

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, and for other purposes.

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

Viz:

1 At the appropriate place, insert the following:

2 **DIVISION ____—SAVE AMERICA**
3 **ACT**

4 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This division may be cited as the
6 “Safeguard American Voter Eligibility Act” or the “SAVE
7 America Act”.

8 (b) TABLE OF CONTENTS.—The table of contents of
9 this division is as follows:

DIVISION ____—SAVE AMERICA ACT

Sec. 1. Short title; table of contents.

2

TITLE I—SAVE AMERICAN VOTERS

Subtitle A—Ensuring Only Citizens Are Registered to Vote in Elections for
Federal Office

Sec. __101. Ensuring only citizens are registered to vote in elections for Federal office.

Subtitle B—Requiring Voters to Provide Photo Identification

Sec. __111. Requiring voters to provide photo identification.

Subtitle C—Manner of Holding Elections for Federal Office

- Sec. __121. Authority.
 Sec. __122. Definitions.
 Sec. __123. In-person voting required.
 Sec. __124. Limited absentee voting in Federal elections.
 Sec. __125. Ballot handling and receipt.
 Sec. __126. Enforcement.
 Sec. __127. Preemption.
 Sec. __128. Severability.
 Sec. __129. Effective date.

TITLE II—SAVE AMERICAN SPORTS

Sec. __201. Amendment.

TITLE III—SAVE AMERICAN CHILDREN

1 **TITLE I—SAVE AMERICAN**
 2 **VOTERS**
 3 **Subtitle A—Ensuring Only Citizens**
 4 **Are Registered to Vote in Elec-**
 5 **tions for Federal Office**

6 **SEC. __101. ENSURING ONLY CITIZENS ARE REGISTERED TO**
 7 **VOTE IN ELECTIONS FOR FEDERAL OFFICE.**

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

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

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

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

7 “(1) A form of identification issued consistent
8 with the requirements of the REAL ID Act of 2005
9 that indicates the applicant is a citizen of the United
10 States.

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

13 “(3) The applicant’s official United States mili-
14 tary identification card, together with an official
15 United States military record showing that the ap-
16 plicant’s place of birth was in the United States or
17 that otherwise indicates the applicant is a citizen of
18 the United States.

19 “(4) A valid government-issued photo identifica-
20 tion card issued by a Federal, State or Tribal gov-
21 ernment showing that the applicant’s place of birth
22 was in the United States or that otherwise indicates
23 the applicant is a citizen of the United States.

24 “(5) A valid government-issued photo identifica-
25 tion card issued by a Federal, State or Tribal gov-

1 ernment other than an identification described in
2 paragraphs (1) through (4), but only if presented to-
3 gether with one or more of the following:

4 “(A) A certified birth certificate issued by
5 a State, a unit of local government in a State,
6 or a Tribal government which—

7 “(i) was issued by the State, unit of
8 local government, or Tribal government in
9 which the applicant was born;

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

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

14 “(iv) lists the full names of one or
15 both of the parents of the applicant;

16 “(v) has the signature of an individual
17 who is authorized to sign birth certificates
18 on behalf of the State, unit of local govern-
19 ment, or Tribal government in which the
20 applicant was born;

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

1 “(vii) has the seal of the State, unit
2 of local government, or Tribal government
3 that issued the birth certificate.

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

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

11 “(D) A Consular Report of Birth Abroad
12 of a citizen of the United States or a certifi-
13 cation of the applicant’s Report of Birth of a
14 United States citizen issued by the Secretary of
15 State.

16 “(E) A Naturalization Certificate or Cer-
17 tificate of Citizenship issued by the Secretary of
18 Homeland Security or any other document or
19 method of proof of United States citizenship
20 issued by the Federal government pursuant to
21 the Immigration and Nationality Act.

22 “(F) An American Indian Card issued by
23 the Department of Homeland Security with the
24 classification ‘KIC’.”.

1 (b) APPLICATION OF REQUIREMENTS.—Section 4 of
2 the National Voter Registration Act of 1993 (52 U.S.C.
3 20503) is amended—

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

6 (2) by redesignating subsection (b) as sub-
7 section (c); and

8 (3) by inserting after subsection (a) the fol-
9 lowing new subsection:

10 “(b) REQUIRING APPLICANTS TO PRESENT DOCU-
11 MENTARY PROOF OF UNITED STATES CITIZENSHIP.—
12 Under any method of voter registration in a State, the
13 State shall not accept and process an application to reg-
14 ister to vote in an election for Federal office unless the
15 applicant presents documentary proof of United States
16 citizenship with the application.”.

17 (c) REGISTRATION WITH APPLICATION FOR MOTOR
18 VEHICLE DRIVER’S LICENSE.—Section 5 of the National
19 Voter Registration Act of 1993 (52 U.S.C. 20504) is
20 amended—

21 (1) in subsection (a)(1), by striking “Each
22 State motor vehicle driver’s license application” and
23 inserting “Subject to the requirements under section
24 8(j), each State motor vehicle driver’s license appli-
25 cation”;

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

5 (3) in subsection (c)(2)(B)—

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

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

10 (C) by adding at the end the following new
11 clause:

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

14 (4) in subsection (c)(2)(C)(i), by striking “(in-
15 cluding citizenship)” and inserting “, including the
16 requirement that the applicant provides documentary
17 proof of United States citizenship”; and

18 (5) in subsection (c)(2)(D)(iii), by striking “;
19 and” and inserting the following: “, other than as
20 evidence in a criminal proceeding or immigration
21 proceeding brought against an applicant who know-
22 ingly attempts to register to vote and knowingly
23 makes a false declaration under penalty of perjury
24 that the applicant meets the eligibility requirements

1 to register to vote in an election for Federal office;
2 and”.

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

7 (1) in subsection (a)(1)—

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

12 (B) by striking “Federal Election Commis-
13 sion” and inserting “Election Assistance Com-
14 mission”;

15 (2) in subsection (b), by adding at the end the
16 following: “The chief State election official of a
17 State shall take such steps as may be necessary to
18 ensure that residents of the State are aware of the
19 requirement to provide documentary proof of United
20 States citizenship to register to vote in elections for
21 Federal office in the State.”;

22 (3) in subsection (c)(1)—

23 (A) in subparagraph (A), by striking
24 “and” at the end;

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

3 (C) by adding at the end the following new
4 subparagraph:

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

8 (4) by adding at the end the following new sub-
9 section:

10 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-
11 SHIP.—

12 “(1) PRESENTING PROOF OF UNITED STATES
13 CITIZENSHIP TO ELECTION OFFICIAL.—An applicant
14 who submits the mail voter registration application
15 form prescribed by the Election Assistance Commis-
16 sion pursuant to section 9(a)(2) or a form described
17 in paragraph (1) or (2) of subsection (a) shall not
18 be registered to vote in an election for Federal office
19 unless—

20 “(A) the applicant presents documentary
21 proof of United States citizenship in person to
22 the office of the appropriate election official not
23 later than the deadline provided by State law
24 for the receipt of a completed voter registration
25 application for the election; or

1 “(B) in the case of a State which permits
2 an individual to register to vote in an election
3 for Federal office at a polling place on the day
4 of the election and on any day when voting, in-
5 cluding early voting, is permitted for the elec-
6 tion, the applicant presents documentary proof
7 of United States citizenship to the appropriate
8 election official at the polling place not later
9 than the date of the election.

