

109TH CONGRESS
1ST SESSION

H. R. 3910

To amend the Help America Vote Act of 2002 to require individuals to present a government-issued photo identification as a condition of voting in elections for Federal office, to prohibit any individual from tabulating votes in an election for Federal office unless the individual has been subject to a criminal background check, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. FEENEY (for himself, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. BARTLETT of Maryland, Mr. CHABOT, Mr. ISSA, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require individuals to present a government-issued photo identification as a condition of voting in elections for Federal office, to prohibit any individual from tabulating votes in an election for Federal office unless the individual has been subject to a criminal background check, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Verifying the Outcome
3 of Tomorrow’s Elections Act of 2005”.

4 **SEC. 2. PREVENTING VOTING BY INELIGIBLE INDIVIDUALS.**

5 (a) **REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-**
6 **FICATION.—**

7 (1) **IN GENERAL.**—Section 303(b) of such Act
8 (42 U.S.C. 15483(b)) is amended—

9 (A) in the heading, by striking “FOR VOT-
10 ERS WHO REGISTER BY MAIL” and inserting
11 “FOR PROVIDING PHOTO IDENTIFICATION”;
12 and

13 (B) by striking paragraphs (1) through (3)
14 and inserting the following:

15 “(1) **INDIVIDUALS VOTING IN PERSON.**—Not-
16 withstanding any other provision of law, the appro-
17 priate State or local election official may not provide
18 a ballot for an election for Federal office (including
19 a provisional ballot under section 302(a)) to an indi-
20 vidual who desires to vote in person unless the indi-
21 vidual presents to the official a current, valid, State-
22 issued photo identification (as determined in accord-
23 ance with subsection (d)).

24 “(2) **INDIVIDUALS VOTING BY MAIL.**—Notwith-
25 standing any other provision of law, the appropriate
26 State or local election official may not accept any

1 ballot for an election for Federal office provided by
 2 an individual who votes by mail unless the individual
 3 submits with the ballot a copy of a current, valid,
 4 State-issued photo identification (as determined in
 5 accordance with subsection (d)).”.

6 (2) CONFORMING AMENDMENTS.—Section 303
 7 of such Act (42 U.S.C. 15483) is amended—

8 (A) in the heading, by striking “**FOR VOT-**
 9 **ERS WHO REGISTER BY MAIL**” and inserting
 10 “**FOR PROVIDING PHOTO IDENTIFICA-**
 11 **TION**”; and

12 (B) in subsection (c), by striking “sub-
 13 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)”
 14 and inserting “subsection (a)(5)(A)(i)(II)”.

15 (3) CLERICAL AMENDMENT.—The table of con-
 16 tents of such Act is amended by amending the item
 17 relating to section 303 to read as follows:

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

18 (b) STANDARDS FOR DETERMINING VALIDITY OF
 19 PHOTO IDENTIFICATIONS.—Section 303 of such Act (42
 20 U.S.C. 15483) is amended—

21 (1) by redesignating subsection (d) as sub-
 22 section (e); and

23 (2) by inserting after subsection (c) the fol-
 24 lowing new subsection:

1 “(d) STANDARDS FOR DETERMINING VALIDITY OF
2 PHOTO IDENTIFICATION.—

3 “(1) MINIMUM STANDARDS.—

4 “(A) IN GENERAL.—For purposes of sub-
5 sections (b)(1) and (b)(2), a State-issued photo
6 identification is valid if the State meets the re-
7 quirements of this subsection.

8 “(B) STATE CERTIFICATIONS.—The Sec-
9 retary of Homeland Security shall determine
10 whether a State is meeting the requirements of
11 this section based on certifications made by the
12 State to the Secretary of Transportation. Such
13 certifications shall be made at such times and
14 in such manner as the Secretary of Transpor-
15 tation, in consultation with the Secretary of
16 Homeland Security, may prescribe by regula-
17 tion.

18 “(2) MINIMUM DOCUMENT REQUIREMENTS.—
19 To meet the requirements of this subsection, a State
20 shall include, at a minimum, the following informa-
21 tion and features on each photo identification issued
22 to a person by the State for purposes of subsection
23 (b):

24 “(A) The person’s full legal name.

25 “(B) The person’s date of birth.

1 “(C) The person’s gender.

2 “(D) The person’s number for the form of
3 the identification.

4 “(E) A digital photograph of the person.

5 “(F) The person’s address of principle res-
6 idence.

7 “(G) The person’s signature.

8 “(H) Physical security features designed to
9 prevent tampering, counterfeiting, or duplica-
10 tion of the document for fraudulent purposes.

