

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 414

To amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2005

Mr. McCONNELL (for himself and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Help America Vote Act of 2002 to protect the right of Americans to vote through the prevention of voter fraud, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Voter Protection Act of 2005”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—VOTER REGISTRATION AND MAINTENANCE OF  
OFFICIAL LISTS OF REGISTERED VOTERS

- Sec. 101. Requirements for voters who register other than in person with an officer or employee of a State or local government entity.
- Sec. 102. Removal of registrants from voting rolls for failure to vote.
- Sec. 103. Use of social security numbers for voter registration and election administration.
- Sec. 104. Synchronization of State databases.
- Sec. 105. Incomplete registration forms.
- Sec. 106. Requirements for submission of registration forms by third parties.

TITLE II—VOTING

- Sec. 201. Voter rolls.
- Sec. 202. Return of absentee ballots.
- Sec. 203. Identification requirement.
- Sec. 204. Clarification of counting of provisional ballots.
- Sec. 205. Applications for absentee ballots.
- Sec. 206. Pilot program for use of indelible ink at polling places.

TITLE III—CRIMINAL PENALTIES

- Sec. 301. Penalty for making expenditures to persons to register.
- Sec. 302. Penalty for conspiracy to influence voting.
- Sec. 303. Penalty for destruction of property with intent to impede the act of voting.

**1 SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) There is a need for Congress to encourage  
4 and enable every eligible and registered American to  
5 vote.

6 (2) There is a need for Congress to protect the  
7 franchise of all Americans by rooting out the poten-  
8 tial for fraud in the electoral system.

9 (3) There is a need for Congress to provide  
10 States the tools necessary to protect against fraud in  
11 multiple, fictitious, and ineligible voter registrations.

12 (4) There is a need for Congress to ensure com-  
13 pleted and valid voter registration forms are re-

1 turned for processing so as to not disenfranchise  
 2 voters who believe they have been properly reg-  
 3 istered.

4 (5) There is a need for Congress to provide  
 5 States the tools necessary to protect against any  
 6 American casting more than one ballot and ensuring  
 7 poll workers are equipped to identify those who  
 8 voted prior to election day.

9 (6) There is a need for Congress to ensure the  
 10 accuracy, integrity, and fairness of every American  
 11 election.

12 (7) There is a need for Congress to ensure the  
 13 protection of every American's franchise is carried  
 14 out in a uniform and nondiscriminatory manner.

15 **TITLE I—VOTER REGISTRATION**  
 16 **AND MAINTENANCE OF OFFI-**  
 17 **CIAL LISTS OF REGISTERED**  
 18 **VOTERS**

19 **SEC. 101. REQUIREMENTS FOR VOTERS WHO REGISTER**  
 20 **OTHER THAN IN PERSON WITH AN OFFICER**  
 21 **OR EMPLOYEE OF A STATE OR LOCAL GOV-**  
 22 **ERNMENT ENTITY.**

23 (a) IN GENERAL.—

24 (1) APPLICATION OF REQUIREMENTS TO VOT-  
 25 ERS REGISTERING OTHER THAN IN PERSON.—Sub-

1 paragraph (A) of section 303(b)(1) of the Help  
2 America Vote Act of 2002 (42 U.S.C.  
3 15483(b)(1)(A)) is amended to read as follows:

4 “(A) the individual registered to vote in a  
5 jurisdiction in a manner other than appearing  
6 in person before an officer or employee of a  
7 State or local government entity; and”.

8 (2) MEANING OF IN PERSON.—Paragraph (1)  
9 of section 303(b) of such Act is amended by insert-  
10 ing at the end the following:

11 “For purposes of subparagraph (A), an individual  
12 shall not be considered to have registered in person  
13 if the registration is submitted to an officer or em-  
14 ployee of a State or local government entity by a  
15 person other than the person whose name appears  
16 on the voter registration form.”.

17 (3) CONFORMING AMENDMENTS.—

18 (A) The heading for subsection (b) of sec-  
19 tion 303 of such Act is amended by striking  
20 “WHO REGISTER BY MAIL” and inserting “WHO  
21 DO NOT REGISTER IN PERSON”.

