

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require voters to provide photo identification.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 1383

To establish the Veterans Advisory Committee on Equal Access, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HUSTED to the amendment (No. 4420) proposed by Mr. SCHMITT

Viz:

1 Strike section 111 and insert the following:

2 **SEC. 111. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.**
3

4 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF CASTING BALLOT.—
5

6 (1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
7 amended by inserting after section 303 the following
8 new section:
9

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

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

1 “(1) INDIVIDUALS VOTING IN PERSON.—

2 “(A) REQUIREMENT TO PROVIDE IDENTI-
3 FICATION.—Notwithstanding any other provi-
4 sion of law and except as provided in subpara-
5 graph (B), the appropriate State or local elec-
6 tion official may not provide a ballot for an
7 election for Federal office to an individual who
8 desires to vote in person unless the individual
9 presents to the official a valid physical photo
10 identification.

11 “(B) AVAILABILITY OF PROVISIONAL BAL-
12 LOT.—

13 “(i) IN GENERAL.—If an individual
14 does not present the identification required
15 under subparagraph (A), the individual
16 shall be permitted to cast a provisional bal-
17 lot with respect to the election under sec-
18 tion 302(a), except that the appropriate
19 State or local election official may not
20 make a determination under section
21 302(a)(4) that the individual is eligible
22 under State law to vote in the election un-
23 less, not later than 3 days after casting the
24 provisional ballot, the individual presents
25 to the official—

1 “(i) a copy of a valid photo identifica-
2 tion; or

3 “(ii) the last four digits of the individ-
4 ual’s Social Security number and an affi-
5 davit developed and made available to the
6 individual by the State attesting that the
7 individual is unable to obtain a copy of a
8 valid photo identification after making rea-
9 sonable efforts to obtain such a copy.

10 “(B) EXCEPTIONS.—Subparagraph (A)
11 does not apply with respect to a ballot provided
12 by—

13 “(i) an absent uniformed services
14 voter, as defined in section 107(1) of the
15 Uniformed and Overseas Citizens Absentee
16 Voting Act (52 U.S.C. 20310(1)); or

17 “(ii) an individual provided the right
18 to vote otherwise than in person under sec-
19 tion 3(b)(2)(B)(ii) of the Voting Accessi-
20 bility for the Elderly and Handicapped Act
21 (52 U.S.C. 20102(b)(2)(B)(ii)).

22 “(b) PROVIDING PUBLIC ACCESS TO DIGITAL IMAG-
23 ING DEVICES.—With respect to each State, the appro-
24 priate State or local government official of the State shall
25 ensure, to the extent practicable, public access to a digital

1 imaging device, which shall include a printer, copier,
2 image scanner, or multifunction machine, at State and
3 local government buildings in the State, including courts,
4 libraries, and police stations, for the purpose of allowing
5 individuals to use such a device at no cost to the individual
6 to make a copy of a valid photo identification.

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 issued by a State motor vehicle author-
17 ity.

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

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

22 “(5) A valid identification document issued by
23 a Tribal government that includes a photo of the in-
24 dividual and an expiration date.

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

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

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

17 “(e) VALID MILITARY IDENTIFICATION DEFINED.—
18 For purposes of this section, the term ‘valid military iden-
19 tification’ means any photo identification card issued by
20 the Department of Defense or the Department of Veterans
21 Affairs.

22 “(f) EFFECTIVE DATE.—This section shall take ef-
23 fect 1 day after the date of the enactment of this section,
24 and shall apply with respect to elections for Federal office
25 held on or after such date.”.

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

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

4 (b) CONFORMING AMENDMENT RELATING TO VOL-
5 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
6 SION.—Section 311(b) of such Act (52 U.S.C. 21101(b))
7 is amended—

8 (1) by striking “and” at the end of paragraph
9 (2);

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

12 (3) by adding at the end the following new
13 paragraph:

14 “(4) in the case of the recommendations with
15 respect to section 303A, the date of enactment of
16 this paragraph.”.

17 (c) CONFORMING AMENDMENT RELATING TO EN-
18 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
19 is amended by striking “sections 301, 302, 303, and 304”
20 and inserting “subtitle A of title III”.

21 (d) EFFECTIVE DATE.—This section and the amend-
22 ments made by this section shall take effect 1 day after
23 the date of the enactment of this Act, and shall apply with
24 respect to elections for Federal office held on or after such
25 date.