

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6408

To amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2012

Mr. WALSH of Illinois introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Election Integ-  
5 rity Act of 2012”.

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

3 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-  
4 TION AS CONDITION OF RECEIVING BALLOT.—Section  
5 303(b) of the Help America Vote Act of 2002 (42 U.S.C.  
6 15483(b)) is amended—

7 (1) in the heading, by striking “FOR VOTERS  
8 WHO REGISTER BY MAIL” and inserting “FOR PRO-  
9 VIDING PHOTO IDENTIFICATION”; and

10 (2) by striking paragraphs (1) through (3) and  
11 inserting the following:

12 “(1) INDIVIDUALS VOTING IN PERSON.—

13 “(A) REQUIREMENT TO PROVIDE IDENTIFI-  
14 FICATION.—Notwithstanding any other provi-  
15 sion of law and except as provided in subpara-  
16 graph (B), the appropriate State or local elec-  
17 tion official shall not provide a ballot for an  
18 election for Federal office to an individual who  
19 desires to vote in person unless—

20 “(i) the individual presents to the offi-  
21 cial a government-issued, current, and  
22 valid photo identification of the individual;  
23 and

24 “(ii) the election official verifies that  
25 the photo identification presented is of the  
26 individual who requests the ballot.

1           “(B) AVAILABILITY OF PROVISIONAL BAL-  
2           LOT.—If an individual does not present the  
3           identification required under subparagraph (A),  
4           the individual shall be permitted to cast a provi-  
5           sional ballot with respect to the election under  
6           section 302(a), except that the appropriate  
7           State or local election official shall not make a  
8           determination under section 302(a)(4) that the  
9           individual is eligible under State law to vote in  
10          the election unless, not later than 48 hours  
11          after casting the provisional ballot—

12                   “(i) the individual presents the identi-  
13                   fication required under subparagraph (A)  
14                   to the official; and

15                   “(ii) the election official verifies that  
16                   the photo identification presented is of the  
17                   individual who cast the provisional ballot.

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

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

1 individual who votes other than in person un-  
2 less—

3 “(i) the individual submits with the  
4 ballot a copy of a government-issued, cur-  
5 rent, and valid photo identification of the  
6 individual; and

7 “(ii) the election official verifies that  
8 the photo identification presented is of the  
9 individual who provides the ballot.

10 “(B) IN PERSON REQUESTS FOR BALLOTS  
11 TO VOTE OTHER THAN IN PERSON.—Notwith-  
12 standing any other provision of law and except  
13 as provided in subparagraph (B), the appro-  
14 priate State or local election official shall not  
15 provide a ballot for voting other than in person  
16 to an individual who makes a request for such  
17 a ballot in person unless—

18 “(i) the individual presents to the offi-  
19 cial a government-issued, current, and  
20 valid photo identification of the individual;  
21 and

22 “(ii) the election official verifies that  
23 the photo identification presented is of the  
24 individual who requests the ballot.

1           “(C) EXCEPTION FOR OVERSEAS MILITARY  
2           VOTERS.—Subparagraphs (A) and (B) do not  
3           apply with respect to an absent uniformed serv-  
4           ices voter who, by reason of active duty or serv-  
5           ice, is absent from the United States on the  
6           date of the election involved. In this subpara-  
7           graph, the term ‘absent uniformed services  
8           voter’ has the meaning given such term in sec-  
9           tion 107(1) of the Uniformed and Overseas  
10          Citizens Absentee Voting Act (42 U.S.C.  
11          1973ff–6(1)), other than an individual de-  
12          scribed in section 107(1)(C) of such Act.

13          “(3) SPECIFIC REQUIREMENTS FOR IDENTI-  
14          FICATIONS.—For purposes of paragraphs (1) and  
15          (2), an identification is ‘government-issued’ with re-  
16          spect to an individual if it is issued by the Federal  
17          Government or by the government of the State in  
18          which the individual seeks to cast a ballot. Nothing  
19          in this subsection shall be construed to prohibit the  
20          Federal Government or a State from requiring an  
21          individual who requests a photo identification to  
22          present such information as may be necessary to en-  
23          sure that the individual is the individual for whom  
24          the identification is sought, or from imposing any  
25          other requirements deemed necessary to ensure the

1 integrity or accuracy of any such photo identifica-  
2 tions.”.

3 (b) CONFORMING AMENDMENTS.—Section 303 of  
4 such Act (42 U.S.C. 15483) is amended—

5 (1) in the heading, by striking “**FOR VOTERS**  
6 **WHO REGISTER BY MAIL**” and inserting “**FOR**  
7 **PROVIDING PHOTO IDENTIFICATION**”; and

8 (2) in subsection (c), by striking “subsections  
9 (a)(5)(A)(I)(II) and (b)(3)(B)(I)(II)” and inserting  
10 “subsection (a)(5)(A)(I)(II)”.