22 (B) The heading for section 303 of such  
23 Act is amended by striking “**REQUIREMENTS**  
24 **FOR VOTERS WHO REGISTER BY MAIL**” and

1 inserting “**VOTER REGISTRATION REQUIRE-**  
2 **MENTS**”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by  
5 this section shall apply on and after January 1,  
6 2006.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Paragraph (2) of section 303(d) of the  
9 Help America Vote Act of 2002 (42 U.S.C.  
10 15483(d)(2)) is amended by inserting at the  
11 end the following new subparagraph:

12 “(C) APPLICABILITY WITH RESPECT TO  
13 INDIVIDUALS WHO REGISTER OTHER THAN IN  
14 PERSON.—Notwithstanding subparagraphs (A)  
15 and (B)—

16 “(i) each State and jurisdiction shall  
17 be required to comply with the provisions  
18 of subsection (b) with respect to individ-  
19 uals who register to vote in a jurisdiction  
20 in a manner other than appearing in per-  
21 son before an officer or employee of a  
22 State or local government entity on and  
23 after January 1, 2006; and

24 “(ii) the provisions of subsection (b)  
25 shall apply to any individual who registers

1 to vote in a jurisdiction in a manner other  
 2 than appearing in person before an officer  
 3 or employee of a State or local government  
 4 on and after January 1, 2006.”.

5 (B) The heading for paragraph (2) of sec-  
 6 tion 303(d) of such Act is amended by striking  
 7 “WHO REGISTER BY MAIL”.

8 (C) Subparagraph (A) of section 303(d)(2)  
 9 of such Act is amended by inserting “with re-  
 10 spect to individuals who register by mail” after  
 11 “subsection (b)”.

12 (D) Subparagraph (B) of section 303(d)(2)  
 13 of such Act is amended by inserting “by mail”  
 14 after “registers to vote”.

15 **SEC. 102. REMOVAL OF REGISTRANTS FROM VOTING ROLLS**  
 16 **FOR FAILURE TO VOTE.**

17 (a) IN GENERAL.—Section 8 of the National Voter  
 18 Registration Act of 1994 (42 U.S.C. 1973gg–6) is amend-  
 19 ed by redesignating subsections (h), (i), and (j) as sub-  
 20 sections (i), (j), and (k), respectively, and by inserting  
 21 after subsection (g) the following new subsection:

22 “(h) FAILURE TO VOTE.—Except as otherwise pro-  
 23 vided in subsection (d), a State shall not remove the name  
 24 of a registrant from the official list of eligible voters in

1 elections for Federal office on the ground that the reg-  
2 istrant has failed to vote unless—

3 “(1) the registrant has not voted or appeared to  
4 vote in 2 consecutive general elections for Federal  
5 office; and

6 “(2)(A) the registrant has not notified the ap-  
7 plicable registrar (in person or in writing) during the  
8 period described in subparagraph (A) that the indi-  
9 vidual intends to remain registered in the registrar’s  
10 jurisdiction; and

11 “(B) the applicable registrar has sent a notice  
12 which meets the requirements of paragraph (d)(2)  
13 and the notice is undeliverable.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 8(a)(4) of the National Voter Reg-  
16 istration Act of 1993 (42 U.S.C. 1973gg–6(a)(4)) is  
17 amended by striking “or” at the end of subpara-  
18 graph (A), by inserting “or” at the end of subpara-  
19 graph (B), and by adding at the end the following  
20 new subparagraph:

21 “(C) a failure to vote in 2 consecutive gen-  
22 eral elections for Federal office, in accordance  
23 with subsection (h) of this section;”.

24 (2) Section 8(b) of the National Voter Registra-  
25 tion Act of 1993 (42 U.S.C. 1973gg–6(b)) is amend-

1 ed by striking “roll for elections for Federal office”  
2 and all that follows and inserting the following “roll  
3 for elections for Federal office shall be uniform, non-  
4 discriminatory, and in compliance with the Voting  
5 Rights Act of 1965 (42 U.S.C. 1973 et seq.).”.

