

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure only citizens are registered to vote in elections for Federal office, and to require voters to provide photo identification.

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

S. 2

To provide for reconciliation pursuant to title II of S. Con.
Res. 33.

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. LEE to the
amendment (No. 5453) proposed by Mr. GRAHAM

Viz:

1 At the appropriate place, insert the following:

2 **TITLE __—SAVE AMERICAN**
3 **VOTERS**

4 **SEC. __100. SHORT TITLE.**

5 This title may be cited as the “Safeguard American
6 Voter Eligibility Act” or the “SAVE America Act”.

1 **Subtitle A—Ensuring Only Citizens**
2 **Are Registered to Vote in Elec-**
3 **tions for Federal Office**

4 **SEC. _101. ENSURING ONLY CITIZENS ARE REGISTERED TO**
5 **VOTE IN ELECTIONS FOR FEDERAL OFFICE.**

6 (a) DEFINITION OF DOCUMENTARY PROOF OF
7 UNITED STATES CITIZENSHIP.—Section 3 of the National
8 Voter Registration Act of 1993 (52 U.S.C. 20502) is
9 amended—

10 (1) by striking “As used” and inserting “(a) IN
11 GENERAL.—As used”; and

12 (2) by adding at the end the following:

13 “(b) DOCUMENTARY PROOF OF UNITED STATES
14 CITIZENSHIP.—As used in this Act, the term ‘documen-
15 tary proof of United States citizenship’ means, with re-
16 spect to an applicant for voter registration, any of the fol-
17 lowing:

18 “(1) A form of identification issued consistent
19 with the requirements of the REAL ID Act of 2005
20 that indicates the applicant is a citizen of the United
21 States.

22 “(2) A valid United States passport that indi-
23 cates the applicant is a citizen of the United States.

24 “(3) The applicant’s official United States mili-
25 tary identification card, together with an official

1 United States military record showing that the ap-
2 plicant's place of birth was in the United States or
3 that otherwise indicates the applicant is a citizen of
4 the United States.

5 “(4) A valid government-issued photo identifica-
6 tion card issued by a Federal, State or Tribal gov-
7 ernment showing that the applicant's place of birth
8 was in the United States or that otherwise indicates
9 the applicant is a citizen of the United States.

10 “(5) A valid government-issued photo identifica-
11 tion card issued by a Federal, State or Tribal gov-
12 ernment other than an identification described in
13 paragraphs (1) through (4), but only if presented to-
14 gether with one or more of the following:

15 “(A) A certified birth certificate issued by
16 a State, a unit of local government in a State,
17 or a Tribal government which—

18 “(i) was issued by the State, unit of
19 local government, or Tribal government in
20 which the applicant was born;

21 “(ii) was filed with the office respon-
22 sible for keeping vital records in the State;

23 “(iii) includes the full name, date of
24 birth, and place of birth of the applicant;

1 “(iv) lists the full names of one or
2 both of the parents of the applicant;

3 “(v) has the signature of an individual
4 who is authorized to sign birth certificates
5 on behalf of the State, unit of local govern-
6 ment, or Tribal government in which the
7 applicant was born;

8 “(vi) includes the date that the certifi-
9 cate was filed with the office responsible
10 for keeping vital records in the State; and

11 “(vii) has the seal of the State, unit
12 of local government, or Tribal government
13 that issued the birth certificate.

14 “(B) An extract from a United States hos-
15 pital Record of Birth created at the time of the
16 applicant’s birth which indicates that the appli-
17 cant’s place of birth was in the United States.

18 “(C) A final adoption decree showing the
19 applicant’s name and that the applicant’s place
20 of birth was in the United States.

21 “(D) A Consular Report of Birth Abroad
22 of a citizen of the United States or a certifi-
23 cation of the applicant’s Report of Birth of a
24 United States citizen issued by the Secretary of
25 State.

1 “(E) A Naturalization Certificate or Cer-
2 tificate of Citizenship issued by the Secretary of
3 Homeland Security or any other document or
4 method of proof of United States citizenship
5 issued by the Federal government pursuant to
6 the Immigration and Nationality Act.

7 “(F) An American Indian Card issued by
8 the Department of Homeland Security with the
9 classification ‘KIC’.”.

