

117TH CONGRESS  
1ST SESSION

# H. R. 322

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2021

Mr. BANKS (for himself, Mrs. CAMMACK, Mr. STEUBE, Mr. HERN, Mr. NORMAN, Mr. BUDD, Mr. GOOD of Virginia, Mr. WEBER of Texas, Mr. WALBERG, Mr. ALLEN, Mr. MCKINLEY, Mr. PFLUGER, Ms. HERRELL, Mr. MEUSER, Mr. HIGGINS of Louisiana, Ms. MALLIOTAKIS, Mr. BARR, Mr. WENSTRUP, Mr. JACKSON, Mr. ARMSTRONG, Mr. GOODEN of Texas, Mr. BABIN, Mrs. WALORSKI, Mr. WALTZ, Mr. ARRINGTON, Mr. ADERHOLT, Mr. AUSTIN SCOTT of Georgia, Mr. DUNCAN, Mr. GIBBS, Mr. POSEY, and Mr. RESCHENTHALER) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, 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; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Save Democracy Act”.

4 (b) FINDINGS.—Congress finds the following:

5 (1) Congress recognizes that the legitimacy of  
6 the United States representative democracy rests on  
7 the integrity of our Federal elections and confidence  
8 our citizens have in them.

9 (2) Consistent with article I, section 4, clause  
10 1 of the Constitution of the United States and the  
11 principles of federalism, primary authority to regu-  
12 late Federal elections is reserved to the States, while  
13 Congress’s role is secondary.

14 (3) While exercising its primary role in deter-  
15 mining the manner in which Federal elections shall  
16 be carried out, States must seek to protect the fair-  
17 ness, accessibility, and integrity of the elections.

18 (4) Congress should limit its secondary role in  
19 regulating Federal elections to instances in which  
20 State regulation of Federal elections has contributed  
21 to or proven unsuccessful in preventing impropriety.

22 **SEC. 2. INTEGRITY IN VOTER REGISTRATION.**

23 (a) PROHIBITING AUTOMATIC VOTER REGISTRA-  
24 TION.—Section 8 of the National Voter Registration Act  
25 of 1993 (52 U.S.C. 20507) is amended—

1           (1) by redesignating subsection (j) as sub-  
2           section (k); and

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

5           “(j) PROHIBITING REGISTRATION PURSUANT TO  
6 AUTOMATIC VOTER REGISTRATION SYSTEM.—

7           “(1) PROHIBITION.—A State may not register  
8           an individual to vote in elections for Federal office  
9           pursuant to an automatic voter registration system.

10          “(2) DEFINITION.—In this subsection, an  
11          ‘automatic voter registration system’ means, with re-  
12          spect to a State, a system that registers an indi-  
13          vidual to vote in elections for Federal office in the  
14          State, if eligible, by electronically transferring the  
15          information necessary for registration from govern-  
16          ment agencies to election officials of the State so  
17          that, unless the individual affirmatively declines to  
18          be registered, the individual will be registered to vote  
19          in such elections.”.

20          (b) PROHIBITING REGISTRATION TO VOTE OF INDI-  
21 VIDUALS WHO FAIL TO PROVIDE PROOF OF UNITED  
22 STATES CITIZENSHIP.—Section 8 of the National Voter  
23 Registration Act of 1993 (52 U.S.C. 20507), as amended  
24 by subsection (a), is amended—

1           (1) by redesignating subsection (k) as sub-  
2           section (l); and

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

5           “(k) PROHIBITING REGISTRATION OF INDIVIDUALS  
6 NOT PROVIDING PROOF OF UNITED STATES CITIZEN-  
7 SHIP.—

8           “(1) PROHIBITION.—Notwithstanding any other  
9           provision of this Act, a State may not register an in-  
10          dividual to vote in elections for Federal office held  
11          in the State unless, at the time the individual ap-  
12          plies to register to vote, the individual provides docu-  
13          mentary proof that the individual is a citizen of the  
14          United States, which shall consist of any of the fol-  
15          lowing (or a photocopy thereof):

16                   “(A) A certified birth certificate issued by  
17                   a State or unit of local government in a State.

18                   “(B) A valid United States passport.

19                   “(C) A Consular Report of Birth Abroad  
20                   issued by the Secretary of State.

21                   “(D) A Naturalization Certificate or Cer-  
22                   tificate of Citizenship issued by the Secretary of  
23                   Homeland Security.

