vote in such elections.

4 “(B) PROCESS IN CASE OF CERTAIN DIS-
5 CREPANCIES IN DOCUMENTATION.—Subject to
6 any relevant guidance adopted by the Election
7 Assistance Commission, each State shall estab-
8 lish a process under which an applicant can
9 provide such additional documentation to the
10 appropriate election official of the State as may
11 be necessary to establish that the applicant is
12 a citizen of the United States in the event of a
13 discrepancy with respect to the applicant’s doc-
14 umentary proof of United States citizenship.

15 “(4) STATE REQUIREMENTS.—Not later than
16 30 days after the date of the enactment of this sub-
17 section:

18 “(A) Each State shall take affirmative
19 steps, on an ongoing basis, to ensure that only
20 United States citizens are registered to vote
21 under the provisions of this Act, and such af-
22 firmative steps shall include the establishment
23 of a program described in subparagraphs (B)
24 and (C).

1 “(B) Each State shall submit the complete,
2 official list of individuals registered as eligible
3 voters for Federal office in the State to the De-
4 partment of Homeland Security for comparison
5 through the Systematic Alien Verification for
6 Entitlements (‘SAVE’) system for the purposes
7 of identifying individuals who are not citizens of
8 the United States and taking the necessary
9 steps to remove such individuals who are not
10 citizens from the official list, after notice is
11 given to such individuals and such individuals
12 are given the opportunity to provide documen-
13 tary proof of United States citizenship, but a
14 State with a memorandum of agreement for
15 such purposes with the Department of Home-
16 land Security on the date of the enactment of
17 this subsection may comply with this subpara-
18 graph by carrying out such purposes under the
19 memorandum.

20 “(C) Each State may utilize such other
21 sources of data available to the State for the
22 purposes of identifying individuals who are not
23 citizens of the United States and removing such
24 individuals from the official list of eligible vot-

1 ers for Federal office in the State, including
2 (but not limited to) the following:

3 “(i) State agencies that supply State
4 identification cards or driver’s licenses
5 where the agency confirms the United
6 States citizenship status of applicants.

7 “(ii) Other sources, including data-
8 bases and information provided pursuant
9 to an agreement with the Commissioner of
10 Social Security under section 205(r)(9) of
11 the Social Security Act, which can be used
12 to confirm United States citizenship sta-
13 tus, except that any such information pro-
14 vided by the Commissioner may not be the
15 sole grounds for the removal of an indi-
16 vidual from the official list of eligible vot-
17 ers for elections for Federal office in a
18 State.

19 “(5) AVAILABILITY OF INFORMATION.—

20 “(A) IN GENERAL.—At the request of a
21 State election official (including a request re-
22 lated to a process established by a State under
23 paragraph (3)(A) or (3)(B)), any head of a
24 Federal department or agency possessing infor-
25 mation relevant to determining the eligibility of

1 an individual to vote in elections for Federal of-
2 fice shall, not later than 24 hours after receipt
3 of such request, provide the official with such
4 information as may be necessary to enable the
5 official to verify that an applicant for voter reg-
6 istration in elections for Federal office held in
7 the State or a registrant on the official list of
8 eligible voters in elections for Federal office
9 held in the State is a citizen of the United
10 States, which shall include providing the official
11 with such batched information as may be re-
12 quested by the official.

13 “(B) USE OF SAVE SYSTEM.—The Sec-
14 retary of Homeland Security may respond to a
15 request received under paragraph (1) by using
16 the system for the verification of immigration
17 status under the applicable provisions of section
18 1137 of the Social Security Act (42 U.S.C.
19 1320b–7), as established pursuant to section
20 121(c) of the Immigration Reform and Control
21 Act of 1986 (Public Law 99–603).

22 “(C) SHARING OF INFORMATION.—The
23 heads of Federal departments and agencies
24 shall share information with each other with re-
25 spect to an individual who is the subject of a

1 request received under paragraph (A) in order
2 to enable them to respond to the request.

3 “(D) INVESTIGATION FOR PURPOSES OF
4 REMOVAL.—The Secretary of Homeland Secu-
5 rity shall conduct an investigation to determine
6 whether to initiate removal proceedings under
7 section 239 of the Immigration and Nationality
8 Act (8 U.S.C. 1229) if it is determined pursu-
9 ant to subparagraph (A) or (B) that an alien
10 (as such term is defined in section 101 of the
11 Immigration and Nationality Act (8 U.S.C.
12 1101)) is unlawfully registered to vote in elec-
13 tions for Federal office.