10 “(2) NOTIFICATION OF REQUIREMENT.—Upon
11 receiving an otherwise completed mail voter registra-
12 tion application form prescribed by the Election As-
13 sistance Commission pursuant to section 9(a)(2) or
14 a form described in paragraph (1) or (2) of sub-
15 section (a), the appropriate election official shall
16 transmit a notice to the applicant of the requirement
17 to present documentary proof of United States citi-
18 zenship under this subsection, and shall include in
19 the notice instructions to enable the applicant to
20 meet the requirement.

21 “(3) ACCESSIBILITY.—Each State shall, in con-
22 sultation with the Election Assistance Commission,
23 ensure that reasonable accommodations are made to
24 allow an individual with a disability who submits the
25 mail voter registration application form prescribed

1 by the Election Assistance Commission pursuant to
2 section 9(a)(2) or a form described in paragraph (1)
3 or (2) of subsection (a) to present documentary
4 proof of United States citizenship to the appropriate
5 election official.”.

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

9 (1) in subsection (a)—

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

12 “(iv) Receipt of documentary proof of
13 United States citizenship of each applicant to
14 register to vote in elections for Federal office in
15 the State.”; and

16 (B) in paragraph (6)—

17 (i) in subparagraph (A)(i)(I), by strik-
18 ing “(including citizenship)” and inserting
19 “, including the requirement that the ap-
20 plicant provides documentary proof of
21 United States citizenship”;

22 (ii) by redesignating subparagraphs
23 (B) and (C) as subparagraphs (C) and
24 (D), respectively; and

1 (iii) by inserting after subparagraph

2 (A) the following new subparagraph:

3 “(B) ask the applicant the question, ‘Are you a
4 citizen of the United States?’ and if the applicant
5 answers in the affirmative require documentary
6 proof of United States citizenship prior to providing
7 the form under subparagraph (C);” and

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

10 (f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-
11 TION OF VOTER REGISTRATION.—

12 (1) IN GENERAL.—Section 8 of the National
13 Voter Registration Act of 1993 (52 U.S.C. 20507)
14 is amended—

15 (A) in subsection (a)—

16 (i) by striking “In the administration
17 of voter registration” and inserting “Sub-
18 ject to the requirements of subsection (j),
19 in the administration of voter registra-
20 tion”; and

21 (ii) in paragraph (3)—

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

24 (II) by adding at the end the fol-
25 lowing new subparagraphs:

1 “(D) based on documentary proof or
2 verified information that the registrant is not a
3 United States citizen; or

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

6 (B) by redesignating subsection (j) as sub-
7 section (l); and

8 (C) by inserting after subsection (i) the
9 following new subsections:

10 “(j) ENSURING ONLY CITIZENS ARE REGISTERED TO
11 VOTE.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of this Act, a State may not register an in-
14 dividual to vote in elections for Federal office held
15 in the State unless, at the time the individual ap-
16 plies to register to vote, the individual provides docu-
17 mentary proof of United States citizenship.

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

23 “(A) presents with the application docu-
24 mentation that would constitute documentary
25 proof of United States citizenship, except that

1 the name on the documentation is not the name
2 of the applicant; and

3 “(B) provides, through a process estab-
4 lished by the State (which shall be subject to
5 any relevant guidance adopted by the Election
6 Assistance Commission)—

7 “(i) additional documentation as nec-
8 essary to establish that the name on the
9 documentation is a previous name of the
10 applicant; or

11 “(ii) an affidavit signed by the appli-
12 cant attesting that the name on the docu-
13 mentation is a previous name of the appli-
14 cant.

15 “(3) ADDITIONAL PROCESSES IN CERTAIN
16 CASES.—

17 “(A) PROCESS FOR THOSE WITHOUT DOC-
18 UMENTARY PROOF SUCH AS RECENTLY MAR-
19 RIED WOMEN WHO DECIDE TO CHANGE THEIR
20 SURNAME.—

21 “(i) IN GENERAL.—Subject to any rel-
22 evant guidance adopted by the Election As-
23 sistance Commission, each State shall es-
24 tablish a process under which an applicant
25 who cannot provide documentary proof of

1 United States citizenship under paragraph
2 (1) may, if the applicant signs an attesta-
3 tion under penalty of perjury that the ap-
4 plicant is a citizen of the United States
5 and eligible to vote in elections for Federal
6 office, submit such other evidence to the
7 appropriate State or local official dem-
8 onstrating that the applicant is a citizen of
9 the United States and such official shall
10 make a determination as to whether the
11 applicant has sufficiently established
12 United States citizenship for purposes of
13 registering to vote in elections for Federal
14 office in the State.

15 “(ii) AFFIDAVIT REQUIREMENT.—If a
16 State or local official makes a determina-
17 tion under clause (i) that an applicant has
18 sufficiently established United States citi-
19 zenship for purposes of registering to vote
20 in elections for Federal office in the State,
21 such determination shall be accompanied
22 by an affidavit developed under clause (iii)
23 signed by the official swearing or affirming
24 the applicant sufficiently established

1 United States citizenship for purposes of
2 registering to vote.

3 “(iii) DEVELOPMENT OF AFFIDAVIT
4 BY THE ELECTION ASSISTANCE COMMIS-
5 SION.—The Election Assistance Commis-
6 sion shall develop a uniform affidavit for
7 use by State and local officials under
8 clause (ii), which shall—

9 “(I) include an explanation of the
10 minimum standards required for a
11 State or local official to register an
12 applicant who cannot provide docu-
13 mentary proof of United States citi-
14 zenship to vote in elections for Fed-
15 eral office in the State; and

16 “(II) require the official to ex-
17 plain the basis for registering such
18 applicant to vote in such elections.

19 “(B) PROCESS IN CASE OF CERTAIN DIS-
20 CREPANCIES IN DOCUMENTATION.—Subject to
21 any relevant guidance adopted by the Election
22 Assistance Commission, each State shall estab-
23 lish a process under which an applicant can
24 provide such additional documentation to the
25 appropriate election official of the State as may

1 be necessary to establish that the applicant is
2 a citizen of the United States in the event of a
3 discrepancy with respect to the applicant's doc-
4 umentary proof of United States citizenship.

5 “(4) STATE REQUIREMENTS.—Not later than
6 30 days after the date of the enactment of this sub-
7 section:

8 “(A) Each State shall take affirmative
9 steps, on an ongoing basis, and not less than
10 once every calendar year quarter, to ensure that
11 only United States citizens are registered to
12 vote under the provisions of this Act, and such
13 affirmative steps shall include the establishment
14 of a program described in subparagraphs (B)
15 and (C).

16 “(B) Each State shall submit the complete,
17 official list of individuals registered as eligible
18 voters for Federal office in the State to the De-
19 partment of Homeland Security for comparison
20 through the Systematic Alien Verification for
21 Entitlements (‘SAVE’) system for the purposes
22 of identifying individuals who are not citizens of
23 the United States and taking the necessary
24 steps to remove such individuals who are not
25 citizens from the official list, after notice is

1 given to such individuals and such individuals
2 are given the opportunity to provide documen-
3 tary proof of United States citizenship, but a
4 State with a memorandum of agreement for
5 such purposes with the Department of Home-
6 land Security on the date of the enactment of
7 this subsection may comply with this subpara-
8 graph by carrying out such purposes under the
9 memorandum.

