

Calendar No. 547

119TH CONGRESS
2D SESSION**S. 5271**

To amend the Help America Vote Act of 2002 to require voters to provide photo identification.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2026

Mr. HUSTED introduced the following bill; which was read the first time

AUGUST 6, 2026

Read the second time and placed on the calendar

A BILL

To amend the Help America Vote Act of 2002 to require voters to provide photo identification.

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. REQUIRING VOTERS TO PROVIDE PHOTO IDEN-**
4 **TIFICATION.**

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

1 amended by inserting after section 303 the following
 2 new section:

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

4 “(a) PROVISION OF IDENTIFICATION REQUIRED AS
 5 CONDITION OF CASTING BALLOT.—

6 “(1) INDIVIDUALS VOTING IN PERSON.—

7 “(A) REQUIREMENT TO PROVIDE IDENTI-
 8 FICATION.—Notwithstanding any other provi-
 9 sion of law and except as provided in subpara-
 10 graph (B), the appropriate State or local elec-
 11 tion official may not provide a ballot for an
 12 election for Federal office to an individual who
 13 desires to vote in person unless the individual
 14 presents to the official a valid physical photo
 15 identification.

16 “(B) AVAILABILITY OF PROVISIONAL BAL-
 17 LOT.—

18 “(i) IN GENERAL.—If an individual
 19 does not present the identification required
 20 under subparagraph (A), the individual
 21 shall be permitted to cast a provisional bal-
 22 lot with respect to the election under sec-
 23 tion 302(a), except that the appropriate
 24 State or local election official may not
 25 make a determination under section

1 302(a)(4) that the individual is eligible
2 under State law to vote in the election un-
3 less, not later than 3 days after casting the
4 provisional ballot, the individual presents
5 to the official—

6 “(I) the identification required
7 under subparagraph (A); or

8 “(II) an affidavit developed and
9 made available to the individual by
10 the State attesting that the individual
11 does not possess the identification re-
12 quired under subparagraph (A) be-
13 cause the individual has a religious
14 objection to being photographed.

15 “(ii) NO EFFECT ON OTHER PROVI-
16 SIONAL BALLOTING RULES.—Nothing in
17 clause (i) may be construed to apply to the
18 casting of a provisional ballot pursuant to
19 section 302(a) or any State law for reasons
20 other than the failure to present the identi-
21 fication required under subparagraph (A).

22 “(2) INDIVIDUALS VOTING OTHER THAN IN
23 PERSON.—

24 “(A) IN GENERAL.—Notwithstanding any
25 other provision of law and except as provided in

1 subparagraph (B), the appropriate State or
2 local election official may not accept any ballot
3 for an election for Federal office provided by an
4 individual who votes other than in person unless
5 the individual submits with the ballot—

6 “(i) a copy of a valid photo identifica-
7 tion; or

8 “(ii) the last four digits of the individ-
9 ual’s Social Security number and an affi-
10 davit developed and made available to the
11 individual by the State attesting that the
12 individual is unable to obtain a copy of a
13 valid photo identification after making rea-
14 sonable efforts to obtain such a copy.

15 “(B) EXCEPTIONS.—Subparagraph (A)
16 does not apply with respect to a ballot provided
17 by—

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

22 “(ii) an individual provided the right
23 to vote otherwise than in person under sec-
24 tion 3(b)(2)(B)(ii) of the Voting Accessi-

1 bility for the Elderly and Handicapped Act
2 (52 U.S.C. 20102(b)(2)(B)(ii)).

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

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

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

20 “(2) A valid State-issued identification card
21 that includes a photo of the individual and an expi-
22 ration date issued by a State motor vehicle author-
23 ity.

24 “(3) A valid United States passport for the in-
25 dividual.

1 “(4) A valid military identification for the indi-
2 vidual.

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

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

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

14 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
15 ING TO REGISTER TO VOTE ONLINE.—Each State
16 shall ensure that, in the case of an individual who
17 applies to register to vote in elections for Federal of-
18 fice in the State online, the online voter registration
19 system notifies the individual of the photo identifica-
20 tion requirements of this section before the indi-
21 vidual completes the online registration process.

22 “(e) VALID MILITARY IDENTIFICATION DEFINED.—
23 For purposes of this section, the term ‘valid military iden-
24 tification’ means any photo identification card issued by

1 the Department of Defense or the Department of Veterans
2 Affairs.

3 “(f) EFFECTIVE DATE.—This section shall take ef-
4 fect 1 day after the date of the enactment of this section,
5 and shall apply with respect to elections for Federal office
6 held on or after such date.”.

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

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

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

14 (1) by striking “and” at the end of paragraph

15 (2);

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

18 (3) by adding at the end the following new
19 paragraph:

20 “(4) in the case of the recommendations with
21 respect to section 303A, the date of enactment of
22 this paragraph.”.

23 (c) CONFORMING AMENDMENT RELATING TO EN-
24 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)

1 is amended by striking “sections 301, 302, 303, and 304”
2 and inserting “subtitle A of title III”.

3 (d) EFFECTIVE DATE.—This section and the amend-
4 ments made by this section shall take effect 1 day after
5 the date of the enactment of this Act, and shall apply with
6 respect to elections for Federal office held on or after such
7 date.

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