11 “(I) A common machine-readable tech-
12 nology, with defined minimum data elements.

13 “(3) MINIMUM ISSUANCE STANDARDS.—

14 “(A) IN GENERAL.—To meet the require-
15 ments of this subsection, a State shall require,
16 at a minimum, presentation and verification of
17 the following information before issuing a photo
18 identification to a person for purposes of sub-
19 section (b):

20 “(i) A photo identity document, except
21 that a non-photo identity document is ac-
22 ceptable if it includes both the person’s full
23 legal name and date of birth.

24 “(ii) Documentation showing the per-
25 son’s date of birth.

1 “(iii) Proof of the person’s social se-
2 curity account number or verification that
3 the person is not eligible for a social secu-
4 rity account number.

5 “(iv) Documentation showing the per-
6 son’s name and address of principal resi-
7 dence.

8 “(B) VERIFICATION OF DOCUMENTS.—To
9 meet the requirements of this section, a State
10 shall implement the following procedures:

11 “(i) Before issuing a photo identifica-
12 tion to a person, the State shall verify,
13 with the issuing agency, the issuance, va-
14 lidity, and completeness of each document
15 required to be presented by the person
16 under subparagraph (A).

17 “(ii) The State shall not accept any
18 foreign document, other than an official
19 passport, to satisfy a requirement of sub-
20 paragraph (A).

21 “(4) OTHER REQUIREMENTS.—To meet the re-
22 quirements of this section, a State shall adopt the
23 following practices in the issuance of photo identi-
24 fications issued for purposes of subsection (b):

1 “(A) Employ technology to capture digital
2 images of identity source documents so that the
3 images can be retained in electronic storage in
4 a transferable format.

5 “(B) Retain paper copies of source docu-
6 ments for a minimum of 7 years or images of
7 source documents presented for a minimum of
8 10 years.

9 “(C) Subject each person applying for a
10 photo identification to mandatory facial image
11 capture.

12 “(D) Establish an effective procedure to
13 confirm or verify a renewing applicant’s infor-
14 mation.

15 “(E) Confirm with the Social Security Ad-
16 ministration a social security account number
17 presented by a person using the full social secu-
18 rity account number, and in the event that a
19 social security account number is already reg-
20 istered to or associated with another person to
21 which any State has issued a photo identifica-
22 tion, the State shall resolve the discrepancy and
23 take appropriate action.

24 “(F) Refuse to issue a photo identification
25 to a person holding a driver’s license issued by

1 another State without confirmation that the
2 person is terminating or has terminated the
3 driver's license.

4 “(G) Ensure the physical security of loca-
5 tions where photo identifications are produced
6 and the security of document materials and pa-
7 pers from which identifications are produced.

8 “(H) Subject all persons authorized to
9 manufacture or produce photo identification to
10 appropriate security clearance requirements.

11 “(I) Establish fraudulent document rec-
12 ognition training programs for appropriate em-
13 ployees engaged in the issuance of photo identi-
14 fications.

15 “(J) Limit the period of validity of all
16 photo identifications that are not temporary to
17 a period that does not exceed 8 years.”.

18 (c) EFFECTIVE DATE.—Section 303(e) of such Act
19 (42 U.S.C. 15483(3)), as redesignated by subsection (b),
20 is amended to read as follows:

21 “(e) REQUIREMENT TO PROVIDE PHOTO IDENTI-
22 FICATION.—Subsection (b) shall apply with respect to
23 elections for Federal office held in 2008 and each suc-
24 ceeding year.”.

1 **SEC. 3. ENSURING INTEGRITY OF VOTE COUNTS.**

2 Section 301(a) of the Help America Vote Act of 2002
3 (42 U.S.C. 15481(a)) is amended by adding at the end
4 the following new paragraph:

5 “(7) OTHER STEPS TO ENSURE INTEGRITY IN
6 TABULATION OF VOTES.—

7 “(A) TESTING OF EQUIPMENT.—Each
8 State shall conduct regular tests of the equip-
9 ment used to tabulate votes in voting systems
10 to ensure that the system meets the error rate
11 standards described in paragraph (5) and that
12 the equipment works correctly.

13 “(B) CRIMINAL HISTORY BACKGROUND
14 CHECKS FOR ELECTION OFFICIALS.—

15 “(i) REQUIREMENT.—A State may
16 not permit any individual to tabulate votes
17 cast on a voting system, or to certify the
18 tabulation of votes cast on a system, unless
19 the individual has satisfactorily undergone
20 a criminal history background check con-
21 ducted using the national criminal history
22 background check system and State crimi-
23 nal history repositories of all States in
24 which the individual has resided.