10 “(C) Each State may utilize such other
11 sources of data available to the State for the
12 purposes of identifying individuals who are not
13 citizens of the United States and removing such
14 individuals from the official list of eligible vot-
15 ers for Federal office in the State, including
16 (but not limited to) the following:

17 “(i) The Department of Homeland Se-
18 curity through the Systematic Alien
19 Verification for Entitlements (‘SAVE’) sys-
20 tem or otherwise.

21 “(ii) Other sources, including data-
22 bases and information provided pursuant
23 to an agreement with the Commissioner of
24 Social Security under section 205(r)(9) of
25 the Social Security Act, which can be used

1 to confirm United States citizenship sta-
2 tus, except that any such information pro-
3 vided by the Commissioner may not be the
4 sole grounds for the removal of an indi-
5 vidual from the official list of eligible vot-
6 ers for elections for Federal office in a
7 State.

8 “(5) AVAILABILITY OF INFORMATION.—

9 “(A) IN GENERAL.—At the request of a
10 State election official (including a request re-
11 lated to a process established by a State under
12 paragraph (3)(A) or (3)(B)), any head of a
13 Federal department or agency possessing infor-
14 mation relevant to determining the eligibility of
15 an individual to vote in elections for Federal of-
16 fice shall, not later than 24 hours after receipt
17 of such request, provide the official with such
18 information as may be necessary to enable the
19 official to verify that an applicant for voter reg-
20 istration in elections for Federal office held in
21 the State or a registrant on the official list of
22 eligible voters in elections for Federal office
23 held in the State is a citizen of the United
24 States, which shall include providing the official

1 with such batched information as may be re-
2 quested by the official.

3 “(B) USE OF SAVE SYSTEM.—The Sec-
4 retary of Homeland Security shall respond to a
5 request received under subparagraph (A) by
6 using the system for the verification of immi-
7 gration status under the applicable provisions of
8 section 1137 of the Social Security Act (42
9 U.S.C. 1320b–7), as established pursuant to
10 section 121(c) of the Immigration Reform and
11 Control Act of 1986 (Public Law 99–603).

12 “(C) SHARING OF INFORMATION.—The
13 heads of Federal departments and agencies
14 shall share information with each other with re-
15 spect to an individual who is the subject of a
16 request received under paragraph (A) in order
17 to enable them to respond to the request.

18 “(D) INVESTIGATION FOR PURPOSES OF
19 REMOVAL.—The Secretary of Homeland Secu-
20 rity shall conduct an investigation to determine
21 whether to initiate removal proceedings under
22 section 239 of the Immigration and Nationality
23 Act (8 U.S.C. 1229) if it is determined pursu-
24 ant to subparagraph (A) or (B) that an alien
25 (as such term is defined in section 101 of the

1 Immigration and Nationality Act (8 U.S.C.
2 1101)) is unlawfully registered to vote in elec-
3 tions for Federal office.

4 “(E) PROHIBITING FEES.—The head of a
5 Federal department or agency may not charge
6 a fee for responding to a State’s request under
7 paragraph (A).

8 “(k) REMOVAL OF NONCITIZENS FROM REGISTRA-
9 TION ROLLS.—A State shall remove an individual who is
10 not a citizen of the United States from the official list
11 of eligible voters for elections for Federal office held in
12 the State at any time upon receipt of documentation or
13 verified information that a registrant is not a United
14 States citizen.”.

15 (2) AGREEMENTS FOR THE SOCIAL SECURITY
16 ADMINISTRATION TO SHARE APPLICABLE INFORMA-
17 TION.—

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

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

1 “(I) the applicable information of an individual
2 matches information contained in the records of the
3 Commissioner; and

4 “(II) for each individual registering to vote or
5 who is registered to vote, the citizenship or immigra-
6 tion status of such individual is consistent with the
7 information in the records of the Commissioner.

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

12 “(iii) Pursuant to an agreement described in clause
13 (i), a State driver’s license agency may disclose informa-
14 tion related to the verification under clause (i) to State
15 and local officials as necessary to verify the eligibility of
16 individuals registering to vote or who are registered to vote
17 within such State.

18 “(iv) Agreements under this subparagraph shall in-
19 clude safeguards to assure compliance with subparagraph
20 (F).”.

21 (B) AGREEMENTS WITH THE DEPARTMENT
22 OF HOMELAND SECURITY.—Section 205(r)(9)
23 of the Social Security Act (42 U.S.C.
24 405(r)(9)) is amended by adding at the end the
25 following:

1 “(G)(i) The Commissioner of Social Security shall
2 enter into an agreement with the Secretary of Homeland
3 Security under which—

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

6 “(II) if the Secretary provides such informa-
7 tion, the Commissioner provides the Secretary with
8 a notification regarding—

9 “(aa) whether the applicable information
10 of an individual matches the information con-
11 tained in the records of the Commissioner;

12 “(bb) the social security number associated
13 with the individual matches; and

14 “(cc) the citizenship or immigration status
15 shown on the social security number of such in-
16 dividual.

17 “(ii) The Secretary of Homeland Security shall pay
18 to the Commissioner of Social Security the full costs (in-
19 cluding systems and administrative costs) associated with
20 providing any applicable information and notification
21 under clause (i).

22 “(iii) The Secretary may, upon request, disclose any
23 applicable information and notification under clause (i) to
24 State and local officials to verify the eligibility of individ-

1 uals registering to vote or who are registered to vote with-
2 in such State.

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

6 (C) APPLICABLE INFORMATION DE-
7 FINED.—Subparagraph (D)(i) of section
8 205(r)(9) of the Social Security Act (42 U.S.C.
9 405(r)(9)) is amended—

10 (i) in the matter preceding subclause
11 (I), by striking “information regarding
12 whether”;

13 (ii) in subclause (I), by striking “pro-
14 vided to the Commissioner match the in-
15 formation contained in the Commissioner’s
16 records”; and

17 (iii) in subclause (II), by inserting
18 “information regarding whether” before
19 “such”.

20 (D) CONFIDENTIALITY.—Subparagraph
21 (F) of section 205(r)(9) of the Social Security
22 Act (42 U.S.C. 405(r)(9)) is amended by strik-
23 ing “a State” each place it appears and insert-
24 ing “an agency”

1 (g) CLARIFICATION OF AUTHORITY OF STATE TO
2 REMOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGI-
3 BLE VOTERS.—

4 (1) IN GENERAL.—Section 8(a)(4) of the Na-
5 tional Voter Registration Act of 1993 (52 U.S.C.
6 20507(a)(4)) is amended—

7 (A) by striking “or” at the end of subpara-
8 graph (A);

9 (B) by adding “or” at the end of subpara-
10 graph (B); and

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

13 “(C) documentary proof or verified infor-
14 mation that the registrant is not a United
15 States citizen;”.

16 (2) CONFORMING AMENDMENT.—Section
17 8(c)(2)(B)(i) of such Act (52 U.S.C.
18 20507(c)(2)(B)(i)) is amended by striking “(4)(A)”
19 and inserting “(4)(A) or (C)”.

20 (h) REQUIREMENTS WITH RESPECT TO FEDERAL
21 MAIL VOTER REGISTRATION FORM.—

22 (1) CONTENTS OF MAIL VOTER REGISTRATION
23 FORM.—Section 9(b) of such Act (52 U.S.C.
24 20508(b)) is amended—

1 (A) in paragraph (2)(A), by striking “(in-
2 cluding citizenship)” and inserting “(including
3 an explanation of what is required to present
4 documentary proof of United States citizen-
5 ship)”;

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

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

10 (D) by adding at the end the following new
11 paragraph:

12 “(5) shall include a section, for use only by a
13 State or local election official, to record the type of
14 document the applicant presented as documentary
15 proof of United States citizenship, including the date
16 of issuance, the date of expiration (if any), the office
17 which issued the document, and any unique identi-
18 fication number associated with the document.”.

