

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

# H. R. 5913

To amend the Help America Vote Act of 2002 to require an individual to provide proof that the individual is a citizen of the United States and to present a government-issued photo identification as a condition of casting a ballot in an election for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2006

Mr. TANCREDO introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, 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

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## A BILL

To amend the Help America Vote Act of 2002 to require an individual to provide proof that the individual is a citizen of the United States and to present a government-issued photo identification as a condition of casting a ballot in an election for Federal office, 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 “Voter Integrity Protec-  
3 tion Act of 2006”.

4 **SEC. 2. PROOF OF CITIZENSHIP REQUIRED FOR CASTING**  
5 **BALLOT.**

6 (a) IN GENERAL.—Section 303 of the Help America  
7 Vote Act of 2002 (42 U.S.C. 15483) is amended—

8 (1) by redesignating subsections (c) and (d) as  
9 subsections (d) and (e); and

10 (2) by inserting after subsection (b) the fol-  
11 lowing new subsection:

12 “(c) REQUIRING PROOF OF CITIZENSHIP AT POLL-  
13 ING PLACE.—

14 “(1) INDIVIDUALS VOTING IN PERSON.—Not-  
15 withstanding any other provision of law, the appro-  
16 priate State or local election official may not provide  
17 a ballot for an election for Federal office (including  
18 a provisional ballot under section 302(a)) to an indi-  
19 vidual who desires to vote in person unless the indi-  
20 vidual presents to the official a photographic copy of  
21 any document which provides proof that the indi-  
22 vidual is a citizen of the United States.

23 “(2) INDIVIDUALS VOTING BY MAIL.—Notwith-  
24 standing any other provision of law, the appropriate  
25 State or local election official may not accept any  
26 ballot for an election for Federal office provided by

1 an individual who votes by mail unless the individual  
2 submits with the ballot a photographic copy of any  
3 document which provides proof that the individual is  
4 a citizen of the United States.

5 “(3) EXCEPTION FOR INDIVIDUALS WITH  
6 PROOF OF CITIZENSHIP ON FILE WITH ELECTION  
7 OFFICIAL.—Paragraphs (1) and (2) shall not apply  
8 in the case of an individual who, at the time the in-  
9 dividual applied to register to vote in Federal elec-  
10 tions in the State involved, provided the appropriate  
11 State election official with a photographic copy of a  
12 document which provided proof that the individual is  
13 a citizen of the United States.

14 “(4) TREATMENT OF DRIVER’S LICENSES.—For  
15 purposes of this subsection, a motor vehicle driver’s  
16 license shall not be treated as a document which  
17 provides proof that the individual to whom the li-  
18 cense is issued is a citizen of the United States un-  
19 less the State issuing the license required the indi-  
20 vidual to provide proof of the individual’s United  
21 States citizenship as a condition of receiving the li-  
22 cense.”.

23 (b) CONFORMING AMENDMENT.—Section 303 of  
24 such Act (42 U.S.C. 15483) is amended in the heading

1 by striking “**FOR VOTERS WHO REGISTER BY MAIL**”  
 2 and inserting “**FOR PREVENTING VOTING FRAUD**”.

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

“Sec. 303. Computerized statewide voter registration list requirements and re-  
 quirements for preventing voting fraud.”.

6 (d) EFFECTIVE DATE.—Section 303(e) of such Act  
 7 (42 U.S.C. 15483(e)), as redesignated by subsection  
 8 (a)(1), is amended by adding at the end the following new  
 9 paragraph:

10 “(3) PROOF OF CITIZENSHIP.—Subsection (c)  
 11 shall apply with respect to the regularly scheduled  
 12 general election for Federal office held in November  
 13 2008 and each succeeding election for Federal of-  
 14 fice.”.

15 **SEC. 3. REQUIRING PHOTO IDENTIFICATION.**

16 (a) REQUIREMENT.—

17 (1) IN GENERAL.—Subtitle A of title III of the  
 18 Help America Vote Act of 2002 (42 U.S.C. 15481  
 19 et seq.) is amended—

20 (A) by redesignating sections 304 and 305  
 21 as sections 305 and 306; and

22 (B) by inserting after section 303 the fol-  
 23 lowing new section:

1 **“SEC. 304. REQUIRING VOTERS TO PRESENT PHOTO IDEN-**  
2 **TIFICATION.**

3 “(a) IN GENERAL.—Notwithstanding section 303(b),  
4 each State shall require any individual who desires to cast  
5 a ballot in an election for Federal office—

6 “(1) in the case of an individual voting in per-  
7 son, to present to the appropriate election official a  
8 current valid photo identification which is issued by  
9 a governmental entity; or

10 “(2) in the case of an individual voting by mail,  
11 to submit with the ballot a copy of a current valid  
12 photo identification which is issued by a govern-  
13 mental entity.

