

109TH CONGRESS
2D SESSION

H. R. 4844

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2006

Received

NOVEMBER 13, 2006

Read twice and referred to the Committee on Rules and Administration

AN ACT

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 government-issued photo identification, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Election Integ-
3 rity Act of 2006” .

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

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

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

13 (2) by striking paragraphs (1) through (3) and
14 inserting the following:

15 “(1) INDIVIDUALS VOTING IN PERSON.—

16 “(A) REQUIREMENT TO PROVIDE IDENTI-
17 FICATION.—Notwithstanding any other provi-
18 sion of law and except as provided in subpara-
19 graph (B), the appropriate State or local elec-
20 tion official may not provide a ballot for an
21 election for Federal office to an individual who
22 desires to vote in person unless the individual
23 presents to the official—

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

1 “(ii) in the case of the regularly
2 scheduled general election for Federal of-
3 fice held in November 2010 and each sub-
4 sequent election for Federal office, a gov-
5 ernment-issued, current, and valid photo
6 identification for which the individual was
7 required to provide proof of United States
8 citizenship as a condition for the issuance
9 of the identification.

10 “(B) AVAILABILITY OF PROVISIONAL BAL-
11 LOT.—If an individual does not present the
12 identification required under subparagraph (A),
13 the individual shall be permitted to cast a provi-
14 sional ballot with respect to the election under
15 section 302(a), except that the appropriate
16 State or local election official may not make a
17 determination under section 302(a)(4) that the
18 individual is eligible under State law to vote in
19 the election unless the individual presents the
20 identification required under subparagraph (A)
21 to the official not later than 48 hours after
22 casting the provisional ballot.

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

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

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

10 “(ii) in the case of the regularly
11 scheduled general election for Federal of-
12 fice held in November 2010 and each sub-
13 sequent election for Federal office, a copy
14 of a government-issued, current, and valid
15 photo identification for which the indi-
16 vidual was required to provide proof of
17 United States citizenship as a condition for
18 the issuance of the identification.

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

services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6(1)), other than an individual described in section 107(1)(C) of such Act.

“(3) SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.—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)”.

1 (c) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by amending the item relating to
 3 section 303 to read as follows:

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

4 (d) EFFECTIVE DATE.—

5 (1) IN GENERAL.—This section and the amend-
 6 ments made by this section shall apply with respect
 7 to the regularly scheduled general election for Fed-
 8 eral office held in November 2008 and each subse-
 9 quent election for Federal office.

10 (2) CONFORMING AMENDMENT.—Section
 11 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is
 12 amended to read as follows:

13 “(2) REQUIREMENT TO PROVIDE PHOTO IDEN-
 14 TIFICATION.—Paragraphs (1) and (2) of subsection
 15 (b) shall apply with respect to the regularly sched-
 16 uled general election for Federal office held in No-
 17 vember 2008 and each subsequent election for Fed-
 18 eral office.”.

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

20 (a) REQUIRING STATES TO MAKE IDENTIFICATION
 21 AVAILABLE.—Section 303(b) of the Help America Vote
 22 Act of 2002 (42 U.S.C. 15483(b)), as amended by section
 23 2(a)(2), is amended—

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

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

5 “(4) MAKING PHOTO IDENTIFICATIONS AVAIL-
6 ABLE.—

7 “(A) IN GENERAL.—During fiscal year
8 2008 and each succeeding fiscal year, each
9 State shall establish a program to provide photo
10 identifications which may be used to meet the
11 requirements of paragraphs (1) and (2) by indi-
12 viduals who desire to vote in elections held in
13 the State but who do not otherwise possess a
14 government-issued photo identification.

15 “(B) IDENTIFICATIONS PROVIDED AT NO
16 COST TO INDIGENT INDIVIDUALS.—If a State
17 charges an individual a fee for providing a
18 photo identification under the program estab-
19 lished under subparagraph (A)—

20 “(i) the fee charged may not exceed
21 the reasonable cost to the State of pro-
22 viding the identification to the individual;
23 and

24 “(ii) the State may not charge a fee
25 to any individual who provides an attesta-

1 tion that the individual is unable to afford
2 the fee.

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

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

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

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

20 “(a) PAYMENTS TO STATES.—The Commission shall
21 make payments to States to cover the costs incurred in
22 providing photo identifications under the program estab-
23 lished under section 303(b)(4) to individuals who are un-
24 able to afford the fee that would otherwise be charged
25 under the program.

1 “(b) AMOUNT OF PAYMENT.—The amount of the
 2 payment made to a State under this part for any year
 3 shall be equal to the amount of fees which would have
 4 been collected by the State during the year under the pro-
 5 gram established under section 303(b)(4) but for the ap-
 6 plication of section 303(b)(4)(B)(ii), as determined on the
 7 basis of information furnished to the Commission by the
 8 State at such time and in such form as the Commission
 9 may require.

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

11 “There are authorized to be appropriated for pay-
 12 ments under this part such sums as may be necessary for
 13 fiscal year 2008 and each succeeding fiscal year.”.

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

1 (d) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect October 1,
3 2007.

Passed the House of Representatives September 20,
2006.

Attest:

KAREN L. HAAS,
Clerk.