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

22 (A) by redesignating clauses (i) through
23 (iii) as subparagraphs (A) through (C), respec-
24 tively; and

1 (B) in subparagraph (C) (as so redesignig-
2 nated and as amended by paragraph (1)(C)), by
3 striking “; and” and inserting the following: “,
4 other than as evidence in a criminal proceeding
5 or immigration proceeding brought against an
6 applicant who attempts to register to vote and
7 makes a false declaration under penalty of per-
8 jury that the applicant meets the eligibility re-
9 quirements to register to vote in an election for
10 Federal office; and”.

11 (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of
12 the National Voter Registration Act of 1993 (52 U.S.C.
13 20510(b)(1)) is amended by striking “a violation of this
14 Act” and inserting “a violation of this Act, including the
15 act of an election official who registers an applicant to
16 vote in an election for Federal office who fails to present
17 documentary proof of United States citizenship,”.

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

20 (1) by striking “or” at the end of subparagraph
21 (A);

22 (2) by redesignating subparagraph (B) as sub-
23 paragraph (D); and

24 (3) by inserting after subparagraph (A) the fol-
25 lowing new subparagraphs:

1 “(B) in the case of an officer or employee
2 of the executive branch, providing material as-
3 sistance to a noncitizen in attempting to reg-
4 ister to vote or vote in an election for Federal
5 office;

6 “(C) purposefully registering an applicant
7 to vote in an election for Federal office who
8 fails to present documentary proof of United
9 States citizenship; or”.

10 (k) APPLICABILITY OF REQUIREMENTS TO CERTAIN
11 STATES.—

12 (1) IN GENERAL.—Subsection (c) of section 4
13 of the National Voter Registration Act of 1993 (52
14 U.S.C. 20503), as redesignated by subsection (b), is
15 amended by striking “This Act does not apply to a
16 State” and inserting “Except with respect to the re-
17 quirements under subsection (j) and (k) of section 8
18 in the case of a State described in paragraph (2),
19 this Act does not apply to a State”.

20 (2) PERMITTING STATES TO ADOPT REQUIRE-
21 MENTS AFTER ENACTMENT.—Section 4 of such Act
22 (52 U.S.C. 20503) is amended by adding at the end
23 the following new subsection:

24 “(d) PERMITTING STATES TO ADOPT CERTAIN RE-
25 QUIREMENTS AFTER ENACTMENT.—Subsections (j) and

1 (k) of section 8 shall not apply to a State described in
2 subsection (c)(2) if the State, by law or regulation, adopts
3 requirements which are identical to the requirements
4 under such subsections not later than 60 days prior to
5 the date of the first election for Federal office which is
6 held in the State after the date of the enactment of the
7 SAVE America Act.”.

8 (l) ELECTION ASSISTANCE COMMISSION GUID-
9 ANCE.—Not later than 10 days after the date of the enact-
10 ment of this Act, the Election Assistance Commission shall
11 adopt and transmit to the chief State election official of
12 each State guidance with respect to the implementation
13 of the requirements under the National Voter Registration
14 Act of 1993 (52 U.S.C. 20501 et seq.), as amended by
15 this section.

16 (m) INAPPLICABILITY OF PAPERWORK REDUCTION
17 ACT.—Subchapter I of chapter 35 of title 44 (commonly
18 referred to as the “Paperwork Reduction Act”) shall not
19 apply with respect to the development or modification of
20 voter registration materials under the National Voter Reg-
21 istration Act of 1993 (52 U.S.C. 20501 et seq.), as
22 amended by this section, including the development or
23 modification of any voter registration application forms.

24 (n) DUTY OF SECRETARY OF HOMELAND SECURITY
25 TO NOTIFY ELECTION OFFICIALS OF NATURALIZA-

1 TION.—Upon receiving information that an individual has
2 become a naturalized citizen of the United States, the Sec-
3 retary of Homeland Security shall promptly provide notice
4 of such information to the appropriate chief election offi-
5 cial of the State in which such individual is domiciled.

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

15 (p) RULE OF CONSTRUCTION REGARDING EFFECT
16 ON STATE EXEMPTIONS FROM OTHER FEDERAL LAWS.—
17 Nothing in this section or in any amendment made by this
18 section may be construed to affect the exemption of a
19 State from any requirement of any Federal law other than
20 the National Voter Registration Act of 1993 (52 U.S.C.
21 20501 et seq.).

22 (q) EXCEPTION FOR ABSENT UNIFORMED SERVICES
23 VOTERS.—The requirements in this section shall not apply
24 with respect to an applicant who is an absent uniformed
25 services voter, as defined in section 107(1) of the Uni-

1 formed and Overseas Citizens Absentee Voting Act (52
2 U.S.C. 20310(1)).

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

8 **Subtitle B—Requiring Voters to**
9 **Provide Photo Identification**

10 **SEC. __111. REQUIRING VOTERS TO PROVIDE PHOTO IDEN-**
11 **TIFICATION.**

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

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

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

19 **“(a) PROVISION OF IDENTIFICATION REQUIRED AS**
20 **CONDITION OF CASTING BALLOT.—**

21 **“(1) INDIVIDUALS VOTING IN PERSON.—**

22 **“(A) REQUIREMENT TO PROVIDE IDENTI-**
23 **FICATION.—**Notwithstanding any other provi-
24 sion of law and except as provided in subpara-
25 graph (B), the appropriate State or local elec-

1 tion official may not provide a ballot for an
2 election for Federal office to an individual who
3 desires to vote in person unless the individual
4 presents to the official a valid physical photo
5 identification.

6 “(B) AVAILABILITY OF PROVISIONAL BAL-
7 LOT.—

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

21 “(I) the identification required
22 under subparagraph (A); or

23 “(II) an affidavit developed and
24 made available to the individual by
25 the State attesting that the individual

1 does not possess the identification re-
2 quired under subparagraph (A) be-
3 cause the individual has a religious
4 objection to being photographed.

5 “(ii) NO EFFECT ON OTHER PROVI-
6 SIONAL BALLOTING RULES.—Nothing in
7 clause (i) may be construed to apply to the
8 casting of a provisional ballot pursuant to
9 section 302(a) or any State law for reasons
10 other than the failure to present the identi-
11 fication required under subparagraph (A).

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

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of law and except as provided in
16 subparagraph (B), the appropriate State or
17 local election official may not accept any ballot
18 for an election for Federal office provided by an
19 individual who votes other than in person unless
20 the individual submits with the ballot—

21 “(i) a copy of a valid photo identifica-
22 tion; or

23 “(ii) the last four digits of the individ-
24 ual’s Social Security number and an affi-
25 davit developed and made available to the

1 individual by the State attesting that the
2 individual is unable to obtain a copy of a
3 valid photo identification after making rea-
4 sonable efforts to obtain such a copy.

5 “(B) EXCEPTIONS.—Subparagraph (A)
6 does not apply with respect to a ballot provided
7 by—

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

12 “(ii) an individual provided the right
13 to vote otherwise than in person under sec-
14 tion 3(b)(2)(B)(ii) of the Voting Accessi-
15 bility for the Elderly and Handicapped Act
16 (52 U.S.C. 20102(b)(2)(B)(ii)).