6 **SEC. 103. USE OF SOCIAL SECURITY NUMBERS FOR VOTER**  
7 **REGISTRATION AND ELECTION ADMINISTRA-**  
8 **TION.**

9 (a) IN GENERAL.—Section 205(c)(2) of the Social  
10 Security Act (42 U.S.C. 405(c)(2)) is amended by adding  
11 at the end the following new subparagraph:

12 “(I)(i) It is the policy of the United States  
13 that any State (or political subdivision thereof)  
14 may, in the administration of any voter reg-  
15 istration or other election law, use the social se-  
16 curity account numbers issued by the Commis-  
17 sioner of Social Security for the purpose of es-  
18 tablishing the identification of individuals af-  
19 fected by such law, and may require any indi-  
20 vidual who is, or appears to be, so affected to  
21 furnish to such State (or political subdivision  
22 thereof) or any agency thereof having adminis-  
23 trative responsibility for the law involved, the  
24 social security account number (or numbers, if  
25 such individual has more than one such num-

1           ber) issued to such individual by the Commis-  
2           sioner of Social Security.

3           “(ii) For purposes of clause (i), an agency  
4           of a State (or political subdivision thereof)  
5           charged with the administration of any voter  
6           registration or other election law that did not  
7           use the social security account number for iden-  
8           tification under a law or regulation adopted be-  
9           fore January 1, 2005, may require an indi-  
10          vidual to disclose his or her social security num-  
11          ber to such agency solely for the purpose of ad-  
12          ministering the laws referred to in such clause.

13          “(iii) If, and to the extent that, any provi-  
14          sion of Federal law enacted before the date of  
15          enactment of the Voter Protection Act of 2005  
16          is inconsistent with the policy set forth in  
17          clause (i), such provision shall, on and after the  
18          date of the enactment of such Act, be null, void,  
19          and of no effect.”.

20          (b) CONSTRUCTION.—Nothing in this section or the  
21          amendment made by this section may be construed to su-  
22          persede any privacy guarantee under any Federal or State  
23          law that applies with respect to a social security number.

1 **SEC. 104. SYNCHRONIZATION OF STATE DATABASES.**

2 (a) IN GENERAL.—Subparagraph (A) of section  
3 303(a)(1) of the Help America Vote Act of 2002 (42  
4 U.S.C. 15483(a)(1)(A)) is amended by adding at the end  
5 the following:

6 “(ix) The computerized list shall be in  
7 a format which allows for sharing and syn-  
8 chronization with other State computerized  
9 lists.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Paragraph (1) of section  
12 303(d) of the Help America Vote Act of 2002 (42  
13 U.S.C. 15483(d)(1)) is amended by adding at the  
14 end the following:

15 “(C) SYNCHRONIZATION OF DATABASES.—  
16 Each State and jurisdiction shall be required to  
17 comply with the requirements of subsection  
18 (a)(1)(A)(ix) on and after January 1, 2007.”.

19 (2) CONFORMING AMENDMENT.—Subparagraph  
20 (A) of section 303(d)(1) of the Help America Vote  
21 Act of 2002 (42 U.S.C. 15483(d)(1)(A)) is amended  
22 by striking “subparagraph (B)” and inserting “sub-  
23 paragraphs (B) and (C)”.

1 **SEC. 105. INCOMPLETE REGISTRATION FORMS.**

2 (a) IN GENERAL.—Subparagraph (B) of section  
3 303(b)(4) of the Help America Vote Act of 2002 (42  
4 U.S.C. 15483(b)(4)(B)) is amended to read as follows:

5 “(B) INCOMPLETE FORMS.—If an appli-  
6 cant for voter registration fails to answer the  
7 question included on the mail voter registration  
8 form pursuant to subparagraph (A)(i), the reg-  
9 istrar shall return the incomplete voter registra-  
10 tion form to the applicant and provide the ap-  
11 plicant with an opportunity to complete the reg-  
12 istration form.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 this section shall apply to any individual who registers to  
15 vote on or after January 1, 2006.