14 “(E) PROHIBITING FEES.—The head of a
15 Federal department or agency may not charge
16 a fee for responding to a State’s request under
17 paragraph (A).

18 “(k) REMOVAL OF NONCITIZENS FROM REGISTRA-
19 TION ROLLS.—A State shall remove an individual who is
20 not a citizen of the United States from the official list
21 of eligible voters for elections for Federal office held in
22 the State at any time upon receipt of documentation or
23 verified information that a registrant is not a United
24 States citizen.”.

1 (g) CLARIFICATION OF AUTHORITY OF STATE TO
2 REMOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGI-
3 BLE VOTERS.—

4 (1) IN GENERAL.—Section 8(a)(4) of the Na-
5 tional Voter Registration Act of 1993 (52 U.S.C.
6 20507(a)(4)) is amended—

7 (A) by striking “or” at the end of subpara-
8 graph (A);

9 (B) by adding “or” at the end of subpara-
10 graph (B); and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(C) documentary proof or verified infor-
14 mation that the registrant is not a United
15 States citizen;”.

16 (2) CONFORMING AMENDMENT.—Section
17 8(c)(2)(B)(i) of such Act (52 U.S.C.
18 20507(c)(2)(B)(i)) is amended by striking “(4)(A)”
19 and inserting “(4)(A) or (C)”.

20 (h) REQUIREMENTS WITH RESPECT TO FEDERAL
21 MAIL VOTER REGISTRATION FORM.—

22 (1) CONTENTS OF MAIL VOTER REGISTRATION
23 FORM.—Section 9(b) of such Act (52 U.S.C.
24 20508(b)) is amended—

1 (A) in paragraph (2)(A), by striking “(in-
2 cluding citizenship)” and inserting “(including
3 an explanation of what is required to present
4 documentary proof of United States citizen-
5 ship)”;

6 (B) in paragraph (3), by striking “and” at
7 the end;

8 (C) in paragraph (4), by striking the pe-
9 riod at the end and inserting “; and”; and

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

12 “(5) shall include a section, for use only by a
13 State or local election official, to record the type of
14 document the applicant presented as documentary
15 proof of United States citizenship, including the date
16 of issuance, the date of expiration (if any), the office
17 which issued the document, and any unique identi-
18 fication number associated with the document.”.

19 (2) INFORMATION ON MAIL VOTER REGISTRA-
20 TION FORM.—Section 9(b)(4) of such Act (52
21 U.S.C. 20508(b)(4)) is amended—

22 (A) by redesignating clauses (i) through
23 (iii) as subparagraphs (A) through (C), respec-
24 tively; and

1 (B) in subparagraph (C) (as so redesignig-
2 nated and as amended by paragraph (1)(C)), by
3 striking “; and” and inserting the following: “,
4 other than as evidence in a criminal proceeding
5 or immigration proceeding brought against an
6 applicant who attempts to register to vote and
7 makes a false declaration under penalty of per-
8 jury that the applicant meets the eligibility re-
9 quirements to register to vote in an election for
10 Federal office; and”.

11 (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of
12 the National Voter Registration Act of 1993 (52 U.S.C.
13 20510(b)(1)) is amended by striking “a violation of this
14 Act” and inserting “a violation of this Act, including the
15 act of an election official who registers an applicant to
16 vote in an election for Federal office who fails to present
17 documentary proof of United States citizenship,”.

18 (j) CRIMINAL PENALTIES.—Section 12(2) of such
19 Act (52 U.S.C. 20511(2)) is amended—

20 (1) by striking “or” at the end of subparagraph
21 (A);

22 (2) by redesignating subparagraph (B) as sub-
23 paragraph (D); and

24 (3) by inserting after subparagraph (A) the fol-
25 lowing new subparagraphs:

1 “(B) in the case of an officer or employee
2 of the executive branch, providing material as-
3 sistance to a noncitizen in attempting to reg-
4 ister to vote or vote in an election for Federal
5 office;

6 “(C) registering an applicant to vote in an
7 election for Federal office who fails to present
8 documentary proof of United States citizenship;
9 or”.

