H. R. 1428

To amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual’s Social Security number.

IN THE HOUSE OF REPRESENTATIVES

April 24, 1997

Mr. Horn (for himself, Mr. Dreier, Mr. Foley, Mr. Biliray, Mr. Calvert, Mr. Cunningham, Mr. English of Pennsylvania, Mr. Gallegly, Mr. Lewis of California, Mr. McKeon, Mr. Packard, Mr. Riggs, Mr. Royce, Mr. Stearns, Mr. Stump, Mr. Traficant, and Mr. Hunter) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on House Oversight and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual’s Social Security number.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Voter Eligibility Ver-
ification Act”.

SEC. 2. VOTER ELIGIBILITY CONFIRMATION SYSTEM.

(a) In General.—Title IV of the Immigration and
Nationality Act (8 U.S.C. 1101, note) is amended by in-
serting after the chapter heading for chapter 1 the follow-
ing:

“VOTER ELIGIBILITY CONFIRMATION SYSTEM

“Sec. 401. (a) In General.—The Attorney General,
in consultation with the Commissioner of Social Security,
shall establish a confirmation system through which
they—

“(1) respond to inquiries made to verify the
citizenship of an individual who has submitted a
voter registration application, by Federal, State, and
local officials (including voting registrars) with re-
sponsibility for determining an individual’s qualifica-
tion to vote in a Federal, State, or local election; and

“(2) maintain a record of the inquiries that
were made and of verifications provided (or not pro-
vided).

“(b) Initial Response.—The confirmation system
shall provide for a confirmation or a tentative noncon-
firmation of an individual’s citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

“(c) Secondary Verification Process in Case of Tentative Nonconfirmation.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

“(d) Design and Operation of System.—The confirmation system shall be designed and operated—

“(1) to be used on a voluntary basis, as a supplementary information source, by Federal, State, and local election officials for the purpose of assessing the eligibility of voter registration applicants, and administering voter registration, through citizenship verification;

“(2) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—
“(A) necessary for determining whether
the individual is eligible to vote in an election
for Federal, State, or local office; and
“(B) part of a program or activity to pro-
tect the integrity of the electoral process that is
uniform, nondiscriminatory, and in compliance
with the Voting Rights Act of 1965 (42 U.S.C.
1973 et seq.);
“(3) to maximize its reliability and ease of use,
consistent with insulating and protecting the privacy
and security of the underlying information;
“(4) to permit inquiries to be made to the sys-
tem through a toll-free telephone line or other toll-
free electronic media;
“(5) to respond to all inquiries made by author-
zied persons and to register all times when the sys-
tem is not responding to inquiries because of a mal-
function;
“(6) with appropriate administrative, technical,
and physical safeguards to prevent unauthorized dis-
closure of personal information; and
“(7) to have reasonable safeguards against the
system’s resulting in unlawful discriminatory prac-
tices based on national origin or citizenship status,
including the selective or unauthorized use of the system.

“(e) Responsibilities of the Commissioner of Social Security.—

“(1) In general.—As part of the confirmation system, the Commissioner of Social Security shall establish a reliable, secure method, which compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and citizenship must be confirmed, the correspondence of the name and number, and whether the individual is a citizen of the United States. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

“(2) Provision of alien identification number.—In cases of tentative nonconfirmation of an individual’s citizenship by the Commissioner of Social Security after an initial inquiry to the Commissioner, the Commissioner, as part of the confirmation system, shall provide to the person making the inquiry any information the Commissioner maintains regarding an alien identification or authoriza-
tion number for the individual established by the Im-
migration and Naturalization Service. The Attorney
General, in consultation with the Commissioner,
shall specify the information to be provided under
this paragraph.

“(f) Responsibilities of the Commissioner of
the Immigration and Naturalization Service.—As
part of the confirmation system, the Commissioner of the
Immigration and Naturalization Service shall establish a
reliable, secure method, which compares the name and
alien identification or authorization number described in
subsection (e)(2) which are provided in an inquiry against
such information maintained by the Commissioner in
order to confirm (or not confirm) the validity of the infor-
mation provided, the correspondence of the name and
number, and whether the individual is a citizen of the
United States.

“(g) Updating Information.—The Commissioners
of Social Security and the Immigration and Naturalization
Service shall update their information in a manner that
promotes the maximum accuracy and shall provide a proc-
ess for the prompt correction of erroneous information, in-
cluding instances in which it is brought to their attention
in the secondary verification process described in sub-
section (e).
“(h) LIMITATION ON USE OF THE CONFIRMATION SYSTEM AND ANY RELATED SYSTEMS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

“(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

“(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of the Voter Eligibility Verification Act.

“(i) ACTIONS BY VOTING OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

“(1) IN GENERAL.—In a case where an official who is authorized to receive information through use
of the confirmation system is unable, after completion of the secondary verification process, to confirm the citizenship of an individual, the official—

“(A) shall so notify the individual in writing; and

“(B) shall inform the individual in writing of the individual’s right to use—

“(i) the process provided under subsection (g) for the prompt correction of erroneous information in the confirmation system; or

“(ii) any other process for establishing eligibility to vote provided under State or Federal law.

“(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may, subject to, and in a manner consistent with, State law, reject the application, or provisionally accept the application, pending the official’s receipt of adequate confirmation of the citizenship of the individual.

“(3) VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph
(1) in connection with a program to remove the
names of ineligible voters from an official list of eli-
gible voters, the official may, subject to, and in a
manner consistent with, State law, remove the name
of the individual from the list, or grant the individ-
ual provisional voting status, pending the official’s
receipt of adequate confirmation of the citizenship of
the individual.”.

(b) CLERICAL AMENDMENT.—The table of con-
tents of the Immigration and Nationality Act is amended
by inserting before the item relating to section 402 the
following:

“Sec. 401. Voter eligibility confirmation system.”.

SEC. 3. PERMITTING STATES TO REQUIRE APPLICANTS
REGISTERING TO VOTE TO PROVIDE SOCIAL
SECURITY NUMBER.

Clauses (i) and (vi) of section 205(c)(2)(C) of the So-
cial Security Act (42 U.S.C. 405(c)(2)(C)) are amended
by inserting “voter registration,” after “driver’s license,”.