10 (b) APPLICATION OF REQUIREMENTS.—Section 4 of
11 the National Voter Registration Act of 1993 (52 U.S.C.
12 20503) is amended—

13 (1) in subsection (a), by striking “subsection
14 (b)” and inserting “subsection (c)”;

15 (2) by redesignating subsection (b) as sub-
16 section (c); and

17 (3) by inserting after subsection (a) the fol-
18 lowing new subsection:

19 “(b) REQUIRING APPLICANTS TO PRESENT DOCU-
20 MENTARY PROOF OF UNITED STATES CITIZENSHIP.—
21 Under any method of voter registration in a State, the
22 State shall not accept and process an application to reg-
23 ister to vote in an election for Federal office unless the
24 applicant presents documentary proof of United States
25 citizenship with the application.”.

1 (c) REGISTRATION WITH APPLICATION FOR MOTOR
2 VEHICLE DRIVER'S LICENSE.—Section 5 of the National
3 Voter Registration Act of 1993 (52 U.S.C. 20504) is
4 amended—

5 (1) in subsection (a)(1), by striking “Each
6 State motor vehicle driver's license application” and
7 inserting “Subject to the requirements under section
8 8(j), each State motor vehicle driver's license appli-
9 cation”;

10 (2) in subsection (c)(1), by striking “Each
11 State shall include” and inserting “Subject to the
12 requirements under section 8(j), each State shall in-
13 clude”;

14 (3) in subsection (c)(2)(B)—

15 (A) in clause (i), by striking “and” at the
16 end;

17 (B) in clause (ii), by adding “and” at the
18 end; and

19 (C) by adding at the end the following new
20 clause:

21 “(iii) verify that the applicant is a citizen
22 of the United States;”;

23 (4) in subsection (c)(2)(C)(i), by striking “(in-
24 cluding citizenship)” and inserting “, including the

1 requirement that the applicant provides documentary
2 proof of United States citizenship”; and

3 (5) in subsection (c)(2)(D)(iii), by striking “;
4 and” and inserting the following: “, other than as
5 evidence in a criminal proceeding or immigration
6 proceeding brought against an applicant who know-
7 ingly attempts to register to vote and knowingly
8 makes a false declaration under penalty of perjury
9 that the applicant meets the eligibility requirements
10 to register to vote in an election for Federal office;
11 and”.

12 (d) REQUIRING DOCUMENTARY PROOF OF UNITED
13 STATES CITIZENSHIP WITH NATIONAL MAIL VOTER
14 REGISTRATION FORM.—Section 6 of the National Voter
15 Registration Act of 1993 (52 U.S.C. 20505) is amended—

16 (1) in subsection (a)(1)—

17 (A) by striking “Each State shall accept
18 and use” and inserting “Subject to the require-
19 ments under section 8(j), each State shall ac-
20 cept and use”; and

21 (B) by striking “Federal Election Commis-
22 sion” and inserting “Election Assistance Com-
23 mission”;

24 (2) in subsection (b), by adding at the end the
25 following: “The chief State election official of a

1 State shall take such steps as may be necessary to
2 ensure that residents of the State are aware of the
3 requirement to provide documentary proof of United
4 States citizenship to register to vote in elections for
5 Federal office in the State.”;

6 (3) in subsection (c)(1)—

7 (A) in subparagraph (A), by striking
8 “and” at the end;

9 (B) in subparagraph (B) by striking the
10 period at the end and inserting “; and”; and

11 (C) by adding at the end the following new
12 subparagraph:

13 “(C) the person did not provide documen-
14 tary proof of United States citizenship when
15 registering to vote.”; and

16 (4) by adding at the end the following new sub-
17 section:

18 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-
19 SHIP.—

20 “(1) PRESENTING PROOF OF UNITED STATES
21 CITIZENSHIP TO ELECTION OFFICIAL.—An applicant
22 who submits the mail voter registration application
23 form prescribed by the Election Assistance Commis-
24 sion pursuant to section 9(a)(2) or a form described
25 in paragraph (1) or (2) of subsection (a) shall not

1 be registered to vote in an election for Federal office
2 unless—

3 “(A) the applicant presents documentary
4 proof of United States citizenship in person to
5 the office of the appropriate election official not
6 later than the deadline provided by State law
7 for the receipt of a completed voter registration
8 application for the election; or

9 “(B) in the case of a State which permits
10 an individual to register to vote in an election
11 for Federal office at a polling place on the day
12 of the election and on any day when voting, in-
13 cluding early voting, is permitted for the elec-
14 tion, the applicant presents documentary proof
15 of United States citizenship to the appropriate
16 election official at the polling place not later
17 than the date of the election.

