

Union Calendar No. 397

109TH CONGRESS
2^D SESSION

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 *italie*]

[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.

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 “Federal Election Integ-*
 5 *riety Act of 2006” .*

6 **SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFI-**
 7 **FICATION.**

8 *(a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-*
 9 *TION AS CONDITION OF RECEIVING BALLOT.—Section*
 10 *303(b) of the Help America Vote Act of 2002 (42 U.S.C.*
 11 *15483(b)) is amended—*

12 *(1) in the heading, by striking “FOR VOTERS*
 13 *WHO REGISTER BY MAIL” and inserting “FOR PRO-*
 14 *VIDING PHOTO IDENTIFICATION”; and*

15 *(2) by striking paragraphs (1) through (3) and*
 16 *inserting the following:*

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

18 *“(A) REQUIREMENT TO PROVIDE IDENTIFI-*
 19 *FICATION.—Notwithstanding any other provision*
 20 *of law and except as provided in subparagraph*
 21 *(B), the appropriate State or local election offi-*
 22 *cial may not provide a ballot for an election for*

1 *Federal office to an individual who desires to*
2 *vote in person unless the individual presents to*
3 *the official—*

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

6 “(ii) *in the case of the regularly sched-*
7 *uled general election for Federal office held*
8 *in November 2010 and each subsequent elec-*
9 *tion for Federal office, a government-issued,*
10 *current, and valid photo identification for*
11 *which the individual was required to pro-*
12 *vide proof of United States citizenship as a*
13 *condition for the issuance of the identifica-*
14 *tion.*

15 “(B) *AVAILABILITY OF PROVISIONAL BAL-*
16 *LOT.—If an individual does not present the iden-*
17 *tification required under subparagraph (A), the*
18 *individual shall be permitted to cast a provi-*
19 *sional ballot with respect to the election under*
20 *section 302(a), except that the appropriate State*
21 *or local election official may not make a deter-*
22 *mination under section 302(a)(4) that the indi-*
23 *vidual is eligible under State law to vote in the*
24 *election unless the individual presents the identi-*
25 *fication required under subparagraph (A) to the*

1 *official not later than 48 hours after casting the*
2 *provisional ballot.*

3 “(2) *INDIVIDUALS VOTING OTHER THAN IN PER-*
4 *SON.—*

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

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

14 “(ii) *in the case of the regularly sched-*
15 *uled general election for Federal office held*
16 *in November 2010 and each subsequent elec-*
17 *tion for Federal office, a copy of a govern-*
18 *ment-issued, current, and valid photo iden-*
19 *tification for which the individual was re-*
20 *quired to provide proof of United States*
21 *citizenship as a condition for the issuance*
22 *of the identification.*

23 “(B) *EXCEPTION FOR OVERSEAS MILITARY*
24 *VOTERS.—Subparagraph (A) does not apply*
25 *with respect to a ballot provided by an absent*

1 *uniformed services voter who, by reason of active*
2 *duty or service, is absent from the United States*
3 *on the date of the election involved. In this sub-*
4 *paragraph, the term ‘absent uniformed services*
5 *voter’ has the meaning given such term in sec-*
6 *tion 107(1) of the Uniformed and Overseas Citi-*
7 *zens Absentee Voting Act (42 U.S.C. 1973ff—*
8 *6(1)), other than an individual described in sec-*
9 *tion 107(1)(C) of such Act.*

10 “(3) *SPECIFIC REQUIREMENTS FOR IDENTIFICA-*
11 *TIONS.—For purposes of paragraphs (1) and (2)—*

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

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

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

23 (1) *in the heading, by striking “FOR VOTERS*
24 *WHO REGISTER BY MAIL” and inserting “FOR*
25 *PROVIDING PHOTO IDENTIFICATION”;* and

1 (2) in subsection (c), by striking “subsections
2 (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)” and inserting
3 “subsection (a)(5)(A)(i)(II)”.

4 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
5 *such Act is amended by amending the item relating to sec-*
6 *tion 303 to read as follows:*

“Sec. 303. Computerized statewide voter registration list requirements and re-
quirements for providing photo identification.”.

7 (d) *EFFECTIVE DATE.*—

8 (1) *IN GENERAL.*—*This section and the amend-*
9 *ments made by this section shall apply with respect*
10 *to the regularly scheduled general election for Federal*
11 *office held in November 2008 and each subsequent*
12 *election for Federal office.*

13 (2) *CONFORMING AMENDMENT.*—*Section*
14 *303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is*
15 *amended to read as follows:*

16 “*(2) REQUIREMENT TO PROVIDE PHOTO IDENTI-*
17 *FICATION.*—*Paragraphs (1) and (2) of subsection (b)*
18 *shall apply with respect to the regularly scheduled*
19 *general election for Federal office held in November*
20 *2008 and each subsequent election for Federal office.”.*

21 **SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.**

22 (a) *REQUIRING STATES TO MAKE IDENTIFICATION*
23 *AVAILABLE.*—*Section 303(b) of the Help America Vote Act*

1 of 2002 (42 U.S.C. 15483(b)), as amended by section
2 2(a)(2), is amended—

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

5 (2) by inserting after paragraph (3) the fol-
6 lowing new paragraph:

7 “(4) *MAKING PHOTO IDENTIFICATIONS AVAIL-*
8 *ABLE.*—

9 “(A) *IN GENERAL.*—*During fiscal year*
10 *2008 and each succeeding fiscal year, each State*
11 *shall establish a program to provide photo iden-*
12 *tifications which may be used to meet the re-*
13 *quirements of paragraphs (1) and (2) by indi-*
14 *viduals who desire to vote in elections held in the*
15 *State but who do not otherwise possess a govern-*
16 *ment-issued photo identification.*

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

22 “(i) *the fee charged may not exceed the*
23 *reasonable cost to the State of providing the*
24 *identification to the individual; and*

1 “(ii) the State may not charge a fee to
2 any individual who provides an attestation
3 that the individual is unable to afford the
4 fee.

5 “(C) IDENTIFICATIONS NOT TO BE USED
6 FOR OTHER PURPOSES.—Any photo identifica-
7 tion provided under the program established
8 under subparagraph (A) may not serve as a gov-
9 ernment-issued photo identification for purposes
10 of any program or function of a State or local
11 government other than the administration of
12 elections.”.

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

16 **“PART 7—PAYMENTS TO COVER COSTS OF PRO-**
17 **VIDING PHOTO IDENTIFICATIONS TO INDI-**
18 **GENT INDIVIDUALS**

19 **“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PRO-**
20 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**
21 **ING TO INDIGENT INDIVIDUALS.**

22 “(a) PAYMENTS TO STATES.—The Commission shall
23 make payments to States to cover the costs incurred in pro-
24 viding photo identifications under the program established
25 under section 303(b)(4) to individuals who are unable to

1 *afford the fee that would otherwise be charged under the*
 2 *program.*

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

11 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

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

15 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
 16 *such Act is amended by adding at the end of the item relat-*
 17 *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.”.

18 (d) *EFFECTIVE DATE.*—*This section and the amend-*
 19 *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 individual who desires to vote in an election for Federal office to provide the appropriate election official with a gov-

ernment-issued photo identification, and for other purposes.”.

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