

118TH CONGRESS
2D SESSION

H. R. 8281

To amend the National Voter Registration Act of 1993 to require proof of United States citizenship to register an individual to vote in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2024

Mr. ROY (for himself, Mr. GARBARINO, Mr. SCALISE, Mr. EMMER, Ms. STEFANIK, Ms. TENNEY, Mrs. HARSHBARGER, Mr. DONALDS, Mrs. MILLER of Illinois, Mr. RESCHENTHALER, Mr. HIGGINS of Louisiana, Mr. GRAVES of Louisiana, Mr. MCCLINTOCK, Mr. LAWLER, Ms. BOEBERT, Mr. BANKS, Mr. MOORE of Alabama, Mr. MCCAUL, Mr. ARRINGTON, Mr. WILLIAMS of New York, Mr. LANGWORTHY, Mr. ELLZEY, Mr. GUEST, Mr. HERN, Mrs. HOUCHIN, Mr. MIKE GARCIA of California, Mr. WILLIAMS of Texas, Mr. BIGGS, Mr. PALMER, Mr. FEENSTRA, Mr. NEHLS, Mr. BABIN, Mr. SELF, Mr. FALLON, Mr. CLOUD, Mr. CRENSHAW, Mr. HUNT, Mr. WEBER of Texas, Mr. JORDAN, Mr. AUSTIN SCOTT of Georgia, Mr. MCCORMICK, Mr. CLYDE, Mr. BRECHEEN, Mr. BISHOP of North Carolina, Mr. BOST, Mrs. FISCHBACH, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 to require proof of United States citizenship to register an individual to vote in elections 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 “Safeguard American
3 Voter Eligibility Act” or the “SAVE Act”.

4 **SEC. 2. ENSURING ONLY CITIZENS ARE REGISTERED TO**
5 **VOTE IN ELECTIONS FOR FEDERAL OFFICE.**

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

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

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

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

18 “(1) A form of identification issued consistent
19 with the requirements of the REAL ID Act of 2005
20 that indicates the applicant is a citizen of the United
21 States.

22 “(2) A valid United States passport.

23 “(3) The applicant’s official United States mili-
24 tary identification card, together with a United
25 States military record of service showing that the
26 applicant’s place of birth was in the United States.

1 “(4) A valid government-issued photo identifica-
2 tion card issued by a Federal, State or Tribal gov-
3 ernment showing that the applicant’s place of birth
4 was in the United States.

5 “(5) A valid government-issued photo identifica-
6 tion card issued by a Federal, State or Tribal gov-
7 ernment other than an identification described in
8 paragraphs (1) through (4), but only if presented to-
9 gether with one or more of the following:

10 “(A) A certified birth certificate issued by
11 a State, a unit of local government in a State,
12 or a Tribal government which—

13 “(i) was issued by the State, unit of
14 local government, or Tribal government in
15 which the applicant was born;

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

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

20 “(iv) lists the full names of one or
21 both of the parents of the applicant;

22 “(v) has the signature of an individual
23 who is authorized to sign birth certificates
24 on behalf of the State, unit of local govern-

1 ment, or Tribal government in which the
2 applicant was born;

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

6 “(vii) has the seal of the State, unit
7 of local government, or Tribal government
8 that issued the birth certificate.

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

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

16 “(D) A Consular Report of Birth Abroad
17 of a citizen of the United States or a certifi-
18 cation of the applicant’s Report of Birth of a
19 United States citizen issued by the Secretary of
20 State.

21 “(E) A Naturalization Certificate or Cer-
22 tificate of Citizenship issued by the Secretary of
23 Homeland Security or any other document or
24 method of proof of United States citizenship

1 issued by the Federal government pursuant to
2 the Immigration and Nationality Act.

3 “(F) An American Indian Card issued by
4 the Department of Homeland Security with the
5 classification ‘KIC’.”.