18 “(2) NOTIFICATION OF REQUIREMENT.—Upon
19 receiving an otherwise completed mail voter registra-
20 tion application form prescribed by the Election As-
21 sistance Commission pursuant to section 9(a)(2) or
22 a form described in paragraph (1) or (2) of sub-
23 section (a), the appropriate election official shall
24 transmit a notice to the applicant of the requirement
25 to present documentary proof of United States citi-

1 zenship under this subsection, and shall include in
2 the notice instructions to enable the applicant to
3 meet the requirement.

4 “(3) ACCESSIBILITY.—Each State shall, in con-
5 sultation with the Election Assistance Commission,
6 ensure that reasonable accommodations are made to
7 allow an individual with a disability who submits the
8 mail voter registration application form prescribed
9 by the Election Assistance Commission pursuant to
10 section 9(a)(2) or a form described in paragraph (1)
11 or (2) of subsection (a) to present documentary
12 proof of United States citizenship to the appropriate
13 election official.”.

14 (e) REQUIREMENTS FOR VOTER REGISTRATION
15 AGENCIES.—Section 7 of the National Voter Registration
16 Act of 1993 (52 U.S.C. 20506) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (4)(A), by adding at the
19 end the following new clause:

20 “(iv) Receipt of documentary proof of
21 United States citizenship of each applicant to
22 register to vote in elections for Federal office in
23 the State.”; and

24 (B) in paragraph (6)—

11

1 (i) in subparagraph (A)(i)(I), by strik-
2 ing “(including citizenship)” and inserting
3 “, including the requirement that the ap-
4 plicant provides documentary proof of
5 United States citizenship”;

6 (ii) by redesignating subparagraphs
7 (B) and (C) as subparagraphs (C) and
8 (D), respectively; and

9 (iii) by inserting after subparagraph
10 (A) the following new subparagraph:

11 “(B) ask the applicant the question, ‘Are you a
12 citizen of the United States?’ and if the applicant
13 answers in the affirmative require documentary
14 proof of United States citizenship prior to providing
15 the form under subparagraph (C);”;

16 (2) in subsection (c)(1), by inserting “who are
17 citizens of the United States” after “for persons”.

18 (f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-
19 TION OF VOTER REGISTRATION.—

20 (1) IN GENERAL.—Section 8 of the National
21 Voter Registration Act of 1993 (52 U.S.C. 20507)
22 is amended—

23 (A) in subsection (a)—

24 (i) by striking “In the administration
25 of voter registration” and inserting “Sub-

12

1 ject to the requirements of subsection (j),
2 in the administration of voter registra-
3 tion”; and

4 (ii) in paragraph (3)—

5 (I) in subparagraph (B), by
6 striking “or” at the end; and

7 (II) by adding at the end the fol-
8 lowing new subparagraphs:

9 “(D) based on documentary proof or
10 verified information that the registrant is not a
11 United States citizen; or

12 “(E) the registration otherwise fails to
13 comply with applicable State law;”;

14 (B) by redesignating subsection (j) as sub-
15 section (l); and

16 (C) by inserting after subsection (i) the
17 following new subsections:

18 “(j) ENSURING ONLY CITIZENS ARE REGISTERED TO
19 VOTE.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of this Act, a State may not register an in-
22 dividual to vote in elections for Federal office held
23 in the State unless, at the time the individual ap-
24 plies to register to vote, the individual provides docu-
25 mentary proof of United States citizenship.

1 “(2) REQUIREMENT IN CASES OF NAME DIS-
2 CREPANCIES IN DOCUMENTATION.—Notwithstanding
3 any other provision of law, a State shall accept and
4 process an application to register to vote in an elec-
5 tion for Federal office if the applicant—

6 “(A) presents with the application docu-
7 mentation that would constitute documentary
8 proof of United States citizenship, except that
9 the name on the documentation is not the name
10 of the applicant; and

11 “(B) provides, through a process estab-
12 lished by the State (which shall be subject to
13 any relevant guidance adopted by the Election
14 Assistance Commission)—

15 “(i) additional documentation as nec-
16 essary to establish that the name on the
17 documentation is a previous name of the
18 applicant; or

19 “(ii) an affidavit signed by the appli-
20 cant attesting that the name on the docu-
21 mentation is a previous name of the appli-
22 cant.