25 “(ii) DEFINITION.—In clause (i), the
26 term ‘national criminal history background

1 check system' has the meaning given the
 2 term in section 5 of the National Child
 3 Protection Act of 1993 (42 U.S.C. 5119c).

4 “(C) PERMITTING PARTIES TO OBSERVE
 5 TABULATION.—A State shall permit a rep-
 6 resentative of each political party with a can-
 7 didate on the ballot used at a precinct during
 8 an election to observe the tabulation of the
 9 votes cast on the voting system and the certifi-
 10 cation of the tabulation of votes cast on the sys-
 11 tem.”.

12 **SEC. 4. PROHIBITING PER APPLICATION PAYMENTS FOR**
 13 **DISTRIBUTION OR COLLECTION OF VOTER**
 14 **REGISTRATION APPLICATIONS.**

15 Section 905 of the Help America Vote Act of 2002
 16 (42 U.S.C. 15544) is amended by adding at the end the
 17 following new subsection:

18 “(c) PAYMENT ON COMMISSION BASIS FOR DIS-
 19 TRIBUTION OR COLLECTION OF VOTER REGISTRATION
 20 APPLICATION FORMS.—

21 “(1) IN GENERAL.—It is unlawful for any per-
 22 son to pay any other person for distributing applica-
 23 tions for voter registration in elections for Federal
 24 office, or for collecting completed or partially com-
 25 pleted applications for voter registration in elections

1 for Federal office, if the amount of the payment is
2 determined on the basis of the number of applica-
3 tions distributed or collected.

4 “(2) PENALTY.—Any person who violates para-
5 graph (1) shall be fined in accordance with title 18,
6 United States Code, imprisoned for not more than
7 2 years, or both.”.

8 **SEC. 5. ADDITIONAL REQUIREMENTS FOR VOTING SYS-**
9 **TEMS.**

10 (a) PRODUCTION OF PERMANENT, INDIVIDUALLY
11 VERIFIABLE PAPER RECORD OF EACH VOTE CAST.—Sec-
12 tion 301(a)(2)(B) of the Help America Vote Act of 2002
13 (42 U.S.C. 15481(a)(2)(B)) is amended—

14 (1) by redesignating clause (iii) as clause (iv);
15 and

16 (2) by striking clauses (i) and (ii) and inserting
17 the following:

18 “(i) After the voter enters a vote on
19 the voting system, the system shall provide
20 the voter with an auditable paper record
21 showing how the vote will be recorded by
22 the system, and the voter shall use such
23 record to verify that the vote shown is the
24 vote the voter intends to cast.

1 “(ii) If the voter does not verify that
2 the vote shown on a record provided under
3 clause (i) is the vote the voter intends to
4 cast, the system shall provide the voter
5 with the opportunity to change the ballot
6 and correct any error in the vote, and shall
7 provide the voter with a new auditable
8 paper record under such clause that re-
9 flects the change or correction made by the
10 voter.

11 “(iii) Once a voter verifies that the
12 vote shown on a paper record provided
13 under clause (i) is the vote the voter in-
14 tends to cast (whether verified as originally
15 entered or as changed and corrected as de-
16 scribed in clause (ii)), the vote shall be
17 final and the record shall serve as a per-
18 manent paper record of the vote.”.

19 (b) PROHIBITING REMOVAL OF PAPER RECORD
20 FROM POLLING PLACE; CLARIFYING PURPOSES FOR
21 WHICH RECORD MAY BE USED.—Clause (iv) of section
22 301(a)(2)(B) of such Act (42 U.S.C. 15481(a)(2)(B)), as
23 redesignated by subsection (a)(1), is amended by striking
24 the period at the end and inserting the following: “, and
25 for such other official purposes as may be provided under

1 State law, and may be removed from the polling place by
2 and otherwise made available to an appropriate election
3 official for such purposes, but the record (including any
4 duplicate of the record or any photographic image of the
5 record) may not be removed from the polling place by any
6 other person or for any other purpose.”.

7 (c) REQUIRING VOLUNTARY VOTING SYSTEM GUIDE-
8 LINES TO INCLUDE GUIDELINES TO ENSURE SECURITY
9 OF ELECTRONIC DATA.—Section 221(b)(1) of such Act
10 (42 U.S.C. 15361(b)(1)) is amended by striking the period
11 at the end and inserting the following: “, including guide-
12 lines to ensure the security of any data which is trans-
13 mitted or received electronically by voting systems”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to the regularly sched-
16 uled general election for Federal office held in November
17 2006 and each succeeding election for Federal office.

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