6 (b) IN GENERAL.—Section 4 of the National Voter
7 Registration Act of 1993 (52 U.S.C. 20503) is amended—

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

10 (2) by redesignating subsection (b) as sub-
11 section (c); and

12 (3) by inserting after subsection (a) the fol-
13 lowing new subsection:

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

21 (c) REGISTRATION WITH APPLICATION FOR MOTOR
22 VEHICLE DRIVER’S LICENSE.—Section 5 of the National
23 Voter Registration Act of 1993 (52 U.S.C. 20504) is
24 amended—

1 (1) in subsection (a)(1), by striking “Each
2 State motor vehicle driver’s license application” and
3 inserting “Subject to the requirements under section
4 8(j), each State motor vehicle driver’s license appli-
5 cation”;

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

10 (3) in subsection (c)(2)(B)—

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

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

15 (C) by adding at the end the following new
16 clause:

17 “(iii) verify that the applicant is a cit-
18 izen of the United States;”;

19 (4) in subsection (c)(2)(C)(i), by striking “(in-
20 cluding citizenship)” and inserting “, including the
21 requirement that the applicant provides documentary
22 proof of United States citizenship”; and

23 (5) in subsection (c)(2)(D)(iii), by striking “;
24 and” and inserting the following: “, other than as
25 evidence in a criminal proceeding or immigration

1 proceeding brought against an applicant who know-
2 ingly attempts to register to vote and knowingly
3 makes a false declaration under penalty of perjury
4 that the applicant meets the eligibility requirements
5 to register to vote in an election for Federal office;
6 and”.

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

11 (1) in subsection (a)(1)—

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

16 (B) by striking “Federal Election Commis-
17 sion” and inserting “Election Assistance Com-
18 mission”;

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

1 (3) in subsection (c)(1)—

2 (A) in subparagraph (A), by striking
3 “and” at the end;

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

6 (C) by adding at the end the following new
7 subparagraph:

8 “(C) the person did not provide documentary
9 proof of United States citizenship when registering
10 to vote.”; and

11 (4) by adding at the end the following new sub-
12 section:

13 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-
14 SHIP.—

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

23 “(A) the applicant presents documentary
24 proof of United States citizenship in person to
25 the office of the appropriate election official not

1 later than the deadline provided by State law
2 for the receipt of a completed voter registration
3 application for the election; or

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

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

24 “(3) ACCESSIBILITY.—Each State shall, in con-
25 sultation with the Election Assistance Commission,

1 ensure that reasonable accommodations are made to
2 allow an individual with a disability who submits the
3 mail voter registration application form prescribed
4 by the Election Assistance Commission pursuant to
5 section 9(a)(2) or a form described in paragraph (1)
6 or (2) of subsection (a) to present documentary
7 proof of United States citizenship to the appropriate
8 election official.”.

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

12 (1) in subsection (a)—

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

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

19 (B) in paragraph (6)—

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

1 (ii) by redesignating subparagraph
2 (B) as subparagraph (C); and

3 (iii) by inserting after subparagraph
4 (A) the following new subparagraph:

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

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

12 (f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-
13 TION OF VOTER REGISTRATION.—Section 8 of the Na-
14 tional Voter Registration Act of 1993 (52 U.S.C. 20507)
15 is amended—

16 (1) in subsection (a)—

17 (A) by striking “In the administration of
18 voter registration” and inserting “Subject to
19 the requirements of subsection (j), in the ad-
20 ministration of voter registration”; and

21 (B) in paragraph (3)—

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

24 (ii) by adding at the end the following
25 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 (2) by redesignating subsection (j) as sub-
7 section (l); and

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

10 “(j) ENSURING ONLY CITIZENS ARE REGISTERED
11 TO 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) ADDITIONAL PROCESSES IN CERTAIN
19 CASES.—

20 “(A) PROCESS FOR THOSE WITHOUT DOC-
21 UMENTARY PROOF.—

22 “(i) IN GENERAL.—Subject to any rel-
23 evant guidance adopted by the Election As-
24 sistance Commission, each State shall es-
25 tablish a process under which an applicant

1 who cannot provide documentary proof of
2 United States citizenship under paragraph
3 (1) may, if the applicant signs an attesta-
4 tion under penalty of perjury that the ap-
5 plicant is a citizen of the United States
6 and eligible to vote in elections for Federal
7 office, submit such other evidence to the
8 appropriate State official demonstrating
9 that the applicant is a citizen of the
10 United States and such official shall make
11 a determination as to whether the appli-
12 cant has sufficiently established United
13 States citizenship for purposes of reg-
14 istering to vote in elections for Federal of-
15 fice in the State.