16 **SEC. 106. REQUIREMENTS FOR SUBMISSION OF REGISTRA-**  
17 **TION FORMS BY THIRD PARTIES.**

18 (a) IN GENERAL.—Section 303 of the Help America  
19 Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by  
20 this Act, is amended by redesignating subsection (d) as  
21 subsection (e) and by inserting after subsection (c) the fol-  
22 lowing new subsection:

23 “(d) REQUIREMENTS FOR SUBMISSION OR REG-  
24 ISTRATION FORMS BY THIRD PARTIES.—Notwithstanding  
25 section 8(a) of the National Voter Registration Act of  
26 1993 (42 U.S.C. 1973gg–6(a)), no State shall register any

1 person to vote in an election for Federal office if the reg-  
 2 istration form is submitted—

3 “(1) by a person other than the person whose  
 4 name appears on such form; and

5 “(2) more than 3 days after the date on which  
 6 such form was signed by the registrant.”.

7 (b) CONFORMING AMENDMENT.—Section 906(a) of  
 8 the Help America Vote Act of 2002 (42 U.S.C. 15545(a))  
 9 is amended by striking “section 303(b)” and inserting  
 10 “subsections (b) and (d) of section 303”.

11 (c) EFFECTIVE DATE.—Subsection (e) of section 303  
 12 of the Help America Vote Act of 2002 (42 U.S.C.  
 13 15483(d)), as redesignated by subsection (a), is amended  
 14 by adding at the end the following new paragraph:

15 “(3) REQUIREMENT FOR SUBMISSION OF REG-  
 16 ISTRATION FORMS BY THIRD PARTIES.—Each State  
 17 shall be required to comply with the requirements of  
 18 subsection (d) on and after January 1, 2006.”.

## 19 **TITLE II—VOTING**

### 20 **SEC. 201. VOTER ROLLS.**

21 (a) IN GENERAL.—Title III of the Help America  
 22 Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended  
 23 by redesignating sections 304 and 305 as sections 305 and  
 24 306, respectively, and by inserting after section 303 the  
 25 following new section:

1 **“SEC. 304. VOTER ROLLS.**

2 “(a) IN GENERAL.—If a State allows early voting or  
3 absentee voting for a Federal office, then such State shall  
4 be required to ensure that the voter rolls at each polling  
5 location on the day of the election accurately and affirma-  
6 tively indicate—

7 “(1) which individuals have voted prior to such  
8 day; and

9 “(2) which individuals have requested an absen-  
10 tee ballot for such election.

11 “(b) RULE FOR PERSONS NOT VOTING IN PER-  
12 SON.—For purposes of subsection (a)(1), a State shall af-  
13 firmatively indicate that an individual who has not voted  
14 in person has voted if the State has received a ballot from  
15 such individual prior to the day of the election.

16 “(c) EFFECTIVE DATE.—Each State and jurisdiction  
17 shall be required to comply with the requirements of this  
18 section on and after January 1, 2006.”.

19 (b) CONFORMING AMENDMENT.—Section 401 of the  
20 Help America Vote Act of 2002 (42 U.S.C. 15511) is  
21 amended by striking “and 303” and inserting “303, and  
22 304”.

23 **SEC. 202. RETURN OF ABSENTEE BALLOTS.**

24 (a) IN GENERAL.—Title III of the Help America  
25 Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended  
26 by this Act, is amended by redesignating sections 305 and

1 306 as sections 306 and 307, respectively, and by insert-  
 2 ing after section 304 the following new section.

3 **“SEC. 305. RETURN OF ABSENTEE BALLOTS.**

4 “(a) IN GENERAL.—Except as provided in the Uni-  
 5 formed and Overseas Citizens Absentee Voting Act, each  
 6 absentee ballot cast for a Federal office must be received  
 7 by the State by the close of business on the day of the  
 8 election in order to be counted as a valid ballot.

9 “(b) EFFECTIVE DATE.—Each State and jurisdiction  
 10 shall be required to comply with the requirements of sub-  
 11 section (a) on and after January 1, 2006.”.