23 “(3) ADDITIONAL PROCESSES IN CERTAIN
24 CASES.—

1 “(A) PROCESS FOR THOSE WITHOUT DOC-
2 UMENTARY PROOF SUCH AS RECENTLY MAR-
3 RIED WOMEN WHO DECIDE TO CHANGE THEIR
4 SURNAME.—

5 “(i) IN GENERAL.—Subject to any rel-
6 evant guidance adopted by the Election As-
7 sistance Commission, each State shall es-
8 tablish a process under which an applicant
9 who cannot provide documentary proof of
10 United States citizenship under paragraph
11 (1) may, if the applicant signs an attesta-
12 tion under penalty of perjury that the ap-
13 plicant is a citizen of the United States
14 and eligible to vote in elections for Federal
15 office, submit such other evidence to the
16 appropriate State or local official dem-
17 onstrating that the applicant is a citizen of
18 the United States and such official shall
19 make a determination as to whether the
20 applicant has sufficiently established
21 United States citizenship for purposes of
22 registering to vote in elections for Federal
23 office in the State.

24 “(ii) AFFIDAVIT REQUIREMENT.—If a
25 State or local official makes a determina-

1 tion under clause (i) that an applicant has
2 sufficiently established United States citi-
3 zenship for purposes of registering to vote
4 in elections for Federal office in the State,
5 such determination shall be accompanied
6 by an affidavit developed under clause (iii)
7 signed by the official swearing or affirming
8 the applicant sufficiently established
9 United States citizenship for purposes of
10 registering to vote.

11 “(iii) DEVELOPMENT OF AFFIDAVIT
12 BY THE ELECTION ASSISTANCE COMMIS-
13 SION.—The Election Assistance Commis-
14 sion shall develop a uniform affidavit for
15 use by State and local officials under
16 clause (ii), which shall—

17 “(I) include an explanation of the
18 minimum standards required for a
19 State or local official to register an
20 applicant who cannot provide docu-
21 mentary proof of United States citi-
22 zenship to vote in elections for Fed-
23 eral office in the State; and

1 “(II) require the official to ex-
2 plain the basis for registering such
3 applicant to vote in such elections.

4 “(B) PROCESS IN CASE OF CERTAIN DIS-
5 CREPANCIES IN DOCUMENTATION.—Subject to
6 any relevant guidance adopted by the Election
7 Assistance Commission, each State shall estab-
8 lish a process under which an applicant can
9 provide such additional documentation to the
10 appropriate election official of the State as may
11 be necessary to establish that the applicant is
12 a citizen of the United States in the event of a
13 discrepancy with respect to the applicant’s doc-
14 umentary proof of United States citizenship.

15 “(4) STATE REQUIREMENTS.—Not later than
16 30 days after the date of the enactment of this sub-
17 section:

18 “(A) Each State shall take affirmative
19 steps, on an ongoing basis, and not less than
20 once every calendar year quarter, to ensure that
21 only United States citizens are registered to
22 vote under the provisions of this Act, and such
23 affirmative steps shall include the establishment
24 of a program described in subparagraphs (B)
25 and (C).

1 “(B) Each State shall submit the complete,
2 official list of individuals registered as eligible
3 voters for Federal office in the State to the De-
4 partment of Homeland Security for comparison
5 through the Systematic Alien Verification for
6 Entitlements (‘SAVE’) system for the purposes
7 of identifying individuals who are not citizens of
8 the United States and taking the necessary
9 steps to remove such individuals who are not
10 citizens from the official list, after notice is
11 given to such individuals and such individuals
12 are given the opportunity to provide documen-
13 tary proof of United States citizenship, but a
14 State with a memorandum of agreement for
15 such purposes with the Department of Home-
16 land Security on the date of the enactment of
17 this subsection may comply with this subpara-
18 graph by carrying out such purposes under the
19 memorandum.