17 “(b) PROVIDING PUBLIC ACCESS TO DIGITAL IMAG-
18 ING DEVICES.—With respect to each State, the appro-
19 priate State or local government official of the State shall
20 ensure, to the extent practicable, public access to a digital
21 imaging device, which shall include a printer, copier,
22 image scanner, or multifunction machine, at State and
23 local government buildings in the State, including courts,
24 libraries, and police stations, for the purpose of allowing

1 individuals to use such a device at no cost to the individual
2 to make a copy of a valid photo identification.

3 “(c) VALID PHOTO IDENTIFICATIONS DESCRIBED.—

4 For purposes of this section, a ‘valid photo identification’
5 means, with respect to an individual who seeks to vote in
6 a State, any of the following:

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

10 “(2) A valid State-issued identification card
11 that includes a photo of the individual and an expi-
12 ration date issued by a State motor vehicle author-
13 ity.

14 “(3) A valid United States passport for the in-
15 dividual.

16 “(4) A valid military identification for the indi-
17 vidual.

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

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

23 “(1) IN GENERAL.—Each State shall ensure
24 that, at the time an individual applies to register to
25 vote in elections for Federal office in the State, the

1 appropriate State or local election official notifies
2 the individual of the photo identification require-
3 ments of this section.

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

12 “(e) EFFECTIVE DATE.—This section shall take ef-
13 fect on the date of the enactment of this section, and shall
14 apply with respect to elections for Federal office held on
15 or after such date.”.

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

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

19 (b) CONFORMING AMENDMENT RELATING TO VOL-
20 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
21 SION.—Section 311(b) of such Act (52 U.S.C. 21101(b))
22 is amended—

23 (1) by striking “and” at the end of paragraph
24 (2);

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

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

5 “(4) in the case of the recommendations with
6 respect to section 303A, the date of enactment of
7 the Safeguard American Voter Eligibility Act.”.

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

12 (d) EFFECTIVE DATE.—This section and the amend-
13 ments made by this section shall take effect on the date
14 of the enactment of this section, and shall apply with re-
15 spect to elections for Federal office held on or after such
16 date.

17 **Subtitle C—Manner of Holding**
18 **Elections for Federal Office**

19 **SEC. __121. AUTHORITY.**

20 Congress enacts this subtitle pursuant to Article I,
21 section 4, clause 1 of the Constitution of the United
22 States.

23 **SEC. __122. DEFINITIONS.**

24 In this subtitle:

1 (1) ABSENTEE BALLOT.—The term “absentee
2 ballot” means a ballot transmitted to a voter for vot-
3 ing by mail or outside of the physical presence of
4 election officials during the voting period.

5 (2) ABSENT UNIFORMED SERVICES VOTER.—
6 The term “absent uniformed services voter” has the
7 meaning given that term in section 107 of the Uni-
8 formed and Overseas Citizens Absentee Voting Act
9 (52 U.S.C. 20310).

10 (3) CHAIN OF CUSTODY.—The term “chain of
11 custody” means documented procedures ensuring
12 that absentee ballots are securely tracked from
13 issuance through delivery, receipt, and tabulation,
14 including records of each transfer of custody of such
15 ballots.

16 (4) ELECTION.—The term “election” means—
17 (A) a general, special, primary, or runoff
18 election;

19 (B) a convention or caucus of a political
20 party which has authority to nominate a can-
21 didate;

22 (C) a primary election held for the selec-
23 tion of delegates to a national nominating con-
24 vention of a political party; and

1 (D) a primary election held for the expres-
2 sion of a preference for the nomination of indi-
3 viduals for election to the office of President.

4 (5) FEDERAL OFFICE.—The term “Federal of-
5 fice” means the office of President or Vice Presi-
6 dent, Senator, Representative in, or Delegate or
7 Resident Commissioner to, the Congress.

8 (6) IMMEDIATE FAMILY MEMBER.—The term
9 “immediate family member” means a spouse, par-
10 ent, child, sibling, grandparent, grandchild, parent-
11 in-law, son-in-law, daughter-in-law, brother-in-law,
12 or sister-in-law of the voter.

13 (7) LEGAL GUARDIAN.—The term “legal guard-
14 ian” means an individual appointed by a court of
15 competent jurisdiction to serve as guardian of the
16 person of the voter.

17 (8) STATE.—The term “State” has the mean-
18 ing given that term in section 3 of the National
19 Voter Registration Act of 1993 (52 U.S.C. 20502).

20 (9) VERIFIED TRAVEL.—The term “verified
21 travel” means travel that will result in a voter being
22 physically absent from the jurisdiction in which the
23 voter is eligible to vote for the entire voting period
24 and that is supported by documentation reasonably

1 sufficient to establish such absence. Such term does
2 not include residence outside the United States.

3 (10) VOTING PERIOD.—The term “voting pe-
4 riod” means the period beginning on the first day on
5 which in-person voting is permitted under State law
6 for an election for Federal office and ending at the
7 time the polls close on the date of the election.

8 (11) UNIVERSAL VOTE-BY-MAIL.—The term
9 “universal vote-by-mail” means any system under
10 which a State automatically mails ballots to reg-
11 istered voters for an election for Federal office with-
12 out the voter first submitting a request that meets
13 the requirements of section 124.

14 **SEC. _123. IN-PERSON VOTING REQUIRED.**

15 (a) GENERAL RULE.—Except as provided in section
16 124, a State shall require an individual to vote in person
17 in an election for Federal office.

18 (b) PROHIBITION ON UNIVERSAL VOTE-BY-MAIL.—A
19 State may not conduct an election for Federal office by
20 universal vote-by-mail.

21 (c) EARLY IN-PERSON VOTING NOT AFFECTED.—
22 Nothing in this subtitle shall be construed to prohibit or
23 limit the authority of a State to permit voting in person
24 prior to the date of the election for an election for Federal
25 office.

1 (d) CONSTRUCTION.—

2 (1) IN GENERAL.—Nothing in this subtitle shall
3 be construed—

4 (A) to regulate elections for State or local
5 office;

6 (B) to establish, modify, or alter the quali-
7 fications of individuals eligible to vote in elec-
8 tions for Federal office;

9 (C) to prohibit a State from permitting the
10 use of absentee ballots or voting by mail in elec-
11 tions for State or local office;

12 (D) to permit a State to transmit or dis-
13 tribute by mail a ballot that includes any office
14 for which this subtitle applies unless the
15 issuance of such ballot complies with the re-
16 quirements of this subtitle; or

17 (E) to limit or modify the rights of absent
18 uniformed services voters under the Uniformed
19 and Overseas Citizens Absentee Voting Act (52
20 U.S.C. 20301 et seq.).

21 (2) CLARIFICATION.—A State that permits ab-
22 sentee voting or voting by mail for State or local of-
23 fice may provide a separate ballot for such offices
24 but may not include any Federal office on a mailed

1 ballot unless the voter has submitted a valid absen-
2 tee ballot request under section __124.