12 (b) CONFORMING AMENDMENT.—Section 401 of the  
 13 Help America Vote Act of 2002 (42 U.S.C. 15511), as  
 14 amended by this Act, is amended by striking “and 304”  
 15 and inserting “304, and 305”.

16 **SEC. 203. IDENTIFICATION REQUIREMENT.**

17 (a) REQUIREMENT FOR VOTERS WHO REGISTER BY  
 18 MAIL AND OTHER THAN IN PERSON.—

19 (1) IN GENERAL.—Subparagraph (A) of section  
 20 303(b)(2) of the Help America Vote Act of 2002 (42  
 21 U.S.C. 15483(b)(2)(A)) is amended—

22 (A) in clause (i)—

23 (i) by inserting “issued by a govern-  
 24 ment entity” after “identification” in sub-  
 25 clause (I); and

1 (ii) by striking “current utility bill,  
2 bank statement, government check, pay-  
3 check, or other” in subclause (II) and in-  
4 sserting “recent”; and

5 (B) in clause (ii) —

6 (i) by inserting “issued by a govern-  
7 ment entity” after “identification” in sub-  
8 clause (I); and

9 (ii) by striking “current utility bill,  
10 bank statement, government check, pay-  
11 check, or other” in subclause (II) and in-  
12 sserting “recent”.

13 (2) INAPPLICABILITY.—Paragraph (3) of sec-  
14 tion 303(b) of the Help America Vote Act of 2002  
15 (42 U.S.C. 15483(b)(3)) is amended—

16 (A) in subparagraph (A)—

17 (i) by striking “part of such” and in-  
18 sserting “a requirement for a valid”;

19 (ii) by inserting “issued by a govern-  
20 ment entity” after “identification” in  
21 clause (i); and

22 (iii) by striking “current utility bill,  
23 bank statement, government check, pay-  
24 check, or other” in clause (ii) and inserting  
25 “recent”; and

1 (B) in subparagraph (B)(i), by striking  
2 “with such” and inserting “as a requirement  
3 for a valid”.

4 (3) EFFECTIVE DATE.—The amendments made  
5 by this subsection shall apply to individuals who reg-  
6 ister to vote on and after January 1, 2006, and each  
7 State and jurisdiction shall be required to comply  
8 with the requirements of section 303(b) of the Help  
9 America Vote Act of 2002, as amended by this sec-  
10 tion, on and after January 1, 2006.

11 (b) NEW REQUIREMENT FOR INDIVIDUALS VOTING  
12 IN PERSON.—

13 (1) IN GENERAL.—Title III of the Help Amer-  
14 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.), as  
15 amended by this Act, is amended by redesignating  
16 sections 306 and 307 as sections 307 and 308, re-  
17 spectively, and by inserting after section 305 the fol-  
18 lowing new section:

19 **“SEC. 306. IDENTIFICATION OF VOTERS AT THE POLLS.**

20 “(a) IN GENERAL.—Notwithstanding the require-  
21 ments of section 303(b), each State shall require individ-  
22 uals casting ballots in an election for Federal office in per-  
23 son to present a current valid photo identification issued  
24 by a governmental entity before voting.

1       “(b) EFFECTIVE DATE.—Each State shall be re-  
2       quired to comply with the requirements of subsection (a)  
3       on and after January 1, 2006.”.

4               (2) CONFORMING AMENDMENT.—Section 401  
5       of the Help America Vote Act of 2002 (42 U.S.C.  
6       15511), as amended by this Act, is amended by  
7       striking “and 305” and inserting “305, and 306”.

8       (c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—  
9       Subtitle D of title II of the Help America Vote Act of  
10       2002 (42 U.S.C. 15401 et seq.) is amended by adding at  
11       the end the following:

12                       **“PART 7—PHOTO IDENTIFICATION**

13       **“SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

14       “(a) IN GENERAL.—In addition to any other pay-  
15       ments made under this subtitle, the Election Assistance  
16       Commission shall make payments to States to promote the  
17       issuance to registered voters of free photo identifications  
18       for purposes of meeting the identification requirements of  
19       sections 303(b)(2) and 306.

