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(Original Signature of Member)

119TH CONGRESS
2^D SESSION

H. R. _____

To amend the Help America Vote Act of 2002 to require the provision of identification as a condition of casting a ballot in an election for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEIL introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Help America Vote Act of 2002 to require the provision of identification as a condition of casting a ballot in an election for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voter ID Act”.

1 **SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-**
2 **FICATION.**

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

5 (1) IN GENERAL.—Title III of the Help Amer-
6 ica Vote Act of 2002 (52 U.S.C. 21081 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 IDENTI-**
14 **FICATION.—**Notwithstanding any other provi-
15 sion of law and except as provided in subpara-
16 graph (B), the appropriate State or local elec-
17 tion official may not provide a ballot for an
18 election for Federal office to an individual who
19 desires to vote in person unless the individual
20 presents to the official a valid physical photo
21 identification.

22 **“(B) AVAILABILITY OF PROVISIONAL BAL-**
23 **LOT.—**

24 **“(i) IN GENERAL.—**If an individual
25 does not present the identification required
26 under subparagraph (A), the individual

1 shall be permitted to cast a provisional bal-
2 lot with respect to the election under sec-
3 tion 302(a), except that the appropriate
4 State or local election official may not
5 make a determination under section
6 302(a)(4) that the individual is eligible
7 under State law to vote in the election un-
8 less, not later than 3 days after casting the
9 provisional ballot, the individual presents
10 to the official—

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

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

20 “(ii) NO EFFECT ON OTHER PROVI-
21 SIONAL BALLOTING RULES.—Nothing in
22 clause (i) may be construed to apply to the
23 casting of a provisional ballot pursuant to
24 section 302(a) or any State law for reasons

1 other than the failure to present the identi-
2 fication required under subparagraph (A).

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

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

12 “(i) a copy of a valid photo identifica-
13 tion; or

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

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

24 “(i) an absent uniformed services
25 voter, as defined in section 107(1) of the

1 Uniformed and Overseas Citizens Absentee
2 Voting Act (52 U.S.C. 20310(1)); or

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

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

18 “(c) NOTIFICATION OF IDENTIFICATION REQUIRE-
19 MENT TO APPLICANTS FOR VOTER REGISTRATION.—

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

1 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
2 ING TO REGISTER TO VOTE ONLINE.—Each State
3 shall ensure that, in the case of an individual who
4 applies to register to vote in elections for Federal of-
5 fice in the State online, the online voter registration
6 system notifies the individual of the photo identifica-
7 tion requirements of this section before the indi-
8 vidual completes the online registration process.

9 “(d) VALID PHOTO IDENTIFICATION DEFINED.—For
10 purposes of this section, a ‘valid photo identification’
11 means, with respect to an individual who seeks to vote in
12 an election for Federal office, any of the following:

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

16 “(2) A valid State-issued identification card
17 that includes a photo of the individual and an expi-
18 ration date issued by a State motor vehicle author-
19 ity.

20 “(3) A valid United States passport for the in-
21 dividual.

22 “(4) A valid military identification for the indi-
23 vidual.

1 “(5) A valid identification document issued by
2 a Tribal government that includes a photo of the in-
3 dividual and an expiration date.”.

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

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

7 (b) CONFORMING AMENDMENT RELATING TO VOL-
8 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
9 SION.—Section 311(b) of such Act (52 U.S.C. 21101(b))
10 is amended—

11 (1) by striking “and” at the end of paragraph
12 (2);

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

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

17 “(4) in the case of the recommendations with
18 respect to section 303A, the date that is 90 days
19 after the date of the enactment of the Voter ID
20 Act.”.

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

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect on the date
3 that is 90 days after the date of the enactment of this
4 Act.

5 **SEC. 3. GRANT PROGRAM FOR PROVISION OF STATE AND**
6 **TRIBAL IDENTIFICATION.**

7 (a) IN GENERAL.—Subtitle D of title II of the Help
8 America Vote Act of 2002 (Public Law 107–252; 52
9 U.S.C. 21001 et seq.) is amended by adding at the end
10 the following new part:

11 **“PART 7—GRANT PROGRAM FOR PROVISION OF**
12 **IDENTIFICATION**

13 **“SEC. 298. GRANT PROGRAM FOR PROVISION OF IDENTI-**
14 **FICATION.**

15 “(a) GRANTS TO STATES.—

16 “(1) IN GENERAL.—The Commission shall
17 make grants to each State that provides identifica-
18 tion described in paragraph (2) without charge to
19 any individual who—

20 “(A) is eligible for such identification; and

21 “(B) provides an attestation under penalty
22 of perjury that the individual cannot afford to
23 pay the fee otherwise charged by the State for
24 the provision of the identification.

1 “(2) IDENTIFICATION DESCRIBED.—An identi-
2 fication described in this subsection is—

3 “(A) a State-issued motor vehicle driver’s
4 license that includes a photo of the individual
5 and an expiration date; and

6 “(B) an identification card issued by a
7 State motor vehicle authority that includes a
8 photo of the individual and an expiration date.

9 “(b) GRANTS TO TRIBES.—

10 “(1) IN GENERAL.—The Commission shall
11 make grants to each Tribal government that pro-
12 vides identification described in paragraph (2) with-
13 out charge to any individual who—

14 “(A) is eligible for such identification; and

15 “(B) provides an attestation under penalty
16 of perjury that the individual cannot afford to
17 pay such fee.

18 “(2) IDENTIFICATION DESCRIBED.—An identi-
19 fication described in this subsection is an identifica-
20 tion document issued by a Tribal government that
21 includes a photo of the individual and an expiration
22 date.

23 “(3) TRIBAL GOVERNMENT.—In this sub-
24 section, the term ‘Tribal government’ means the gov-
25 erning body of any Indian or Alaska Native tribe,

1 band, nation, pueblo, village, or community that the
2 Secretary of the Interior acknowledges to exist as an
3 Indian tribe under the Federally Recognized Indian
4 Tribe List Act of 1994 (25 U.S.C. 479a et seq.).”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 of such Act is amended by inserting after the item relating
7 to section 296 the following:

“PART 7—GRANT PROGRAM FOR PROVISION OF IDENTIFICATION

“Sec. 298. Grant program for provision of identification.”.