3 **SEC. __124. LIMITED ABSENTEE VOTING IN FEDERAL ELEC-**
4 **TIONS.**

5 (a) IN GENERAL.—A State may permit an individual
6 to vote by absentee ballot in an election for Federal office
7 only if the individual submits a request in accordance with
8 this section and certifies under penalty of perjury that the
9 individual—

10 (1) is an absent uniformed services voter;

11 (2) is unable to appear in person during the en-
12 tire voting period due to illness, infirmity, hos-
13 pitalization, or physical disability;

14 (3) is the primary caregiver of an individual
15 who is medically incapacitated during the entire vot-
16 ing period; or

17 (4) will be absent from the jurisdiction during
18 the entire voting period due to verified travel.

19 (b) REQUEST REQUIREMENTS.—A request for an ab-
20 sentee ballot in an election for Federal office under this
21 section shall—

22 (1) be in writing and signed by the applicant;

23 (2) be submitted not later than 14 days before
24 the date of the election;

1 (3) include a copy of a valid photo identification
2 as defined in section 303A(c) of the Help America
3 Vote Act of 2002, as added by section __102 of this
4 division; and

5 (4) include a sworn attestation specifying the
6 category under subsection (a) upon which eligibility
7 is based.

8 (c) ATTESTATIONS AND SUPPORTING DOCUMENTA-
9 TION FOR HARDSHIP CATEGORIES.—

10 (1) ILLNESS OR DISABILITY.—An individual
11 seeking an absentee ballot under subsection (a)(2)
12 shall submit, together with the request required
13 under subsection (b), a sworn attestation describing
14 the illness, infirmity, hospitalization, or physical dis-
15 ability of the individual and certifying that such ill-
16 ness, infirmity, hospitalization, or physical disability
17 will prevent the individual from appearing in person
18 during the entire voting period, including docu-
19 mentation that is reasonably sufficient to establish
20 such illness, infirmity, hospitalization, or physical
21 disability.

22 (2) PRIMARY CAREGIVER.—An individual seek-
23 ing an absentee ballot under subsection (a)(3) shall
24 submit, together with the request required under
25 subsection (b), a sworn attestation describing the

1 medical incapacitation of the individual for whom
2 the individual is a primary caregiver and certifying
3 that such role as a primary caregiver will prevent
4 the individual from appearing in person during the
5 entire voting period, including documentation rea-
6 sonably sufficient to establish such role as a primary
7 caregiver of an individual who is medically incapaci-
8 tated.

9 (3) VERIFIED TRAVEL.—An individual seeking
10 an absentee ballot under subsection (a)(4) shall sub-
11 mit, together with the request required under sub-
12 section (b), a sworn attestation describing the nature
13 of the travel that will result in the individual being
14 absent from the jurisdiction for the entire voting pe-
15 riod, including documentation reasonably sufficient
16 to verify such travel.

17 (4) FORM OF ATTESTATION.—An attestation
18 under this subsection shall be signed under penalty
19 of perjury and submitted in such form as the State
20 may require, consistent with any standards estab-
21 lished by the Election Assistance Commission.

22 (d) VERIFICATION.—A State shall verify compliance
23 with subsection (b) prior to issuing an absentee ballot and
24 shall maintain a record of such verification for purposes
25 of audit and enforcement.

1 (e) FALSE STATEMENT.—Any individual who know-
2 ingly makes or abets a false statement under this section
3 shall be fined in accordance with title 18, United States
4 Code (which fines shall be paid into the general fund of
5 the Treasury, miscellaneous receipts (pursuant to section
6 3302 of title 31, United States Code), notwithstanding
7 any other law), or imprisoned not more than 5 years, or
8 both.

9 (f) STANDARD REQUEST FORM.—Not later than 180
10 days after enactment of this Act, the Election Assistance
11 Commission shall develop and make available a standard-
12 ized absentee ballot request form that States may use to
13 comply with this section.

14 (g) RULE OF CONSTRUCTION REGARDING PROOF OF
15 CITIZENSHIP.—Nothing in this section shall be construed
16 to require an applicant requesting an absentee ballot to
17 transmit or mail documentary proof of United States citi-
18 zenship if the appropriate election official is able to verify
19 that the applicant has previously provided documentary
20 proof of United States citizenship as required under sec-
21 tion 8(j) of the National Voter Registration Act of 1993,
22 as added by section __101 of this division.

23 **SEC. __125. BALLOT HANDLING AND RECEIPT.**

24 (a) REQUIREMENTS FOR ABSENTEE BALLOT RE-
25 QUESTS.—

1 (1) ELECTION-SPECIFIC REQUEST REQUIRED.—

2 (A) IN GENERAL.—Notwithstanding any
3 other provision of law, except as provided in
4 subparagraph (B), a request for an absentee
5 ballot in an election for Federal office shall
6 apply only with respect to the election for which
7 the request is submitted. Eligibility for, or re-
8 ceipt of, an absentee ballot in a prior election
9 shall not establish eligibility to receive an ab-
10 sentee ballot in a subsequent election.

11 (B) EXCEPTION FOR ABSENT UNIFORMED
12 SERVICES VOTERS.—Subparagraph (A) shall
13 not apply with respect to an absent uniformed
14 services voter.

15 (2) PROHIBITION ON RELIANCE ON PRIOR AB-
16 SENTEE STATUS.—A State may not issue or mail an
17 absentee ballot to an individual for an election for
18 Federal office based solely on the individual's receipt
19 of, or request for, an absentee ballot in a prior elec-
20 tion.

21 (3) REQUESTED BALLOTS ONLY.—A State may
22 not issue or mail an absentee ballot for an election
23 for Federal office unless a valid request under sec-
24 tion __124 has been received and verified for that
25 election.

1 (b) RETURN OF BALLOTS.—

2 (1) IN GENERAL.—An absentee ballot in an
3 election for Federal office may only be returned by
4 1 of the following methods:

5 (A) By the voter, in person, to an office of
6 the appropriate election official or to a polling
7 place or other location designated by the State
8 for the return of absentee ballots.

9 (B) By the United States Postal Service,
10 certified mail with signature verification paid
11 for by the State or municipality administering
12 the election, and shall be tracked under a rea-
13 sonable tracking system established by the
14 United States Postal Service.

15 (C) By a family member, legal guardian,
16 or caregiver of the voter casting the ballot, who
17 shall present identification and shall sign an af-
18 fidavit upon delivery that identifies the person
19 as eligible to return the voter's ballot.

20 (D) In the case of an absent uniformed
21 services voter, by a method authorized under
22 the Uniformed and Overseas Citizens Absentee
23 Voting Act (52 U.S.C. 20301 et seq.).

24 (2) LIMITATION.—The authority provided
25 under paragraph (1)(D) shall only apply with re-

1 spect to an absentee ballot of an absent uniformed
2 services voter and may not be used by a State as a
3 general method of transmitting or returning absen-
4 tee ballots for voters who are not eligible under the
5 Uniformed and Overseas Citizens Absentee Voting
6 Act (52 U.S.C. 20301 et seq.).

7 (c) DEADLINE.—

8 (1) IN GENERAL.—An absentee ballot in an
9 election for Federal office shall not be counted un-
10 less received by the appropriate election official not
11 later than the closing of polls on the date of the elec-
12 tion.

13 (2) RECORD OF RECEIPT.—Each State shall
14 record the time and date of receipt of each absentee
15 ballot in an election for Federal office for purposes
16 of determining compliance with this subsection.

