

112TH CONGRESS
2D SESSION

H. R. 6408

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2012

Mr. WALSH of Illinois introduced the following bill; which was referred to the Committee on House Administration

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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Election Integ-
5 rity Act of 2012”.

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

3 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
4 TION AS CONDITION OF RECEIVING BALLOT.—Section
5 303(b) of the Help America Vote Act of 2002 (42 U.S.C.
6 15483(b)) is amended—

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

10 (2) by striking paragraphs (1) through (3) and
11 inserting the following:

12 “(1) INDIVIDUALS VOTING IN PERSON.—

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

20 “(i) the individual presents to the offi-
21 cial a government-issued, current, and
22 valid photo identification of the individual;
23 and

24 “(ii) the election official verifies that
25 the photo identification presented is of the
26 individual who requests the ballot.

1 “(B) AVAILABILITY OF PROVISIONAL BAL-
2 LOT.—If an individual does not present the
3 identification required under subparagraph (A),
4 the individual shall be permitted to cast a provi-
5 sional ballot with respect to the election under
6 section 302(a), except that the appropriate
7 State or local election official shall not make a
8 determination under section 302(a)(4) that the
9 individual is eligible under State law to vote in
10 the election unless, not later than 48 hours
11 after casting the provisional ballot—

12 “(i) the individual presents the identi-
13 fication required under subparagraph (A)
14 to the official; and

15 “(ii) the election official verifies that
16 the photo identification presented is of the
17 individual who cast the provisional ballot.

18 “(2) INDIVIDUALS VOTING OTHER THAN IN
19 PERSON.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law and except as provided in
22 subparagraph (B), the appropriate State or
23 local election official shall not accept any ballot
24 for an election for Federal office provided by an

1 individual who votes other than in person un-
2 less—

3 “(i) the individual submits with the
4 ballot a copy of a government-issued, cur-
5 rent, and valid photo identification of the
6 individual; and

7 “(ii) the election official verifies that
8 the photo identification presented is of the
9 individual who provides the ballot.

10 “(B) IN PERSON REQUESTS FOR BALLOTS
11 TO VOTE OTHER THAN IN PERSON.—Notwith-
12 standing any other provision of law and except
13 as provided in subparagraph (B), the appro-
14 priate State or local election official shall not
15 provide a ballot for voting other than in person
16 to an individual who makes a request for such
17 a ballot in person unless—

18 “(i) the individual presents to the offi-
19 cial a government-issued, current, and
20 valid photo identification of the individual;
21 and

22 “(ii) the election official verifies that
23 the photo identification presented is of the
24 individual who requests the ballot.

1 “(C) EXCEPTION FOR OVERSEAS MILITARY
2 VOTERS.—Subparagraphs (A) and (B) do not
3 apply with respect to an absent uniformed serv-
4 ices voter who, by reason of active duty or serv-
5 ice, is absent from the United States on the
6 date of the election involved. In this subpara-
7 graph, the term ‘absent uniformed services
8 voter’ has the meaning given such term in sec-
9 tion 107(1) of the Uniformed and Overseas
10 Citizens Absentee Voting Act (42 U.S.C.
11 1973ff–6(1)), other than an individual de-
12 scribed in section 107(1)(C) of such Act.

13 “(3) SPECIFIC REQUIREMENTS FOR IDENTI-
14 FICATIONS.—For purposes of paragraphs (1) and
15 (2), an identification is ‘government-issued’ with re-
16 spect to an individual if it is issued by the Federal
17 Government or by the government of the State in
18 which the individual seeks to cast a ballot. Nothing
19 in this subsection shall be construed to prohibit the
20 Federal Government or a State from requiring an
21 individual who requests a photo identification to
22 present such information as may be necessary to en-
23 sure that the individual is the individual for whom
24 the identification is sought, or from imposing any
25 other requirements deemed necessary to ensure the

1 integrity or accuracy of any such photo identifica-
 2 tions.”.