16 “(ii) AFFIDAVIT REQUIREMENT.—If a
17 State official makes a determination under
18 clause (i) that an applicant has sufficiently
19 established United States citizenship for
20 purposes of registering to vote in elections
21 for Federal office in the State, such deter-
22 mination shall be accompanied by an affi-
23 davit developed under clause (iii) signed by
24 the official swearing or affirming the appli-
25 cant sufficiently established United States

1 citizenship for purposes of registering to
2 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 officials under clause (ii),
8 which shall—

9 “(I) include an explanation of the
10 minimum standards required for a
11 State official to register an applicant
12 who cannot provide documentary
13 proof of United States citizenship to
14 vote in elections for Federal office in
15 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 “(3) STATE REQUIREMENTS.—Each State shall
6 take affirmative steps on an ongoing basis to ensure
7 that only United States citizens are registered to
8 vote under the provisions of this Act, which shall in-
9 clude the establishment of a program described in
10 paragraph (4) not later than 30 days after the date
11 of the enactment of this subsection.

12 “(4) PROGRAM DESCRIBED.—A State may meet
13 the requirements of paragraph (3) by establishing a
14 program under which the State identifies individuals
15 who are not United States citizens using information
16 supplied by one or more of the following sources:

17 “(A) The Department of Homeland Secu-
18 rity through the Systematic Alien Verification
19 for Entitlements (‘SAVE’) or otherwise.

20 “(B) The Social Security Administration
21 through the Social Security Number
22 Verification Service, or otherwise.

23 “(C) State agencies that supply State iden-
24 tification cards or drivers licenses where the

1 agency confirms the United States citizenship
2 status of applicants.

3 “(D) Other sources, including databases,
4 which provide confirmation of United States
5 citizenship status.

6 “(5) AVAILABILITY OF INFORMATION.—

7 “(A) IN GENERAL.—At the request of a
8 State election official (including a request re-
9 lated to a process established by a State under
10 paragraph (2)(A) or (2)(B)), the Secretary of
11 Homeland Security and the Commissioner of
12 the Social Security Administration shall, not
13 later than 30 days after receipt of such request,
14 provide the official with such information as
15 may be necessary to enable the official to verify
16 that an applicant for voter registration in elec-
17 tions for Federal office held in the State or a
18 registrant on the official list of eligible voters in
19 elections for Federal office held in the State is
20 a citizen of the United States, which shall in-
21 clude providing the official with such batched
22 information as may be requested by the official.

23 “(B) USE OF SAVE SYSTEM.—The Sec-
24 retary of Homeland Security may respond to a
25 request received under paragraph (1) by using

1 the system for the verification of immigration
2 status under the applicable provisions of section
3 1137 of the Social Security Act (42 U.S.C.
4 1320b-7), as established pursuant to section
5 121(c) of the Immigration Reform and Control
6 Act of 1986 (Public Law 99-603).

7 “(C) SHARING OF INFORMATION.—The
8 Secretary and the Commissioner shall share in-
9 formation with each other with respect to an in-
10 dividual who is the subject of a request received
11 under paragraph (A) in order to enable the Sec-
12 retary and the Commissioner to respond to the
13 request.

14 “(D) INVESTIGATION FOR PURPOSES OF
15 REMOVAL.—The Secretary of Homeland Secu-
16 rity shall conduct an investigation to determine
17 whether to initiate removal proceedings under
18 section 239 of the Immigration and Nationality
19 Act (8 U.S.C. 1229) if it is determined pursu-
20 ant to subparagraph (A) or (B) that an alien
21 (as such term is defined in section 101 of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101)) is unlawfully registered to vote in elec-
24 tions for Federal office.