17 (d) CHAIN OF CUSTODY.—Each State shall establish
18 uniform chain-of-custody procedures and ballot tracking
19 systems for absentee ballots cast in elections for Federal
20 office, including a system that allows the voter to track
21 the status of the absentee ballot from issuance through
22 receipt and acceptance or rejection of the absentee ballot.
23 Such procedures shall be established by the State and local
24 election officials responsible for the administration of elec-
25 tions for Federal office.

1 (e) NOTICE AND CURE PROCESS.—

2 (1) IN GENERAL.—If an election official deter-
3 mines that an absentee ballot in an election for Fed-
4 eral office does not comply with the requirements of
5 this subtitle, the State shall promptly notify the
6 voter of the deficiency and provide the voter a stand-
7 ardized opportunity, which shall extend until not
8 later than 48 hours after the closing of the polls, to
9 cure the deficiency.

10 (2) PROCESS.—Each State shall determine the
11 process for the standardized opportunity to cure a
12 deficiency with respect to an absentee ballot in an
13 election for Federal office prior to the beginning of
14 the voting period for such election.

15 (f) RECORD RETENTION.—

16 (1) IN GENERAL.—Each State shall retain
17 records relating to absentee ballot requests,
18 verification, transmission, receipt, and cure with re-
19 spect to an election for Federal office for a period
20 of not less than 22 months after the date of the elec-
21 tion.

22 (2) ACCESS BY ATTORNEY GENERAL.—Each
23 State shall make available to the Attorney General,
24 upon request, any record retained under this sub-
25 section. The Attorney General may inspect, copy, or

1 obtain such records for purposes of investigating or
2 enforcing compliance with this subtitle.

3 **SEC. _126. ENFORCEMENT.**

4 (a) ATTORNEY GENERAL.—The Attorney General
5 may bring a civil action in an appropriate district court
6 for such declaratory or injunctive relief as is necessary to
7 carry out this subtitle.

8 (b) PRIVATE RIGHT OF ACTION.—A person who is
9 aggrieved by a violation of this subtitle may bring a civil
10 action in an appropriate district court for declaratory or
11 injunctive relief with respect to the violation.

12 (c) EXPEDITED REVIEW.—Any action brought under
13 this section shall be heard by a district court of 3 judges
14 convened pursuant to section 2284 of title 28, United
15 States Code, with direct appeal to the Supreme Court of
16 the United States.

17 (d) FUNDING CONDITION.—After providing the State
18 notice and an opportunity to respond within 10 days, if
19 the Attorney General determines that a State is not in
20 compliance with this subtitle, the Attorney General may
21 notify the Election Assistance Commission, and for the fis-
22 cal year immediately following such determination, the
23 State shall be ineligible to receive any grant or funding
24 provided by the Election Assistance Commission or any
25 other agency of the Federal government for the purpose

1 of administration of elections for Federal office, including
2 any grant authorized under sections 101, 103, or 104 of
3 the Help America Vote Act of 2002 (52 U.S.C. 20901 et
4 seq.) or any other provision of Federal law.

5 **SEC. __127. PREEMPTION.**

6 The requirements of this subtitle shall supersede any
7 provision of State law governing absentee voting in elec-
8 tions for Federal office that is inconsistent with this sub-
9 title.

10 **SEC. __128. SEVERABILITY.**

11 If any provision of this subtitle, or the application
12 thereof to any person or circumstance, is held invalid, the
13 remainder of this subtitle and the application of the re-
14 maining provisions shall not be affected.

15 **SEC. __129. EFFECTIVE DATE.**

16 This subtitle shall apply with respect to elections for
17 Federal office occurring after the date of enactment of this
18 subtitle.

19 **TITLE II—SAVE AMERICAN**
20 **SPORTS**

21 **SEC. __201. AMENDMENT.**

22 Section 901 of the Education Amendments of 1972
23 (20 U.S.C. 1681) is amended by adding at the end the
24 following:

1 “(d)(1) It shall be a violation of subsection (a) for
2 a recipient of Federal funds who operates, sponsors, or
3 facilitates athletic programs or activities to permit a per-
4 son whose sex is male to participate in an athletic program
5 or activity that is designated for women or girls.

6 “(2) For purposes of this subsection, sex shall be rec-
7 ognized based solely on a person’s reproductive biology
8 and genetics at birth.”.

9 **TITLE III—SAVE AMERICAN**
10 **CHILDREN**

11 **SEC. — 301.** GENITAL AND BODILY MUTILATION OF A MINOR; CHEMICAL
12 CASTRATION OF A MINOR.—

13 (a) IN GENERAL.—Section 116 of title 18, United
14 States Code, is amended to read as follows:

15 **“§ 116. Genital and bodily mutilation of a minor;**
16 **chemical castration of a minor**

17 “(a) GENITAL OR BODILY MUTILATION.—Except as
18 provided in subsection (g), whoever, in any circumstance
19 described in subsection (d), knowingly performs, or at-
20 tempts to perform, genital or bodily mutilation on another
21 person who is a minor, shall be fined under this title, im-
22 prisoned not more than 10 years, or both.

23 “(b) CHEMICAL CASTRATION OF A MINOR.—Except
24 as provided in subsection (g), whoever, in any cir-
25 cumstance described in subsection (d), knowingly chemi-

1 cally castrates a minor shall be fined under this title, im-
2 prisoned not more than 10 years, or both.

3 “(c) CERTAIN OFFENSE RELATED TO FEMALE GEN-
4 ITAL MUTILATION.—Except as provided in subsection (g),
5 whoever, in any circumstance described in subsection (d),
6 knowingly—

7 “(1) facilitates or consents to female genital
8 mutilation of a minor; or

9 “(2) transports a minor for the purpose of the
10 performance of female genital mutilation on such
11 minor,

12 shall be fined under this title, imprisoned not more than
13 10 years, or both.

14 “(d) CIRCUMSTANCES DESCRIBED.—For the pur-
15 poses of subsections (a) and (b), the circumstances de-
16 scribed in this subsection are that—

17 “(1) the defendant or victim traveled in inter-
18 state or foreign commerce, or traveled using a
19 means, channel, facility, or instrumentality of inter-
20 state or foreign commerce, in furtherance of or in
21 connection with the conduct described in subsection
22 (a) or (b);

23 “(2) the defendant used a means, channel, fa-
24 cility, or instrumentality of interstate or foreign

1 commerce in furtherance of or in connection with
2 the conduct described in subsection (a) or (b);

3 “(3) any payment of any kind was made, di-
4 rectly or indirectly, in furtherance of or in connec-
5 tion with the conduct described in subsection (a) or
6 (b) using any means, channel, facility, or instrumen-
7 tality of interstate or foreign commerce or in inter-
8 state or foreign commerce;

9 “(4) the defendant transmitted in interstate or
10 foreign commerce any communication relating to or
11 in furtherance of the conduct described in subsection
12 (a) or (b) using any means, channel, facility, or in-
13 strumentality of interstate or foreign commerce or in
14 interstate or foreign commerce by any means or in
15 manner, including by computer, mail, wire, or elec-
16 tromagnetic transmission;

17 “(5) any instrument, item, substance, or other
18 object that has traveled in interstate or foreign com-
19 merce was used to perform the conduct described in
20 subsection (a) or (b);

21 “(6) the conduct described in subsection (a) or
22 (b) occurred within the special maritime and terri-
23 torial jurisdiction of the United States, or any terri-
24 tory or possession of the United States; or

1 “(7) the conduct described in subsection (a) or
2 (b) otherwise occurred in interstate or foreign com-
3 merce.