20       “(b) ELIGIBILITY.—A State is eligible to receive a  
21       grant under this part if it submits to the Commission (at  
22       such time and in such form as the Commission may re-  
23       quire) an application containing—

1           “(1) a statement that the State intends to com-  
2           ply with the requirements of section 303(b) and sec-  
3           tion 306; and

4           “(2) a description of how the State intends to  
5           use the payment under this part to provide reg-  
6           istered voters with free photo identifications to meet  
7           the requirements of such sections.

8           “(c) USE OF FUNDS.—A State receiving a payment  
9           under this part shall use the payment only to provide free  
10          photo identification cards to registered voters who do not  
11          have an identification card that meets the requirements  
12          of sections 303(b) and 306.

13          “(d) ALLOCATION OF FUNDS.—

14                 “(1) IN GENERAL.—The amount of the grant  
15                 made to a State under this part for a year shall be  
16                 equal to the product of—

17                         “(A) the total amount appropriated for  
18                         payments under this part for the year under  
19                         section 298; and

20                         “(B) an amount equal to—

21                                 “(i) the voting age population of the  
22                                 State (as reported in the most recent de-  
23                                 cennial census); divided by

24                                 “(ii) the total voting age of all eligible  
25                                 States which submit an application for

1                   payments under this part (as reported in  
2                   the most recent decennial census).

3 **“SEC. 298. AUTHORIZATION OF APPROPRIATIONS.**

4           “(a) IN GENERAL.—In addition to any other  
5 amounts authorized to be appropriated under this subtitle,  
6 there are authorized to be appropriated \$25,000,000 for  
7 fiscal year 2006 and such sums as are necessary for each  
8 subsequent fiscal year for the purpose of making payments  
9 under section 297.

10          “(b) AVAILABILITY.—Any amounts appropriated  
11 pursuant to the authority of this section shall remain  
12 available until expended.”.

13 **SEC. 204. CLARIFICATION OF COUNTING OF PROVISIONAL**  
14                   **BALLOTS.**

15          (a) IN GENERAL.—Paragraph (4) of section 302(a)  
16 of the Help America Vote Act of 2002 (42 U.S.C.  
17 15482(a)(4)) is amended by adding at the end the fol-  
18 lowing new sentence: “For purposes of this paragraph, the  
19 determination of whether an individual is eligible under  
20 State law to vote shall take into account any provision of  
21 State law with respect to the polling site at which the indi-  
22 vidual is required to vote.”.

23          (b) CONFORMING AMENDMENT.—

1           (1) Paragraph (1) of section 302(a) of the Help  
2           America Vote Act of 2002 (42 U.S.C. 15482(a)(1))  
3           is amended to read as follows:

4           “(1) An election official at the polling place  
5           shall—

6                     “(A) notify the individual that the indi-  
7                     vidual may cast a provisional ballot in that elec-  
8                     tion; and

9                     “(B) in the case of an individual who the  
10                    election official asserts is not eligible to vote  
11                    under State law because the individual is at an  
12                    incorrect polling site, direct the individual to  
13                    the appropriate polling site.”.

14           (2) Paragraph (2) of section 302(a) of the Help  
15           America Vote Act of 2002 (42 U.S.C. 15482(a)(2))  
16           is amended by striking “The individual” and insert-  
17           ing “Notwithstanding the requirement of paragraph  
18           (1)(B), the individual”.

19   **SEC. 205. APPLICATIONS FOR ABSENTEE BALLOTS.**

20           (a) **IN GENERAL.**—Title III of the Help America  
21           Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended  
22           by this Act, is amended by redesignating sections 307 and  
23           308 as sections 308 and 309, respectively, and by insert-  
24           ing after section 306 the following new section:

1 **“SEC. 307. APPLICATIONS FOR ABSENTEE BALLOTS.**

2 “(a) IN GENERAL.—An application for an absentee  
3 ballot for an election for Federal office may not be accept-  
4 ed and processed by a State unless the application in-  
5 cludes—

6 “(1) in the case of an applicant who has been  
7 issued a current and valid driver’s license, the appli-  
8 cant’s driver’s license number; or

9 “(2) in the case of any other applicant—

10 “(A) a photo copy of a current and valid  
11 photo identification issued by a government en-  
12 tity;

13 “(B) at least the last 4 digits of the appli-  
14 cant’s social security number; or

15 “(C) the number assigned to such indi-  
16 vidual under section 303(a)(5)(A)(ii).