24           “(2) APPLICABILITY.—Paragraph (1) applies  
25          with respect to an individual who applies to register

1 to vote under section 5, 6, or 7 (including an indi-  
2 vidual who submits the mail voter registration appli-  
3 cation form prescribed by the Election Assistance  
4 Commission pursuant to section 9), or who applies  
5 under any other method of voter registration avail-  
6 able in the State.”.

7 (c) REQUIRING APPLICANTS FOR VOTER REGISTRA-  
8 TION TO PROVIDE FULL SOCIAL SECURITY NUMBERS.—

9 (1) REQUIREMENT.—Section 303(a)(5)(A) of  
10 the Help America Vote Act of 2002 (52 U.S.C.  
11 21083(a)(5)(A)) is amended to read as follows:

12 “(A) REQUIRING APPLICANTS TO PROVIDE  
13 FULL SOCIAL SECURITY NUMBER.—Notwith-  
14 standing any other provision of law, an applica-  
15 tion for voter registration for an election for  
16 Federal office may not be accepted or processed  
17 by a State unless the application includes the  
18 applicant’s full Social Security number.”.

19 (2) CONFORMING AMENDMENT RELATING TO  
20 CERTAIN VOTERS REGISTERING BY MAIL.—Section  
21 303(b)(3)(B)(i) of such Act (52 U.S.C.  
22 21083(b)(3)(B)(i)) is amended by striking “either—  
23 ” and all that follows through “; and” and inserting  
24 “the individual’s full Social Security number; and”.

1           (3) CONFORMING AMENDMENT RELATING TO  
2 WAIVER OF PRIVACY ACT.—Section 303(c) of such  
3 Act (52 U.S.C. 21083(c)) is amended to read as fol-  
4 lows:

5           “(c) PERMITTED USE OF SOCIAL SECURITY NUM-  
6 BERS.—Section 7 of the Privacy Act of 1974 (5 U.S.C.  
7 552a note) does not apply to the use of a Social Security  
8 number under subsection (a)(5)(A) or subsection  
9 (b)(3)(B)(i).”.

10          (d) ENSURING PROVISION OF INFORMATION TO  
11 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED  
12 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-  
13 SHIP.—

14           (1) REQUIRING STATE ELECTION OFFICIALS TO  
15 COORDINATE INFORMATION ON RECUSAL AS PART  
16 OF MAINTENANCE OF STATEWIDE VOTER REGISTRA-  
17 TION LIST.—Subparagraph (A) of section 303(a)(2)  
18 of the Help America Vote Act of 2002 (52 U.S.C.  
19 21083(a)(2)) is amended—

20                   (A) by redesignating clause (iii) as clause  
21                   (iv); and

22                   (B) by inserting after clause (ii) the fol-  
23                   lowing new clause:

24                           “(iii) For purposes of removing names  
25                           of ineligible voters from the official list of

1 eligible voters by reason of citizenship sta-  
2 tus, the State shall coordinate the comput-  
3 erized list with records of courts which  
4 have recused individuals from serving on a  
5 jury on the grounds that the individuals  
6 are not citizens of the United States.”.

7 (2) REQUIRING NOTIFICATION BY COURTS.—

8 (A) REQUIREMENT DESCRIBED.—If a  
9 United States district court or a court of any  
10 State or local jurisdiction recuses an individual  
11 from serving on a jury on the grounds that the  
12 individual is not a citizen of the United States,  
13 the court shall transmit a notice of the individ-  
14 ual’s recusal—

15 (i) to the chief State election official  
16 of the State in which the individual re-  
17 sides; and

18 (ii) to the Attorney General.

19 (B) DEFINITIONS.—For purposes of this  
20 subsection—

21 (i) the “chief State election official”  
22 of a State is the individual designated by  
23 the State under section 10 of the National  
24 Voter Registration Act of 1993 (52 U.S.C.  
25 20509) to be responsible for coordination

1 of the State’s responsibilities under such  
2 Act; and

3 (ii) the term “State” means each of  
4 the several States, the District of Colum-  
5 bia, the Commonwealth of Puerto Rico,  
6 American Samoa, Guam, the United States  
7 Virgin Islands, and the Commonwealth of  
8 the Northern Mariana Islands.

9 (e) EFFECTIVE DATE.—This section and the amend-  
10 ments made by this section shall take effect on the date  
11 of the enactment of this Act, and shall apply with respect  
12 to applications for voter registration which are submitted  
13 on or after such date.