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

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

8 (2) in subsection (c), by striking “subsections
 9 (a)(5)(A)(I)(II) and (b)(3)(B)(I)(II)” and inserting
 10 “subsection (a)(5)(A)(I)(II)”.

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

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

14 (d) EFFECTIVE DATE.—

15 (1) IN GENERAL.—This section and the amend-
 16 ments made by this section shall apply with respect
 17 to elections for Federal office held on or after Janu-
 18 ary 1, 2014.

19 (2) CONFORMING AMENDMENT.—Section
 20 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is
 21 amended to read as follows:

22 “(2) REQUIREMENT TO PROVIDE PHOTO IDEN-
 23 TIFICATION.—Paragraphs (1) and (2) of subsection

1 (b) shall apply with respect to elections for Federal
2 office held on or after January 1, 2014.”.

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

4 (a) REQUIRING STATES TO MAKE IDENTIFICATION
5 AVAILABLE.—Section 303(b) of the Help America Vote
6 Act of 2002 (42 U.S.C. 15483(b)), as amended by section
7 2(a)(2), is amended—

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

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

12 “(4) MAKING PHOTO IDENTIFICATIONS AVAIL-
13 ABLE.—

14 “(A) IN GENERAL.—During fiscal year
15 2014 and each succeeding fiscal year, each
16 State shall establish a program to provide photo
17 identifications which may be used to meet the
18 requirements of paragraphs (1) and (2) by indi-
19 viduals who desire to vote in elections held in
20 the State but who do not otherwise possess a
21 government-issued photo identification.

22 “(B) IDENTIFICATIONS PROVIDED AT NO
23 COST TO INDIGENT INDIVIDUALS.—If a State
24 charges an individual a fee for providing a

1 photo identification under the program estab-
2 lished under subparagraph (A)—

3 “(i) the fee charged may not exceed
4 the reasonable cost to the State of pro-
5 viding the identification to the individual;
6 and

7 “(ii) the State may not charge a fee
8 to any individual who provides an attesta-
9 tion that the individual is unable to afford
10 the fee.

11 “(C) IDENTIFICATIONS NOT TO BE USED
12 AS MOTOR VEHICLE LICENSES.—Any photo
13 identification provided under the program es-
14 tablished under subparagraph (A) may not
15 serve as a government-issued photo identifica-
16 tion for purposes of operating a motor vehicle
17 or any related purpose.”.

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

1 **“PART 7—PAYMENTS TO COVER COSTS OF PRO-**
2 **VIDING PHOTO IDENTIFICATIONS TO INDI-**
3 **GENT INDIVIDUALS**

4 **“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PRO-**
5 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**
6 **ING TO INDIGENT INDIVIDUALS.**

7 “(a) PAYMENTS TO STATES.—The Commission shall
8 make payments to States to cover the costs incurred in
9 providing photo identifications under the program estab-
10 lished under section 303(b)(4) to individuals who are un-
11 able to afford the fee that would otherwise be charged
12 under the program.

13 “(b) AMOUNT OF PAYMENT.—The amount of the
14 payment made to a State under this part for any year
15 shall be equal to the amount of fees which would have
16 been collected by the State during the year under the pro-
17 gram established under section 303(b)(4) but for the ap-
18 plication of section 303(b)(4)(B)(ii), as determined on the
19 basis of information furnished to the Commission by the
20 State at such time and in such form as the Commission
21 may require.

22 “(c) ENSURING BUDGET NEUTRALITY BY COR-
23 RESPONDING REDUCTION IN REQUIREMENTS PAY-
24 MENT.—The amount of any requirements payment made
25 to a State under part 1 of subtitle D for a fiscal year

1 shall be reduced by the amount of any payment made to
 2 a State under this part for the fiscal year.

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

4 “There are authorized to be appropriated for pay-
 5 ments under this part an aggregate amount of \$5,000,000
 6 for fiscal year 2014 and each of the 4 succeeding fiscal
 7 years.”.

8 (c) CLERICAL AMENDMENT.—The table of contents
 9 of such Act is amended by adding at the end of the item
 10 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.”.