4 “(e) PROHIBITION ON CERTAIN DEFENSE.—It shall
5 not be a defense to a prosecution under subsection (a) that
6 female genital mutilation is required as a matter of reli-
7 gion, custom, tradition, ritual, or standard practice.

8 “(f) PROHIBITION ON PROSECUTION OF VICTIM.—
9 No person who is chemically castrated or on whom genital
10 or bodily mutilation is performed may be arrested or pros-
11 ecuted for an offense under this section.

12 “(g) EXCEPTIONS.—

13 “(1) PROCEDURES.—

14 “(A) IN GENERAL.—Genital or bodily mu-
15 tilation or chemical castration is not a violation
16 of this section if such genital or bodily mutila-
17 tion or chemical castration is—

18 “(i) necessary to the health of the
19 minor on whom it is conducted, and is con-
20 ducted by a person licensed in the place of
21 such conduct as a medical practitioner; or

22 “(ii) in the case of female genital mu-
23 tilation, performed on a minor in labor or
24 who has just given birth and is performed
25 for medical purposes connected with that

1 labor or birth by a person licensed in the
2 place it is performed as a medical practi-
3 tioner, midwife, or person in training to
4 become such a practitioner or midwife.

5 “(B) HEALTH OF A MINOR.—For the pur-
6 poses of subparagraph (A), the health of a
7 minor does not include—

8 “(i) mental, behavioral, or emotional
9 distress; or

10 “(ii) a mental, behavioral, or emo-
11 tional disorder.

12 “(2) EXEMPTION.—Genital or bodily mutilation
13 or chemical castration is not a violation of this sec-
14 tion if such genital or bodily mutilation or chemical
15 castration is conducted with respect to any of the
16 following individuals:

17 “(A) An individual with both ovarian and
18 testicular tissue.

19 “(B) An individual with respect to whom a
20 physician has determined through genetic or
21 biochemical testing that the individual does not
22 have normal sex chromosome structure, sex
23 steroid hormone production, or sex steroid hor-
24 mone action.

1 “(C) An individual experiencing infection,
2 disease, injury, or disorder caused or exacer-
3 bated by a previous genital or bodily mutilation
4 procedure or chemical castration.

5 “(D) An individual suffering from a phys-
6 ical disorder, physical injury, or physical illness
7 that would, as certified by a physician, place
8 the individual in imminent danger of impair-
9 ment of a major bodily function unless the pro-
10 cedure is performed.

11 “(E) An individual diagnosed with pre-
12 cocious puberty, to the extent such genital or
13 bodily mutilation or chemical castration is for
14 the purpose of normalizing puberty.

15 “(h) CIVIL ACTION.—

16 “(1) IN GENERAL.—Any individual on whom a
17 genital or bodily mutilation was performed in viola-
18 tion of this section may bring a civil action in an ap-
19 propriate district court of the United States against
20 the person who performed, facilitated, or otherwise
21 caused the violation.

22 “(2) RELIEF.—In a civil action brought under
23 this subsection, the court may award—

24 “(A) compensatory damages;

25 “(B) punitive damages;

1 “(C) reasonable attorney’s fees and costs;
2 and

3 “(D) any other appropriate relief.

4 “(3) LIMITATION PERIOD.—An action under
5 this subsection may be brought not later than 20
6 years after the date on which the individual reaches
7 18 years of age.

8 “(i) DEFINITIONS.—In this section:

9 “(1) CHEMICAL CASTRATION.— The term
10 ‘chemical castration’ means administering, sup-
11 plying, prescribing, dispensing, distributing, or oth-
12 erwise conveying to an individual medications for the
13 purposes described in paragraph (1)(B), including—

14 “(A) gonadotropin-releasing hormone
15 (GnRH) analogues or other puberty-blocking
16 drugs to stop or delay normal puberty; and

17 “(B) testosterone, estrogen, or other
18 androgens to an individual at doses that are
19 higher than would normally be produced
20 endogenously in a healthy individual of the
21 same age and sex.

22 “(2) FEMALE.—The term ‘female’ means a per-
23 son who naturally has, had, will have, or would have,
24 but for a congenital anomaly, historical accident, or
25 intentional or unintentional disruption, the reproduc-

1 tive system that at some point produces, transports,
2 and utilizes eggs for fertilization.

3 “(3) FEMALE GENITAL MUTILATION.—The
4 term ‘female genital mutilation’ means any proce-
5 dure performed for non-medical reasons that in-
6 volves partial or total removal of, or other injury to,
7 the external female genitalia, and includes—

8 “(A) a clitoridectomy or the partial or total
9 removal of the clitoris or the prepuce or clitoral
10 hood;

11 “(B) excision or the partial or total re-
12 moval (with or without excision of the clitoris)
13 of the labia minora or the labia majora, or
14 both;

15 “(C) infibulation or the narrowing of the
16 vaginal opening (with or without excision of the
17 clitoris); or

18 “(D) other procedures that are harmful to
19 the external female genitalia, including prick-
20 ing, incising, scraping, or cauterizing the gen-
21 ital area.

22 “(4) GENITAL OR BODILY MUTILATION.—The
23 term ‘genital or bodily mutilation’ means, with re-
24 spect to an individual, any of the following:

25 “(A) Female genital mutilation.

1 “(B) Any surgery performed for the pur-
2 pose of intentionally changing the body of such
3 individual (including by disrupting the body’s
4 development, inhibiting its natural functions, or
5 modifying its appearance) to no longer cor-
6 respond to the individual’s sex, including—

7 “(i) castration;

8 “(ii) orchiectomy;

9 “(iii) scrotoplasty;

10 “(iv) vasectomy;

11 “(v) hysterectomy;

12 “(vi) oophorectomy;

13 “(vii) ovariectomy;

14 “(viii) metoidioplasty;

15 “(ix) penectomy;

16 “(x) phalloplasty;

17 “(xi) vaginoplasty;

18 “(xii) vaginectomy;

19 “(xiii) vulvoplasty;

20 “(xiv) reduction thyrochondroplasty;

21 “(xv) chondrolaryngoplasty; and

22 “(xvi) mastectomy.

23 “(C) Any plastic surgery that feminizes or
24 masculinizes the facial or other physiological

1 features for the purposes described in subpara-
2 graph (B).

3 “(D) Any placement of chest implants to
4 create feminine breasts for the purposes de-
5 scribed in subparagraph (B).

6 “(E) Any placement of fat or artificial im-
7 plants in the gluteal region for the purposes de-
8 scribed in subparagraph (B).

9 “(F) Any surgery to reconstruct the fixed
10 part of the urethra, whether or not such sur-
11 gery includes a metoidioplasty or a phalloplasty,
12 for the purposes described in subparagraph (B).

13 “(5) MALE.—The term ‘male’ means a person
14 who naturally has, had, will have, or would have, but
15 for a congenital anomaly, historical accident, or in-
16 tentional or unintentional disruption, the reproduc-
17 tive system that at some point produces, transports,
18 and utilizes sperm for fertilization.

19 “(6) MINOR.—The term ‘minor’ means any per-
20 son under the age of eighteen years.

21 “(7) SEX.—The term ‘sex’ means the immu-
22 table biological classification of an individual as ei-
23 ther male or female.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 for chapter 7 of title 18, United States Code, is amended

- 1 by striking the item related to section 116 and inserting
- 2 the following:

“116. Genital and bodily mutilation of a minor; chemical castration of a minor.”.