

115TH CONGRESS
1ST SESSION

H. R. 2090

To amend the Help America Vote Act of 2002 to require voters in elections for Federal office to provide photo identification as a condition of casting a ballot in such elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2017

Mr. MESSER 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 voters in elections for Federal office to provide photo identification as a condition of casting a ballot in such elections, 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 “Election Integrity Act
5 of 2017”.

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

3 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
4 TION AS CONDITION OF CASTING BALLOT.—

5 (1) IN GENERAL.—Title III of the Help Amer-
6 ica Vote Act of 2002 (52 U.S.C. 15481 et seq.) is
7 amended by inserting after section 303 the following
8 new section:

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

10 **“(a) PROVISION OF IDENTIFICATION REQUIRED AS**
11 **CONDITION OF CASTING BALLOT.—**

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 may not provide a ballot for an
18 election for Federal office to an individual who
19 desires to vote in person unless the individual
20 presents to the official a valid photo identifica-
21 tion.

22 **“(B) AVAILABILITY OF PROVISIONAL BAL-**
23 **LOT.—**

24 **“(i) IN GENERAL.—**If an individual
25 does not present the identification required
26 under subparagraph (A), the individual

1 shall be permitted to cast a provisional bal-
2 lot with respect to the election under sec-
3 tion 302(a), except that the appropriate
4 State or local election official may not
5 make a determination under section
6 302(a)(4) that the individual is eligible
7 under State law to vote in the election un-
8 less, not later than 10 days after casting
9 the provisional ballot, the individual pre-
10 sents to the official—

11 “(I) the identification required
12 under subparagraph (A); or

13 “(II) an affidavit attesting that
14 the individual does not possess the
15 identification required under subpara-
16 graph (A) because the individual has
17 a religious objection to being photo-
18 graphed.

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

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

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

11 “(B) EXCEPTION FOR OVERSEAS MILITARY
12 VOTERS.—Subparagraph (A) does not apply
13 with respect to a ballot provided by an absent
14 uniformed services voter who, by reason of ac-
15 tive duty or service, is absent from the United
16 States on the date of the election involved. In
17 this subparagraph, the term ‘absent uniformed
18 services voter’ has the meaning given such term
19 in section 107(1) of the Uniformed and Over-
20 seas Citizens Absentee Voting Act (52 U.S.C.
21 20310(1)), other than an individual described
22 in section 107(1)(C) of such Act.

23 “(b) PROVISION OF IDENTIFICATIONS WITHOUT
24 CHARGE TO INDIVIDUALS UNABLE TO PAY COSTS OF OB-
25 TAINING IDENTIFICATION.—If an individual presents a

1 State or local election official with an affidavit attesting
2 that the individual is unable to pay the costs associated
3 with obtaining a valid photo identification under this sec-
4 tion, the official shall provide the individual with a valid
5 photo identification under this subsection without charge
6 to the individual.

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

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

14 “(2) A valid State-issued identification card
15 that includes a photo of the individual and an expi-
16 ration date.

17 “(3) A valid United States passport for the in-
18 dividual.

19 “(4) A valid military identification for the indi-
20 vidual.

21 “(5) Any other form of government-issued iden-
22 tification that the State may specify as a valid photo
23 identification for purposes of this subsection.

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

1 “(1) IN GENERAL.—Each State shall ensure
2 that, at the time an individual applies to register to
3 vote in elections for Federal office in the State, the
4 appropriate State or local election official notifies
5 the individual of the photo identification require-
6 ments of this section.

7 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
8 ING TO REGISTER TO VOTE ONLINE.—Each State
9 shall ensure that, in the case of an individual who
10 applies to register to vote in elections for Federal of-
11 fice in the State online, the online voter registration
12 system notifies the individual of the photo identifica-
13 tion requirements of this section before the indi-
14 vidual completes the online registration process.

15 “(e) TREATMENT OF STATES WITH PHOTO IDENTI-
16 FICATION REQUIREMENTS IN EFFECT AS OF DATE OF
17 ENACTMENT.—If, as of the date of the enactment of this
18 section, a State has in effect a law requiring an individual
19 to provide a photo identification as a condition of casting
20 a ballot in elections for Federal office held in the State
21 and the law remains in effect on and after the effective
22 date of this section, the State shall be considered to meet
23 the requirements of this section if—

24 “(1) the State submits a request to the Attor-
25 ney General and provides such information as the

1 Attorney General may consider necessary to deter-
2 mine that the State has in effect such a law and
3 that the law remains in effect; and

4 “(2) the Attorney General approves the request.

5 “(f) EFFECTIVE DATE.—This section shall apply
6 with respect to elections for Federal office held in 2020
7 or any succeeding year.”.

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

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

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

15 (1) by striking “and” at the end of paragraph
16 (2);

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

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

21 “(4) in the case of the recommendations with
22 respect to section 303A, October 1, 2018.”.

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

1 is amended by striking “and 303” and inserting “303, and
2 303A”.

3 (d) CONFORMING AMENDMENTS RELATING TO RE-
4 PEAL OF EXISTING PHOTO IDENTIFICATION REQUIRE-
5 MENTS FOR CERTAIN VOTERS.—

6 (1) IN GENERAL.—Section 303 of such Act (42
7 U.S.C. 15483) is amended—

8 (A) in the heading, by striking “**AND RE-**
9 **QUIREMENTS FOR VOTERS WHO REGISTER**
10 **BY MAIL**”;

11 (B) in the heading of subsection (b), by
12 striking “FOR VOTERS WHO REGISTER BY
13 MAIL” and inserting “FOR MAIL-IN REGISTRA-
14 TION FORMS”;

15 (C) in subsection (b), by striking para-
16 graphs (1) through (3) and redesignating para-
17 graphs (4) and (5) as paragraphs (1) and (2),
18 respectively; and

19 (D) in subsection (c), by striking “sub-
20 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)”
21 and inserting “subsection (a)(5)(A)(i)(II)”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended by amending the item
24 relating to section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements.”.

1 (e) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall apply with respect to
3 elections for Federal office held in 2020 or any succeeding
4 year.

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