10 (k) SPECIAL RULE FOR STATES NOT REQUIRING
11 VOTER REGISTRATION.—Section 4 of the National Voter
12 Registration Act of 1993 (52 U.S.C. 20503), as amended
13 by subsection (b), is amended by adding at the end the
14 following:

15 “(c) SPECIAL RULE FOR STATES NOT REQUIRING
16 VOTER REGISTRATION.—In the case of a State or jurisdic-
17 tion that does not require voter registration as a require-
18 ment to vote in an election for Federal office on or after
19 the date of the enactment of this subsection, the State
20 or jurisdiction shall be deemed to meet the requirements
21 of this Act if the State or jurisdiction establishes a system
22 for confirming the citizenship of individuals voting in an
23 election for Federal office prior to the first day for voting
24 with respect to such election and provides such confirma-

1 tion of citizenship status for each eligible voter to election
2 officials at the polling places during the voting period.”.

3 (l) ELECTION ASSISTANCE COMMISSION GUID-
4 ANCE.—Not later than 10 days after the date of the enact-
5 ment of this Act, the Election Assistance Commission shall
6 adopt and transmit to the chief State election official of
7 each State guidance with respect to the implementation
8 of the requirements under the National Voter Registration
9 Act of 1993 (52 U.S.C. 20501 et seq.), as amended by
10 this section.

11 (m) INAPPLICABILITY OF PAPERWORK REDUCTION
12 ACT.—Subchapter I of chapter 35 of title 44 (commonly
13 referred to as the “Paperwork Reduction Act”) shall not
14 apply with respect to the development or modification of
15 voter registration materials under the National Voter Reg-
16 istration Act of 1993 (52 U.S.C. 20501 et seq.), as
17 amended by this section, including the development or
18 modification of any voter registration application forms.

19 (n) DUTY OF SECRETARY OF HOMELAND SECURITY
20 TO NOTIFY ELECTION OFFICIALS OF NATURALIZA-
21 TION.—Upon receiving information that an individual has
22 become a naturalized citizen of the United States, the Sec-
23 retary of Homeland Security shall promptly provide notice
24 of such information to the appropriate chief election offi-
25 cial of the State in which such individual is domiciled.

1 (o) RULE OF CONSTRUCTION REGARDING PROVI-
2 SIONAL BALLOTS.—Nothing in this section or in any
3 amendment made by this section may be construed to
4 supercede, restrict, or otherwise affect the ability of an
5 individual to cast a provisional ballot in an election for
6 Federal office or to have the ballot counted in the election
7 if the individual is verified as a citizen of the United
8 States pursuant to section 8(j) of the National Voter Reg-
9 istration Act of 1993 (as added by subsection (f)).

10 (p) RULE OF CONSTRUCTION REGARDING EFFECT
11 ON STATE EXEMPTIONS FROM OTHER FEDERAL LAWS.—
12 Nothing in this section or in any amendment made by this
13 section may be construed to affect the exemption of a
14 State from any requirement of any Federal law other than
15 the National Voter Registration Act of 1993 (52 U.S.C.
16 20501 et seq.).

17 (q) EXCEPTION FOR ABSENT UNIFORMED SERVICES
18 VOTERS.—The requirements in this section shall not apply
19 with respect to an applicant who is an absent uniformed
20 services voter, as defined in section 107(1) of the Uni-
21 formed and Overseas Citizens Absentee Voting Act (52
22 U.S.C. 20310(1)).

23 (r) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall take effect on the date
25 of the enactment of this section, and shall apply with re-

1 spect to applications for voter registration which are sub-
2 mitted on or after such date.

3 **SEC. 103. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-**
4 **FICATION.**

5 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
6 TION AS CONDITION OF CASTING BALLOT.—

7 (1) IN GENERAL.—Title III of the Help Amer-
8 ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
9 amended by inserting after section 303 the following
10 new section:

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

12 **“(a) PROVISION OF IDENTIFICATION REQUIRED AS**
13 **CONDITION OF CASTING BALLOT.—**

14 **“(1) INDIVIDUALS VOTING IN PERSON.—**

15 **“(A) REQUIREMENT TO PROVIDE IDENTI-**
16 **FICATION.—**Notwithstanding any other provi-
17 sion of law and except as provided in subpara-
18 graph (B), the appropriate State or local elec-
19 tion official may not provide a ballot for an
20 election for Federal office to an individual who
21 desires to vote in person unless the individual
22 presents to the official a valid physical photo
23 identification.