20 “(C) Each State may utilize such other
21 sources of data available to the State for the
22 purposes of identifying individuals who are not
23 citizens of the United States and removing such
24 individuals from the official list of eligible vot-

1 ers for Federal office in the State, including
2 (but not limited to) the following:

3 “(i) The Department of Homeland Se-
4 curity through the Systematic Alien
5 Verification for Entitlements (‘SAVE’) sys-
6 tem or otherwise.

7 “(ii) Other sources, including data-
8 bases and information provided pursuant
9 to an agreement with the Commissioner of
10 Social Security under section 205(r)(9) of
11 the Social Security Act, which can be used
12 to confirm United States citizenship sta-
13 tus, except that any such information pro-
14 vided by the Commissioner may not be the
15 sole grounds for the removal of an indi-
16 vidual from the official list of eligible vot-
17 ers for elections for Federal office in a
18 State.

19 “(5) AVAILABILITY OF INFORMATION.—

20 “(A) IN GENERAL.—At the request of a
21 State election official (including a request re-
22 lated to a process established by a State under
23 paragraph (3)(A) or (3)(B)), any head of a
24 Federal department or agency possessing infor-
25 mation relevant to determining the eligibility of

1 an individual to vote in elections for Federal of-
2 fice shall, not later than 24 hours after receipt
3 of such request, provide the official with such
4 information as may be necessary to enable the
5 official to verify that an applicant for voter reg-
6 istration in elections for Federal office held in
7 the State or a registrant on the official list of
8 eligible voters in elections for Federal office
9 held in the State is a citizen of the United
10 States, which shall include providing the official
11 with such batched information as may be re-
12 quested by the official.

13 “(B) USE OF SAVE SYSTEM.—The Sec-
14 retary of Homeland Security shall respond to a
15 request received under subparagraph (A) by
16 using the system for the verification of immi-
17 gration status under the applicable provisions of
18 section 1137 of the Social Security Act (42
19 U.S.C. 1320b–7), as established pursuant to
20 section 121(c) of the Immigration Reform and
21 Control Act of 1986 (Public Law 99–603).

22 “(C) SHARING OF INFORMATION.—The
23 heads of Federal departments and agencies
24 shall share information with each other with re-
25 spect to an individual who is the subject of a

1 request received under paragraph (A) in order
2 to enable them to respond to the request.

3 “(D) INVESTIGATION FOR PURPOSES OF
4 REMOVAL.—The Secretary of Homeland Secu-
5 rity shall conduct an investigation to determine
6 whether to initiate removal proceedings under
7 section 239 of the Immigration and Nationality
8 Act (8 U.S.C. 1229) if it is determined pursu-
9 ant to subparagraph (A) or (B) that an alien
10 (as such term is defined in section 101 of the
11 Immigration and Nationality Act (8 U.S.C.
12 1101)) is unlawfully registered to vote in elec-
13 tions for Federal office.

14 “(E) PROHIBITING FEES.—The head of a
15 Federal department or agency may not charge
16 a fee for responding to a State’s request under
17 paragraph (A).

18 “(k) REMOVAL OF NONCITIZENS FROM REGISTRA-
19 TION ROLLS.—A State shall remove an individual who is
20 not a citizen of the United States from the official list
21 of eligible voters for elections for Federal office held in
22 the State at any time upon receipt of documentation or
23 verified information that a registrant is not a United
24 States citizen.”.

1 (2) AGREEMENTS FOR THE SOCIAL SECURITY
2 ADMINISTRATION TO SHARE APPLICABLE INFORMA-
3 TION.—

4 (A) AGREEMENTS WITH STATE OFFI-
5 CIALS.—Section 205(r)(9)(A) of the Social Se-
6 curity Act (42 U.S.C. 405(r)(9)(A)) is amended
7 to read as follows:

8 “(9)(A)(i) The Commissioner of Social Security shall
9 enter into an agreement with each official responsible for
10 a State driver’s license agency for the purpose of verifying
11 that—

12 “(I) the applicable information of an individual
13 matches information contained in the records of the
14 Commissioner; and

15 “(II) for each individual registering to vote or
16 who is registered to vote, the citizenship or immigra-
17 tion status of such individual is consistent with the
18 information in the records of the Commissioner.

19 “(ii) Each State driver’s license agency shall pay to
20 the Commissioner of Social Security the full costs (includ-
21 ing systems and administrative costs) associated with the
22 verification under clause (i).

