H. R. 4844

[Report No. 109–666]

To amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2006

Mr. Hyde introduced the following bill; which was referred to the Committee on House Administration

SEPTEMBER 18, 2006

Additional sponsors: Mr. McCotter, Mr. Putnam, Mr. Miller of Florida, Mr. Feeney, Mr. Westmoreland, Mr. Wilson of South Carolina, Mr. Doolittle, Mr. Sessions, Ms. Ginny Brown-Waite of Florida, Mr. Ehlers, and Mr. Souder

SEPTEMBER 19, 2006

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 2, 2006]

A BILL

To amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to pro-
vide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Election Integ-

rity Act of 2006”.

SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-

FICATION.

(a) REQUIREMENT TO PROVIDE PHOTO IDENTI-

FICATION AS CONDITION OF RECEIVING BALLOT.—Section

303(b) of the Help America Vote Act of 2002 (42 U.S.C.

15483(b)) is amended—

(1) in the heading, by striking “FOR VOTERS

WHO REGISTER BY MAIL” and inserting “FOR PRO-

VIDING PHOTO IDENTIFICATION”; and

(2) by striking paragraphs (1) through (3) and

inserting the following:

“(1) INDIVIDUALS VOTING IN PERSON.—

“(A) REQUIREMENT TO PROVIDE IDENTI-

FICATION.—Notwithstanding any other provision

of law and except as provided in subparagraph

(B), the appropriate State or local election offi-

cial may not provide a ballot for an election for
Federal office to an individual who desires to vote in person unless the individual presents to the official—

“(i) a government-issued, current, and valid photo identification; or

“(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

“(B) AVAILABILITY OF PROVISIONAL BALLOT.—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 the individual presents the identification required under subparagraph (A) to the
official not later than 48 hours after casting the
provisional ballot.

“(2) INDIVIDUALS VOTING OTHER THAN IN PER-
son.—

“(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 indi-
vidual who votes other than in person unless the
individual submits with the ballot—

“(i) a copy of a government-issued,
current, and valid photo identification; or

“(ii) in the case of the regularly sched-
uled general election for Federal office held
in November 2010 and each subsequent elec-
tion for Federal office, a copy of a govern-
ment-issued, current, and valid photo iden-
tification for which the individual was re-
quired to provide proof of United States
citizenship as a condition for the issuance
of the 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 sub-
paragraph, the term ‘absent uniformed services
voter’ has the meaning given such term in sec-
tion 107(1) of the Uniformed and Overseas Cit-
zens Absentee Voting Act (42 U.S.C. 1973ff—
6(1)), other than an individual described in sec-
tion 107(1)(C) of such Act.

“(3) SPECIFIC REQUIREMENTS FOR IDENTIFICA-
tions.—For purposes of paragraphs (1) and (2)—

“(A) an identification is ‘government-
issued’ if it is issued by the Federal Government
or by the government of a State; and

“(B) an identification is one for which an
individual was required to provide proof of
United States citizenship as a condition for
issuance if the identification displays an official
marking or other indication that the individual
is a United States citizen.”.

(b) CONFORMING AMENDMENTS.—Section 303 of such
Act (42 U.S.C. 15483) is amended—

(1) in the heading, by striking “FOR VOTERS
WHO REGISTER BY MAIL” and inserting “FOR
PROVIDING PHOTO IDENTIFICATION”; and
(2) 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).”

(c) 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 and requirements for providing photo identification.”.

(d) Effective Date.—

(1) In General.—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) Conforming Amendment.—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

“(2) Requirement to provide photo identification.—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.”.

SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.

(a) Requiring States to Make Identification Available.—Section 303(b) of the Help America Vote Act
of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

“(A) IN GENERAL.—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the State but who do not otherwise possess a government-issued photo identification.

“(B) IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

“(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and
“(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

“(C) IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections.”.

(b) PAYMENTS TO STATES TO COVER COSTS.—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.

“(a) PAYMENTS TO STATES.—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to
afford the fee that would otherwise be charged under the
program.

“(b) AMOUNT OF PAYMENT.—The amount of the pay-
ment made to a State under this part for any year shall
be equal to the amount of fees which would have been col-
lected by the State during the year under the program es-
tablished under section 303(b)(4) but for the application of
section 303(b)(4)(B)(ii), as determined on the basis of infor-
mation furnished to the Commission by the State at such
time and in such form as the Commission may require.

“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for payments
under this part such sums as may be necessary for fiscal
year 2008 and each succeeding fiscal year.”.

(c) CLERICAL AMENDMENT.—The table of contents of
such Act is amended by adding at the end of the item relat-
ing to subtitle D of title II the following:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“Sec. 297. Payments to cover costs to States of providing photo identifications for
voting to indigent individuals.
“Sec. 297A. Authorization of appropriations.”.

(d) EFFECTIVE DATE.—This section and the amend-
ments made by this section shall take effect October 1, 2007.

Amend the title so as to read: “A bill to amend the
Help America Vote Act of 2002 to require each indi-
vidual who desires to vote in an election for Federal off-
ice to provide the appropriate election official with a gov-
ernment-issued photo identification, and for other purposes.”.
A BILL

To amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes.

SEPTEMBER 19, 2006