24 **“(B) AVAILABILITY OF PROVISIONAL BAL-**
25 **LOT.—**

1 “(i) IN GENERAL.—If an individual
2 does not present the identification required
3 under subparagraph (A), the individual
4 shall be permitted to cast a provisional bal-
5 lot with respect to the election under sec-
6 tion 302(a), except that the appropriate
7 State or local election official may not
8 make a determination under section
9 302(a)(4) that the individual is eligible
10 under State law to vote in the election un-
11 less, not later than 3 days after casting the
12 provisional ballot, the individual presents
13 to the official—

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

16 “(II) an affidavit developed and
17 made available to the individual by
18 the State attesting that the individual
19 does not possess the identification re-
20 quired under subparagraph (A) be-
21 cause the individual has a religious
22 objection to being photographed.

23 “(ii) NO EFFECT ON OTHER PROVI-
24 SIONAL BALLOTING RULES.—Nothing in
25 clause (i) may be construed to apply to the

1 casting of a provisional ballot pursuant to
2 section 302(a) or any State law for reasons
3 other than the failure to present the identi-
4 fication required under subparagraph (A).

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

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law and except as provided in
9 subparagraph (B), the appropriate State or
10 local election official may not accept any ballot
11 for an election for Federal office provided by an
12 individual who votes other than in person unless
13 the individual submits with the ballot—

14 “(i) a copy of a valid photo identifica-
15 tion; or

16 “(ii) the last four digits of the individ-
17 ual’s Social Security number and an affi-
18 davit developed and made available to the
19 individual by the State attesting that the
20 individual is unable to obtain a copy of a
21 valid photo identification after making rea-
22 sonable efforts to obtain such a copy.

23 “(B) EXCEPTIONS.—Subparagraph (A)
24 does not apply with respect to a ballot provided
25 by—

1 “(i) an absent uniformed services
2 voter, as defined in section 107(1) of the
3 Uniformed and Overseas Citizens Absentee
4 Voting Act (52 U.S.C. 20310(1)); or

5 “(ii) an individual provided the right
6 to vote otherwise than in person under sec-
7 tion 3(b)(2)(B)(ii) of the Voting Accessi-
8 bility for the Elderly and Handicapped Act
9 (52 U.S.C. 20102(b)(2)(B)(ii)).

10 “(b) PROVIDING PUBLIC ACCESS TO DIGITAL IMAG-
11 ING DEVICES.—With respect to each State, the appro-
12 priate State or local government official of the State shall
13 ensure, to the extent practicable, public access to a digital
14 imaging device, which shall include a printer, copier,
15 image scanner, or multifunction machine, at State and
16 local government buildings in the State, including courts,
17 libraries, and police stations, for the purpose of allowing
18 individuals to use such a device at no cost to the individual
19 to make a copy of a valid photo identification.

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 issued by a State motor vehicle author-
7 ity.

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

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

12 “(5) A valid identification document issued by
13 a Tribal government that includes a photo of the in-
14 dividual and an expiration date.

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

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

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

1 applies to register to vote in elections for Federal of-
2 fice in the State online, the online voter registration
3 system notifies the individual of the photo identifica-
4 tion requirements of this section before the indi-
5 vidual completes the online registration process.

6 “(e) EFFECTIVE DATE.—This section shall take ef-
7 fect on the date of the enactment of this section, and shall
8 apply with respect to elections for Federal office held on
9 or after such date.”.

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

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

13 (b) CONFORMING AMENDMENT RELATING TO VOL-
14 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
15 SION.—Section 311(b) of such Act (52 U.S.C. 21101(b))
16 is amended—

17 (1) by striking “and” at the end of paragraph
18 (2);

19 (2) by striking the period at the end of para-
20 graph (3) and inserting “; and”; and

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

23 “(4) in the case of the recommendations with
24 respect to section 303A, October 1, 2025.”.

1 (c) CONFORMING AMENDMENT RELATING TO EN-
2 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
3 is amended by striking “sections 301, 302, 303, and 304”
4 and inserting “subtitle A of title III”.

5 (d) EFFECTIVE DATE.—This section and the amend-
6 ments made by this section shall take effect on the date
7 of the enactment of this section, and shall apply with re-
8 spect to elections for Federal office held on or after such
9 date.