14 **SEC. 3. INTEGRITY IN CASTING OF BALLOTS.**

15 (a) PROMOTING INTEGRITY IN CASTING OF BAL-  
16 LOTS.—Title III of the Help America Vote Act of 2002  
17 (52 U.S.C. 21081 et seq.) is amended—

18 (1) by redesignating sections 304 and 305 as  
19 sections 305 and 306; and

20 (2) by inserting after section 303 the following  
21 new section:

22 **“SEC. 304. PROMOTING INTEGRITY IN CASTING OF BAL-**  
23 **LOTS.**

24 **“(a) REQUIRING PROVISION OF IDENTIFICATION AS**  
25 **CONDITION OF VOTING.—**



1           “(1) INDIVIDUALS VOTING IN PERSON.—Not-  
2           withstanding any other provision of law, the appro-  
3           priate State or local election official may not provide  
4           a ballot for an election for Federal office to an indi-  
5           vidual who desires to vote in person unless the indi-  
6           vidual presents to the official a current and valid  
7           identification.

8           “(2) INDIVIDUALS VOTING OTHER THAN IN  
9           PERSON.—Notwithstanding any other provision of  
10          law, the appropriate State or local election official  
11          may not accept any ballot for an election for Federal  
12          office provided by an individual who votes other than  
13          in person unless the individual submits with the bal-  
14          lot a copy of a current and valid identification.

15          “(3) CURRENT AND VALID IDENTIFICATION DE-  
16          FINED.—In this subsection, a ‘current and valid  
17          identification’ means a current and valid version of  
18          any of the following:

19                 “(A) An identification issued by a State or  
20                 a unit of local government in a State.

21                 “(B) A United States passport.

22                 “(C) A military identification card.

23                 “(D) An identification issued by a tribal  
24                 government.

1       “(b) PROHIBITING DELIVERY OF BALLOTS BY MAIL  
2 UNLESS REQUESTED.—A State may not deliver a ballot  
3 in an election for Federal office to an individual by mail  
4 unless the individual requests that the State deliver the  
5 ballot to the individual by mail.

6       “(c) PROHIBITING USE OF DROP BOXES FOR COL-  
7 LECTION OF BALLOTS.—A State may not use a drop box  
8 for the collection of voted absentee ballots in an election  
9 for Federal office unless the drop box is located inside a  
10 building which serves as an office for a State or local elec-  
11 tion official.

12       “(d) RESTRICTIONS ON DELIVERY OF VOTED BAL-  
13 LOTS BY THIRD PARTIES.—A State may not accept a  
14 voted absentee ballot in an election for Federal office  
15 which is delivered in person to an election official by any  
16 individual other than the voter to whom the ballot was  
17 transmitted, other than an individual described as follows:

18               “(1) An election official while engaged in offi-  
19 cial duties as authorized by law.

20               “(2) An employee of the United States Postal  
21 Service while engaged in official duties as authorized  
22 by law.

23               “(3) Any other individual who is allowed by law  
24 to collect and transmit United States mail, while en-  
25 gaged in official duties as authorized by law.

1       “(e) PROHIBITING ACCEPTANCE OF ABSENTEE BAL-  
2 LOTS RECEIVED AFTER DATE OF ELECTION.—A State  
3 may not accept a voted absentee ballot in an election for  
4 Federal office which is not received by the appropriate  
5 State or local election official prior to the time at which  
6 the polls in the election close on the date of the election.

7       “(f) USE OF SOCIAL SECURITY NUMBERS TO CROSS-  
8 CHECK IDENTIFICATIONS OF INDIVIDUALS CASTING BAL-  
9 LOTS IN AN ELECTION WITH INDIVIDUALS REGISTERED  
10 TO VOTE IN THE ELECTION.—

11           “(1) REQUIREMENT.—Immediately upon the  
12 closing of the polls in an election for Federal office,  
13 each State shall verify the identification of each indi-  
14 vidual who cast a ballot in the election by carrying  
15 out a cross-check of the individual’s identification  
16 with the individual’s identification in the official list  
17 of individuals who are registered to vote in the elec-  
18 tion, using the individual’s full Social Security num-  
19 ber as the method for determining the individual’s  
20 identification.