14 “(b) MAKING PHOTO IDENTIFICATIONS AVAILABLE  
15 AT NO COST FOR PURPOSES OF CASTING BALLOTS IN  
16 ELECTIONS.—

17 “(1) IN GENERAL.—Each State shall establish  
18 a program to provide photo identifications which  
19 may be used to meet the requirements of subsection  
20 (a) by individuals who desire to vote in elections held  
21 in the State but who do not otherwise possess a gov-  
22 ernment-issued photo identification, at no cost to the  
23 individual.

24 “(2) IDENTIFICATIONS NOT TO BE USED FOR  
25 OTHER PURPOSES.—Any photo identification pro-  
26 vided under the program established under para-

1 graph (1) may not serve as a government-issued  
2 photo identification for purposes of any program or  
3 function of a State or local government other than  
4 the administration of elections.

5 “(c) EFFECTIVE DATE.—Each State shall be re-  
6 quired to comply with the requirements of this section (a)  
7 with respect to the regularly scheduled general election for  
8 Federal office held in November 2008 and each succeeding  
9 election for Federal office.”.

10 (2) CONFORMING AMENDMENTS.—

11 (A) EFFECT ON CURRENT REQUIRE-  
12 MENTS.—Section 303(b)(1) of such Act (42  
13 U.S.C. 15483(b)(1)) is amended by striking  
14 “paragraph (3)” and inserting “paragraph (3)  
15 and section 304”.

16 (B) ENFORCEMENT.—Section 401 of such  
17 Act (42 U.S.C. 15511) is amended by striking  
18 “and 303” and inserting “303, and 304”.

19 (3) CLERICAL AMENDMENT.—The table of con-  
20 tents of such Act is amended—

21 (A) by redesignating the items relating to  
22 sections 304 and 305 as relating to sections  
23 305 and 306; and

24 (B) by inserting after the item relating to  
25 section 303 the following:

“Sec. 304. Requiring voters to present photo identification.”.

1 (b) PAYMENTS TO STATES TO COVER COSTS OF  
2 MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

3 (1) IN GENERAL.—Subtitle D of title II of such  
4 Act (42 U.S.C. 15321 et seq.) is amended by adding  
5 at the end the following new part:

6 **“PART 7—PAYMENTS TO COVER COSTS OF**  
7 **PROVIDING PHOTO IDENTIFICATIONS**

8 **“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PRO-**  
9 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**  
10 **ING.**

11 “(a) PAYMENTS TO STATES.—The Commission shall  
12 make payments each year to reimburse the States for the  
13 costs incurred in providing photo identifications under the  
14 program established under section 304(b)(1).

15 “(b) AMOUNT OF PAYMENT.—The amount of the  
16 payment made to a State under this part for any year  
17 shall be equal to the amount expended by the State during  
18 the year in carrying out the program established under  
19 section 304(b)(1), as determined on the basis of informa-  
20 tion furnished to the Commission by the State at such  
21 time and in such form as the Commission may require.

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

23 “There are authorized to be appropriated for pay-  
24 ments under this part such sums as may be necessary for  
25 fiscal year 2008 and each succeeding fiscal year.”.

1           (2) CLERICAL AMENDMENT.—The table of con-  
 2           tents of such Act is amended by adding at the end  
 3           of the item relating to subtitle D of title II the fol-  
 4           lowing:

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

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

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

5 **SEC. 4. WITHHOLDING OF HIGHWAY FUNDS.**

6           (a) IN GENERAL.—Chapter 1 of title 23, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing:

9 **“§ 167. Requirements for preventing voting fraud**

10           “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-  
 11 COMPLIANCE.—On October 1, 2008, and October 1 of  
 12 each fiscal year thereafter, if a State does not meet the  
 13 requirement of subsection (b), the Secretary shall withhold  
 14 from amounts apportioned to the State on that date under  
 15 each of paragraphs (1), (3), and (4) of section 104(b) the  
 16 following percentage of such amounts:

17           “(1) For fiscal year 2009, 10 percent.

18           “(2) For fiscal year 2010, 20 percent.

19           “(3) For fiscal year 2011, 30 percent.

20           “(4) For fiscal year 2012, and each fiscal year  
 21           thereafter, 40 percent.

1       “(b) REQUIREMENT.—A State meets the require-  
2 ments of this subsection if the State has enacted and is  
3 enforcing, as determined by the Election Assistance Com-  
4 mission, a law that complies with the requirements of sec-  
5 tions 303(c) and 304 of the Help America Vote Act of  
6 2002 (42 U.S.C. 15483(c) and 42 U.S.C. 15484).

7       “(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-  
8 ANCE AND NONCOMPLIANCE.—If, within 4 years from the  
9 date that an apportionment for a State is withheld in ac-  
10 cordance with this section, the State meets the require-  
11 ments of subsection (b), the apportionment of the State  
12 shall be increased by an amount equal to the amount with-  
13 held. If, at the end of such 4-year period, the State does  
14 not meet the requirements of subsection (b), any amounts  
15 so withheld from the State shall lapse.”.

16       (b) CLERICAL AMENDMENT.—The analysis for such  
17 chapter is amended by adding at the end the following:

“167. Requirements for preventing voting fraud.”.

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