11 (c) CLERICAL AMENDMENT.—The table of contents  
12 of such Act is amended by amending the item relating to  
13 section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements and re-  
quirements for providing photo identification.”.

14 (d) EFFECTIVE DATE.—

15 (1) IN GENERAL.—This section and the amend-  
16 ments made by this section shall apply with respect  
17 to elections for Federal office held on or after Janu-  
18 ary 1, 2014.

19 (2) CONFORMING AMENDMENT.—Section  
20 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is  
21 amended to read as follows:

22 “(2) REQUIREMENT TO PROVIDE PHOTO IDEN-  
23 TIFICATION.—Paragraphs (1) and (2) of subsection

1 (b) shall apply with respect to elections for Federal  
2 office held on or after January 1, 2014.”.

3 **SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.**

4 (a) REQUIRING STATES TO MAKE IDENTIFICATION  
5 AVAILABLE.—Section 303(b) of the Help America Vote  
6 Act of 2002 (42 U.S.C. 15483(b)), as amended by section  
7 2(a)(2), is amended—

8 (1) by redesignating paragraphs (4) and (5) as  
9 paragraphs (5) and (6); and

10 (2) by inserting after paragraph (3) the fol-  
11 lowing new paragraph:

12 “(4) MAKING PHOTO IDENTIFICATIONS AVAIL-  
13 ABLE.—

14 “(A) IN GENERAL.—During fiscal year  
15 2014 and each succeeding fiscal year, each  
16 State shall establish a program to provide photo  
17 identifications which may be used to meet the  
18 requirements of paragraphs (1) and (2) by indi-  
19 viduals who desire to vote in elections held in  
20 the State but who do not otherwise possess a  
21 government-issued photo identification.

22 “(B) IDENTIFICATIONS PROVIDED AT NO  
23 COST TO INDIGENT INDIVIDUALS.—If a State  
24 charges an individual a fee for providing a

1 photo identification under the program estab-  
2 lished under subparagraph (A)—

3 “(i) the fee charged may not exceed  
4 the reasonable cost to the State of pro-  
5 viding the identification to the individual;  
6 and

7 “(ii) the State may not charge a fee  
8 to any individual who provides an attesta-  
9 tion that the individual is unable to afford  
10 the fee.

11 “(C) IDENTIFICATIONS NOT TO BE USED  
12 AS MOTOR VEHICLE LICENSES.—Any photo  
13 identification provided under the program es-  
14 tablished under subparagraph (A) may not  
15 serve as a government-issued photo identifica-  
16 tion for purposes of operating a motor vehicle  
17 or any related purpose.”.

18 (b) PAYMENTS TO STATES TO COVER COSTS.—Sub-  
19 title D of title II of such Act (42 U.S.C. 15321 et seq.)  
20 is amended by adding at the end the following new part:



1 **“PART 7—PAYMENTS TO COVER COSTS OF PRO-**  
2 **VIDING PHOTO IDENTIFICATIONS TO INDI-**  
3 **GENT INDIVIDUALS**

4 **“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PRO-**  
5 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**  
6 **ING TO INDIGENT INDIVIDUALS.**

7 “(a) **PAYMENTS TO STATES.**—The Commission shall  
8 make payments to States to cover the costs incurred in  
9 providing photo identifications under the program estab-  
10 lished under section 303(b)(4) to individuals who are un-  
11 able to afford the fee that would otherwise be charged  
12 under the program.

13 “(b) **AMOUNT OF PAYMENT.**—The amount of the  
14 payment made to a State under this part for any year  
15 shall be equal to the amount of fees which would have  
16 been collected by the State during the year under the pro-  
17 gram established under section 303(b)(4) but for the ap-  
18 plication of section 303(b)(4)(B)(ii), as determined on the  
19 basis of information furnished to the Commission by the  
20 State at such time and in such form as the Commission  
21 may require.

22 “(c) **ENSURING BUDGET NEUTRALITY BY COR-**  
23 **RESPONDING REDUCTION IN REQUIREMENTS PAY-**  
24 **MENT.**—The amount of any requirements payment made  
25 to a State under part 1 of subtitle D for a fiscal year

1 shall be reduced by the amount of any payment made to  
2 a State under this part for the fiscal year.

3 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated for pay-  
5 ments under this part an aggregate amount of \$5,000,000  
6 for fiscal year 2014 and each of the 4 succeeding fiscal  
7 years.”.

8 (c) CLERICAL AMENDMENT.—The table of contents  
9 of such Act is amended by adding at the end of the item  
10 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO  
IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“Sec. 297. Payments to cover costs to States of providing photo identifications  
for voting to indigent individuals.

“Sec. 297A. Authorization of appropriations.”.