21           “(2) REPORT TO CONGRESS.—Not later than 7  
22 days after the closing of the polls in an election for  
23 Federal office, the State shall submit to the Com-  
24 mittee on House Administration of the House of  
25 Representatives and the Committee on Rules and

1 Administration of the Senate a report on the State’s  
2 compliance with subsection (a), and shall include in  
3 the report—

4 “(A) the percentage of individuals who cast  
5 votes in the election whose identifications were  
6 verified by the State under such subsection; and

7 “(B) the number of individuals who cast  
8 votes in the election, or who attempted to cast  
9 votes in the election, whose identifications could  
10 not be verified by the State under such sub-  
11 section.

12 “(g) EXCEPTION FOR ABSENT MILITARY AND OVER-  
13 SEAS VOTERS.—This section does not apply with respect  
14 to any individual who is entitled to vote by absentee ballot  
15 under the Uniformed and Overseas Citizens Absentee Vot-  
16 ing Act (52 U.S.C. 20301 et seq.).

17 “(h) EFFECTIVE DATE.—This section shall apply  
18 with respect to the regularly scheduled general election for  
19 Federal office held in 2022 and any succeeding election  
20 for Federal office.”.

21 (b) CONFORMING AMENDMENT RELATING TO EXIST-  
22 ING IDENTIFICATION REQUIREMENTS.—Section 303 of  
23 such Act (52 U.S.C. 21083) is amended—

24 (1) by striking subsection (b); and

1           (2) in subsection (c), as amended by section  
2           2(c)(3), by striking “or subsection (b)(3)(B)(i)”.

3           (c) CONFORMING AMENDMENT RELATING TO EN-  
4           FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
5           is amended by striking “and 303” and inserting “303, and  
6           304”.

7           (d) CLERICAL AMENDMENT.—The table of contents  
8           of such Act is amended—

9           (1) by redesignating the items relating to sec-  
10           tions 304 and 305 as relating to sections 305 and  
11           306; and

12           (2) by inserting after the item relating to sec-  
13           tion 303 the following:

“Sec. 304. Promoting integrity in casting of ballots.”.

14           **SEC. 4. INTEGRITY IN TABULATION OF BALLOTS.**

15           (a) PROMOTING INTEGRITY.—Title III of the Help  
16           America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as  
17           amended by section 3(a), is amended—

18           (1) by redesignating sections 305 and 306 as  
19           sections 306 and 307; and

20           (2) by inserting after section 304 the following  
21           new section:

22           **“SEC. 305. PROMOTING INTEGRITY IN TABULATION OF BAL-**  
23           **LOTS.**

24           “(a) MINIMUM PRESENCE OF ELECTION OBSERV-  
25           ERS.—The appropriate State or local election official shall

1 permit at least 2 representatives of each candidate appear-  
2 ing on the ballot in a general election for Federal office  
3 to observe the tabulation of the ballots in the election.

4 “(b) CONTINUOUS TABULATION OF BALLOTS UNTIL  
5 COMPLETION.—

6 “(1) IN GENERAL.—Upon the closing of the  
7 polls on the date of an election for Federal office,  
8 the appropriate State or local election official shall  
9 continue the tabulation of the ballots cast in the  
10 election without interruption (other than an inter-  
11 ruption caused by an emergency affecting the health  
12 or safety of the election officials carrying out the  
13 tabulation) until each lawfully cast ballot has been  
14 tabulated.

15 “(2) EXCEPTION FOR PROVISIONAL BALLOTS.—  
16 Paragraph (1) does not apply with respect to the  
17 tabulation of any provisional ballot cast in the elec-  
18 tion.

19 “(c) POST-ELECTION AUDIT.—Not later than 30  
20 days after each election for Federal office held in the  
21 State, each State shall conduct and publish an audit of  
22 the effectiveness and accuracy of the voting systems used  
23 to carry out the election and the performance of the State  
24 and local election officials who carried out the election.

1       “(d) EFFECTIVE DATE.—This section shall apply  
2 with respect to the regularly scheduled general election for  
3 Federal office held in 2022 and any succeeding election  
4 for Federal office.”.

5       (b) CONFORMING AMENDMENT RELATING TO EN-  
6 FORCEMENT.—Section 401 of such Act (52 U.S.C.  
7 21111), as amended by section 3(c), is amended by strik-  
8 ing “and 304” and inserting “304, and 305”.

9       (c) CLERICAL AMENDMENT.—The table of contents  
10 of such Act, as amended by section 3(d), is amended—

11           (1) by redesignating the items relating to sec-  
12 tions 305 and 306 as relating to section 306 and  
13 307; and

14           (2) by inserting after the item relating to sec-  
15 tion 304 the following new item:

“Sec. 305. Promoting integrity in tabulation of ballots.”.

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