

AMENDMENT TO H.R. 1
OFFERED BY MR. FITZPATRICK OF
PENNSYLVANIA

Amend section 1903 to read as follows:

1 **SEC. 1903. 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 Vote Act of 2002 (52 U.S.C. 15481 et seq.) is
6 amended by inserting after section 303 the following
7 new section:
8

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 provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an
14 election for Federal office to an individual who
15 desires to vote in person unless the individual
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1 presents to the official a valid photo identifica-
2 tion.

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

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

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

20 “(II) an affidavit attesting that
21 the individual does not possess the
22 identification required under subpara-
23 graph (A) because the individual has
24 a religious objection to being photo-
25 graphed.

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

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

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

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

1 in section 107(1) of the Uniformed and Over-
2 seas Citizens Absentee Voting Act (52 U.S.C.
3 20310(1)), other than an individual described
4 in section 107(1)(C) of such Act.

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

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

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

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

4 “(3) A valid United States passport for the in-
5 dividual.

6 “(4) A valid military identification for the indi-
7 vidual.

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

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

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

19 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
20 ING TO REGISTER TO VOTE ONLINE.—Each State
21 shall ensure that, in the case of an individual who
22 applies to register to vote in elections for Federal of-
23 fice in the State online, the online voter registration
24 system notifies the individual of the photo identifica-

1 tion requirements of this section before the indi-
2 vidual completes the online registration process.

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

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

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

18 “(f) EFFECTIVE DATE.—This section shall apply
19 with respect to elections for Federal office held in 2022
20 or any succeeding year.”.

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

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

24 (b) CONFORMING AMENDMENT RELATING TO VOL-
25 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-

1 SION.—Section 321(b) of such Act (52 U.S.C. 21101(b)),
2 as redesignated and amended by section 1101(b) and sec-
3 tion 1611(b), is further amended—

4 (1) by striking “and” at the end of paragraph
5 (4);

6 (2) by striking the period at the end of para-
7 graph (5) and inserting “; and”; and

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

10 “(6) in the case of the recommendations with
11 respect to section 303A, October 1, 2021.”.

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

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

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

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

24 (C) in subsection (b), by striking para-
25 graphs (1) through (3) and redesignating para-

1 graphs (4) and (5) as paragraphs (1) and (2),
2 respectively; and

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

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

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

9 (d) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall apply with respect to
11 elections for Federal office held in 2022 or any succeeding
12 year.