23 “(iii) Pursuant to an agreement described in clause
24 (i), a State driver’s license agency may disclose informa-
25 tion related to the verification under clause (i) to State

1 and local officials as necessary to verify the eligibility of
2 individuals registering to vote or who are registered to vote
3 within such State.

4 “(iv) Agreements under this subparagraph shall in-
5 clude safeguards to assure compliance with subparagraph
6 (F).”.

7 (B) AGREEMENTS WITH THE DEPARTMENT
8 OF HOMELAND SECURITY.—Section 205(r)(9)
9 of the Social Security Act (42 U.S.C.
10 405(r)(9)) is amended by adding at the end the
11 following:

12 “(G)(i) The Commissioner of Social Security shall
13 enter into an agreement with the Secretary of Homeland
14 Security under which—

15 “(I) the Secretary may provide the Commis-
16 sioner with applicable information; and

17 “(II) if the Secretary provides such informa-
18 tion, the Commissioner provides the Secretary with
19 a notification regarding—

20 “(aa) whether the applicable information
21 of an individual matches the information con-
22 tained in the records of the Commissioner;

23 “(bb) the social security number associated
24 with the individual matches; and

1 “(cc) the citizenship or immigration status
2 shown on the social security number of such in-
3 dividual.

4 “(ii) The Secretary of Homeland Security shall pay
5 to the Commissioner of Social Security the full costs (in-
6 cluding systems and administrative costs) associated with
7 providing any applicable information and notification
8 under clause (i).

9 “(iii) The Secretary may, upon request, disclose any
10 applicable information and notification under clause (i) to
11 State and local officials to verify the eligibility of individ-
12 uals registering to vote or who are registered to vote with-
13 in such State.

14 “(iv) Agreements under this subparagraph shall in-
15 clude safeguards to assure compliance with subparagraph
16 (F).”.

17 (C) APPLICABLE INFORMATION DE-
18 FINED.—Subparagraph (D)(i) of section
19 205(r)(9) of the Social Security Act (42 U.S.C.
20 405(r)(9)) is amended—

21 (i) in the matter preceding subclause
22 (I), by striking “information regarding
23 whether”;

24 (ii) in subclause (I), by striking “pro-
25 vided to the Commissioner match the in-

1 formation contained in the Commissioner's
2 records"; and

3 (iii) in subclause (II), by inserting
4 "information regarding whether" before
5 "such".

6 (D) CONFIDENTIALITY.—Subparagraph
7 (F) of section 205(r)(9) of the Social Security
8 Act (42 U.S.C. 405(r)(9)) is amended by strik-
9 ing "a State" each place it appears and insert-
10 ing "an agency"

11 (g) CLARIFICATION OF AUTHORITY OF STATE TO
12 REMOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGI-
13 BLE VOTERS.—

14 (1) IN GENERAL.—Section 8(a)(4) of the Na-
15 tional Voter Registration Act of 1993 (52 U.S.C.
16 20507(a)(4)) is amended—

17 (A) by striking "or" at the end of subpara-
18 graph (A);

19 (B) by adding "or" at the end of subpara-
20 graph (B); and

21 (C) by adding at the end the following new
22 subparagraph:

23 "(C) documentary proof or verified infor-
24 mation that the registrant is not a United
25 States citizen;"

25

1 (2) CONFORMING AMENDMENT.—Section
2 8(c)(2)(B)(i) of such Act (52 U.S.C.
3 20507(c)(2)(B)(i)) is amended by striking “(4)(A)”
4 and inserting “(4)(A) or (C)”.

5 (h) REQUIREMENTS WITH RESPECT TO FEDERAL
6 MAIL VOTER REGISTRATION FORM.—

7 (1) CONTENTS OF MAIL VOTER REGISTRATION
8 FORM.—Section 9(b) of such Act (52 U.S.C.
9 20508(b)) is amended—

10 (A) in paragraph (2)(A), by striking “(in-
11 cluding citizenship)” and inserting “(including
12 an explanation of what is required to present
13 documentary proof of United States citizen-
14 ship)”;

15 (B) in paragraph (3), by striking “and” at
16 the end;

17 (C) in paragraph (4), by striking the pe-
18 riod at the end and inserting “; and”; and

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

21 “(5) shall include a section, for use only by a
22 State or local election official, to record the type of
23 document the applicant presented as documentary
24 proof of United States citizenship, including the date
25 of issuance, the date of expiration (if any), the office

1 which issued the document, and any unique identi-
2 fication number associated with the document.”.

