

112TH CONGRESS
2D SESSION

H. R. 6419

To amend the Help America Vote Act of 2002 to permit an individual who is subject to a requirement to present identification as a condition of voting in an election for Federal office to meet such requirement by signing an affidavit attesting to the individual's identification, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2012

Mr. LARSEN of Washington (for himself, Mr. HONDA, Mr. CLEAVER, Ms. MOORE, Mr. BUTTERFIELD, Mr. MORAN, and Ms. SCHWARTZ) 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 permit an individual who is subject to a requirement to present identification as a condition of voting in an election for Federal office to meet such requirement by signing an affidavit attesting to the individual's 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 “America Votes Act of
5 2012”.

1 **SEC. 2. PERMITTING USE OF AFFIDAVIT TO MEET IDENTI-**
2 **FICATION REQUIREMENTS FOR VOTING.**

3 (a) PERMITTING USE OF AFFIDAVIT.—Title III of
4 the Help America Vote Act of 2002 (42 U.S.C. 15481 et
5 seq.) is amended by inserting after section 303 the fol-
6 lowing new section:

7 **“SEC. 303A. PERMITTING USE OF AFFIDAVIT TO MEET**
8 **IDENTIFICATION REQUIREMENTS.**

9 “(a) USE OF AFFIDAVIT.—Except as provided in sub-
10 section (c), if a State has in effect a requirement that an
11 individual present identification as a condition of receiving
12 and casting a ballot in an election for Federal office, the
13 individual may meet the requirement—

14 “(1) in the case of an individual who desires to
15 vote in person, by presenting the appropriate State
16 or local election official with an affidavit, signed by
17 the individual under penalty of perjury, attesting to
18 the individual’s identification and attesting that the
19 individual is registered to vote in the election; or

20 “(2) in the case of an individual who desires to
21 vote by mail, by submitting with the ballot the affi-
22 davit described in paragraph (1).

23 “(b) REQUIRING USE OF REGULAR BALLOT.—A
24 State may not require an individual who presents or sub-
25 mits an affidavit in accordance with subsection (a) to cast
26 a provision ballot in the election under section 302.

1 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
 2 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
 3 with respect to any individual described in paragraph (1)
 4 of section 303(b) who is required to meet the requirements
 5 of paragraph (2) of such section.”.

6 (b) CONFORMING AMENDMENT RELATING TO EN-
 7 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)
 8 is amended by striking “and 303” and inserting “303, and
 9 303A”.

10 (c) CLERICAL AMENDMENT.—The table of contents
 11 of such Act is amended by inserting after the item relating
 12 to section 303 the following new item:

“Sec. 303A. Permitting use of affidavit to meet identification requirements.”.

13 **SEC. 3. REQUIRING STATES TO INCLUDE INFORMATION ON**
 14 **USE OF AFFIDAVIT IN VOTING INFORMATION**
 15 **MATERIAL POSTED AT POLLING PLACES.**

16 Section 302(b)(2) of the Help America Vote Act of
 17 2002 (42 U.S.C. 15482(b)(2)) is amended—

18 (1) by striking “and” at the end of subpara-
 19 graph (E);

20 (2) by striking the period at the end of sub-
 21 paragraph (F) and inserting “; and”; and

22 (3) by adding at the end the following new sub-
 23 paragraph:

24 “(G) in the case of a State that has in ef-
 25 fect a requirement that an individual present

1 identification as a condition of receiving and
2 casting a ballot in an election for Federal office,
3 information on how an individual may meet
4 such requirement by presenting an affidavit in
5 accordance with section 303A.”.

6 **SEC. 4. EFFECTIVE DATE.**

7 The amendments made by this Act shall apply with
8 respect to elections occurring on or after the date of the
9 enactment of this Act.

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