17 “(b) EFFECTIVE DATE.—Each State shall be re-  
18 quired to comply with the requirements of subsection (a)  
19 on and after January 1, 2006.”.

20 (b) CONFORMING AMENDMENT.—Section 401 of the  
21 Help America Vote Act of 2002 (42 U.S.C. 15511), as  
22 amended by this Act, is amended by striking “and 306”  
23 and inserting “306, and 307”.

1 **SEC. 206. PILOT PROGRAM FOR USE OF INDELIBLE INK AT**  
2 **POLLING PLACES.**

3 Subtitle D of title II of the Help America Vote Act  
4 of 2002 (42 U.S.C. 15401 et seq.), as amended by this  
5 Act, is amended by adding at the end the following:

6 **“PART 8—PILOT PROGRAM FOR USE OF**  
7 **INDELIBLE INK AT POLLING PLACES**

8 **“SEC. 299. PILOT PROGRAM.**

9 “(a) IN GENERAL.—The Commission shall make  
10 grants to States to carry out pilot programs under which  
11 each voter in an election for Federal office in a State is  
12 marked with indelible ink after submitting a ballot.

13 “(b) ELIGIBILITY.—A State is eligible to receive a  
14 grant under this part if it submits to the Commission, at  
15 such time and in such form as the Commission may re-  
16 quire, an application containing such information as the  
17 Commission may require.

18 “(c) REPORT.—

19 “(1) IN GENERAL.—Each State which receives  
20 a grant under this part shall submit to the Commis-  
21 sion a report describing the activities carried out  
22 with the funds provided under the grant.

23 “(2) DEADLINE.—A State shall submit the re-  
24 port required under paragraph (1) not later than 60  
25 days after the end of the fiscal year for which the

1 State received the grant which is the subject of the  
2 report.

3 **“SEC. 300. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There are authorized to be ap-  
5 propriated for grants under this part \$5,000,000 for fiscal  
6 year 2006 and such sums as are necessary for each suc-  
7 ceeding fiscal year.

8 “(b) AVAILABILITY.—Any amounts appropriated  
9 pursuant to the authority of this section shall remain  
10 available, without fiscal year limitation, until expended.”.

11 **TITLE III—CRIMINAL PENALTIES**

12 **SEC. 301. PENALTY FOR MAKING EXPENDITURES TO PER-**  
13 **SONS TO REGISTER.**

14 Section 597 of title 18, United States Code, is  
15 amended by inserting “to register him to vote,” after “ei-  
16 ther”.

17 **SEC. 302. PENALTY FOR CONSPIRACY TO INFLUENCE VOT-**  
18 **ING.**

19 Section 597 of title 18, United States Code, as  
20 amended by this Act, is amended by striking “makes or  
21 offers to make” and inserting “makes, offers to make, or  
22 conspires to make”.

1 **SEC. 303. PENALTY FOR DESTRUCTION OF PROPERTY WITH**  
2 **INTENT TO IMPEDE THE ACT OF VOTING.**

3 Section 594 of title 18, United States Code, is  
4 amended—

5 (1) by inserting “(a)” before “Whoever”; and

6 (2) by adding at the end the following:

7 “(b) Whoever destroys or damages any property with  
8 the intent to prevent or impede an individual from voting  
9 in an election for the office of President, Vice President,  
10 Presidential elector, Member of the Senate, Member of the  
11 House of Representatives, Delegate from the District of  
12 Columbia, or Resident Commissioner, shall be fined under  
13 this title, imprisoned for not more than 2 years, or both.”.

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