3 (2) INFORMATION ON MAIL VOTER REGISTRA-
4 TION FORM.—Section 9(b)(4) of such Act (52
5 U.S.C. 20508(b)(4)) is amended—

6 (A) by redesignating clauses (i) through
7 (iii) as subparagraphs (A) through (C), respec-
8 tively; and

9 (B) in subparagraph (C) (as so redesign-
10 nated and as amended by paragraph (1)(C)), by
11 striking “; and” and inserting the following: “,
12 other than as evidence in a criminal proceeding
13 or immigration proceeding brought against an
14 applicant who attempts to register to vote and
15 makes a false declaration under penalty of per-
16 jury that the applicant meets the eligibility re-
17 quirements to register to vote in an election for
18 Federal office; and”.

19 (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of
20 the National Voter Registration Act of 1993 (52 U.S.C.
21 20510(b)(1)) is amended by striking “a violation of this
22 Act” and inserting “a violation of this Act, including the
23 act of an election official who registers an applicant to
24 vote in an election for Federal office who fails to present
25 documentary proof of United States citizenship,”.

1 (j) CRIMINAL PENALTIES.—Section 12(2) of such
2 Act (52 U.S.C. 20511(2)) is amended—

3 (1) by striking “or” at the end of subparagraph
4 (A);

5 (2) by redesignating subparagraph (B) as sub-
6 paragraph (D); and

7 (3) by inserting after subparagraph (A) the fol-
8 lowing new subparagraphs:

9 “(B) in the case of an officer or employee
10 of the executive branch, providing material as-
11 sistance to a noncitizen in attempting to reg-
12 ister to vote or vote in an election for Federal
13 office;

14 “(C) purposefully registering an applicant
15 to vote in an election for Federal office who
16 fails to present documentary proof of United
17 States citizenship; or”.

18 (k) APPLICABILITY OF REQUIREMENTS TO CERTAIN
19 STATES.—

20 (1) IN GENERAL.—Subsection (c) of section 4
21 of the National Voter Registration Act of 1993 (52
22 U.S.C. 20503), as redesignated by subsection (b), is
23 amended by striking “This Act does not apply to a
24 State” and inserting “Except with respect to the re-
25 quirements under subsection (j) and (k) of section 8

1 in the case of a State described in paragraph (2),
2 this Act does not apply to a State”.

3 (2) PERMITTING STATES TO ADOPT REQUIRE-
4 MENTS AFTER ENACTMENT.—Section 4 of such Act
5 (52 U.S.C. 20503) is amended by adding at the end
6 the following new subsection:

7 “(d) PERMITTING STATES TO ADOPT CERTAIN RE-
8 QUIREMENTS AFTER ENACTMENT.—Subsections (j) and
9 (k) of section 8 shall not apply to a State described in
10 subsection (c)(2) if the State, by law or regulation, adopts
11 requirements which are identical to the requirements
12 under such subsections not later than 60 days prior to
13 the date of the first election for Federal office which is
14 held in the State after the date of the enactment of the
15 SAVE America Act.”.

16 (l) ELECTION ASSISTANCE COMMISSION GUID-
17 ANCE.—Not later than 10 days after the date of the enact-
18 ment of this Act, the Election Assistance Commission shall
19 adopt and transmit to the chief State election official of
20 each State guidance with respect to the implementation
21 of the requirements under the National Voter Registration
22 Act of 1993 (52 U.S.C. 20501 et seq.), as amended by
23 this section.

24 (m) INAPPLICABILITY OF PAPERWORK REDUCTION
25 ACT.—Subchapter I of chapter 35 of title 44 (commonly

1 referred to as the “Paperwork Reduction Act”) shall not
2 apply with respect to the development or modification of
3 voter registration materials under the National Voter Reg-
4 istration Act of 1993 (52 U.S.C. 20501 et seq.), as
5 amended by this section, including the development or
6 modification of any voter registration application forms.

7 (n) DUTY OF SECRETARY OF HOMELAND SECURITY
8 TO NOTIFY ELECTION OFFICIALS OF NATURALIZA-
9 TION.—Upon receiving information that an individual has
10 become a naturalized citizen of the United States, the Sec-
11 retary of Homeland Security shall promptly provide notice
12 of such information to the appropriate chief election offi-
13 cial of the State in which such individual is domiciled.

14 (o) RULE OF CONSTRUCTION REGARDING PROVI-
15 SIONAL BALLOTS.—Nothing in this section or in any
16 amendment made by this section may be construed to su-
17 perse, restrict, or otherwise affect the ability of an indi-
18 vidual to cast a provisional ballot in an election for Federal
19 office or to have the ballot counted in the election if the
20 individual is verified as a citizen of the United States pur-
21 suant to section 8(j) of the National Voter Registration
22 Act of 1993 (as added by subsection (f)).

23 (p) RULE OF CONSTRUCTION REGARDING EFFECT
24 ON STATE EXEMPTIONS FROM OTHER FEDERAL LAWS.—
25 Nothing in this section or in any amendment made by this

1 section may be construed to affect the exemption of a
2 State from any requirement of any Federal law other than
3 the National Voter Registration Act of 1993 (52 U.S.C.
4 20501 et seq.).

5 (q) EXCEPTION FOR ABSENT UNIFORMED SERVICES
6 VOTERS.—The requirements in this section shall not apply
7 with respect to an applicant who is an absent uniformed
8 services voter, as defined in section 107(1) of the Uni-
9 formed and Overseas Citizens Absentee Voting Act (52
10 U.S.C. 20310(1)).

11 (r) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section shall take effect on the date
13 of the enactment of this section, and shall apply with re-
14 spect to applications for voter registration which are sub-
15 mitted on or after such date.

16 **Subtitle B—Requiring Voters to** 17 **Provide Photo Identification**

18 **SEC. __111. REQUIRING VOTERS TO PROVIDE PHOTO IDEN-** 19 **TIFICATION.**

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

22 (1) IN GENERAL.—Title III of the Help Amer-
23 ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
24 amended by inserting after section 303 the following
25 new section:

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

2 “(a) PROVISION OF IDENTIFICATION REQUIRED AS
3 CONDITION OF CASTING BALLOT.—

4 “(1) INDIVIDUALS VOTING IN PERSON.—

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

14 “(B) AVAILABILITY OF PROVISIONAL BAL-
15 LOT.—

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

1 provisional ballot, the individual presents
2 to the official—

3 “(I) the identification required
4 under subparagraph (A); or

5 “(II) an affidavit developed and
6 made available to the individual by
7 the State attesting that the individual
8 does not possess the identification re-
9 quired under subparagraph (A) be-
10 cause the individual has a religious
11 objection to being photographed.

12 “(ii) NO EFFECT ON OTHER PROVI-
13 SIONAL BALLOTING RULES.—Nothing in
14 clause (i) may be construed to apply to the
15 casting of a provisional ballot pursuant to
16 section 302(a) or any State law for reasons
17 other than the failure to present the identi-
18 fication required under subparagraph (A).

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

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

1 individual who votes other than in person unless
2 the individual submits with the ballot—

3 “(i) a copy of a valid photo identifica-
4 tion; or

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

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

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

19 “(ii) an individual provided the right
20 to vote otherwise than in person under sec-
21 tion 3(b)(2)(B)(ii) of the Voting Accessi-
22 bility for the Elderly and Handicapped Act
23 (52 U.S.C. 20102(b)(2)(B)(ii)).

24 “(b) PROVIDING PUBLIC ACCESS TO DIGITAL IMAG-
25 ING DEVICES.—With respect to each State, the appro-

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

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

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

16 “(2) A valid State-issued identification card
17 that includes a photo of the individual and an expi-
18 ration date issued by a State motor vehicle author-
19 ity.

20 “(3) A valid United States passport for the in-
21 dividual.

22 “(4) A valid military identification for the indi-
23 vidual.

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

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

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

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

20 “(e) EFFECTIVE DATE.—This section shall take ef-
21 fect on the date of the enactment of this section, and shall
22 apply with respect to elections for Federal office held on
23 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 the Safeguard American Voter Eligibility Act.”.

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 on the date
23 of the enactment of this section, and shall apply with re-
24 spect to elections for Federal office held on or after such
25 date.