1 “(E) PROHIBITING FEES.—The Secretary
2 may not charge a fee for responding to a
3 State’s request under paragraph (A).

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

11 (g) CLARIFICATION OF AUTHORITY OF STATE TO
12 REMOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGI-
13 BLE VOTERS.—

14 (1) IN GENERAL.—Section 8(a)(4) of the Na-
15 tional Voter Registration Act of 1993 (52 U.S.C.
16 20507(a)(4)) is amended—

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

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

21 (C) by adding at the end the following new
22 subparagraph:

23 “(C) documentary proof or verified infor-
24 mation that the registrant is not a United
25 States citizen;”.

1 (2) CONFORMING AMENDMENT.—Section
2 8(c)(2)(B)(i) of such Act (52 U.S.C.
3 20507(c)(2)(B)(i)) is amended by striking “(4)(A)”
4 and inserting “(4)(A) or (C)”.

5 (h) REQUIREMENTS WITH RESPECT TO FEDERAL
6 MAIL VOTER REGISTRATION FORM.—

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

10 (A) in paragraph (2)(A), by striking “(in-
11 cluding citizenship)” and inserting “(including
12 an explanation of what is required to present
13 documentary proof of United States citizen-
14 ship)”;

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

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

19 (D) by adding at the end the following new
20 paragraph:

21 “(5) shall include a section, for use only by a
22 State or local election official, to record the type of
23 document the applicant presented as documentary
24 proof of United States citizenship, including the date
25 of issuance, the date of expiration (if any), the office

1 which issued the document, and any unique identi-
2 fication number associated with the document.”.

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

6 (A) by redesignating clauses (i) through
7 (iii) as subparagraphs (A) through (C), respec-
8 tively; and

9 (B) in subparagraph (C) (as so redesi-
10 gnated), by striking the period at the end and in-
11 serting the following: “, other than as evidence
12 in a criminal proceeding or immigration pro-
13 ceeding brought against an applicant who at-
14 tempts to register to vote and makes a false
15 declaration under penalty of perjury that the
16 applicant meets the eligibility requirements to
17 register to vote in an election for Federal of-
18 fice.”.

19 (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of
20 the National Voter Registration Act of 1993 (52 U.S.C.
21 20510(b)(1)) is amended by striking “a violation of this
22 Act” and inserting “a violation of this Act, including the
23 act of an election official who registers an applicant to
24 vote in an election for Federal office who fails to present
25 documentary proof of United States citizenship,”.

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

3 (1) by striking “or” at the end of subparagraph
4 (A);

5 (2) by redesignating subparagraph (B) as sub-
6 paragraph (C); and

7 (3) by inserting after subparagraph (A) the fol-
8 lowing new subparagraph:

9 “(B) registering an applicant to vote in an
10 election for Federal office who fails to present
11 documentary proof of United States citizenship;
12 or”.

13 (k) APPLICABILITY OF REQUIREMENTS TO CERTAIN
14 STATES.—Subsection (c) of section 4 of the National
15 Voter Registration Act of 1993 (52 U.S.C. 20503), as re-
16 designated by subsection (b), is amended by striking “This
17 Act does not apply to a State” and inserting “Except with
18 respect to the requirements under section 8(j), this Act
19 does not apply to a State”.

20 (l) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of enactment of
22 this Act, and shall apply with respect to applications for
23 voter registration which are submitted on or after such
24 date.

1 **SEC. 3. ELECTION ASSISTANCE COMMISSION GUIDANCE.**

2 Not later than 10 days after the date of the enact-
3 ment of this Act, the Election Assistance Commission shall
4 adopt and transmit to the chief State election official of
5 each State guidance with respect to the implementation
6 of the requirements under section 2.

7 **SEC. 4. INAPPLICABILITY OF PAPERWORK REDUCTION**
8 **ACT.**

9 Subchapter I of chapter 35 of title 44 (commonly re-
10 ferred to as the “Paperwork Reduction Act”) shall not
11 apply with respect to the development or modification of
12 voter registration materials under section 2, including the
13 development or modification of any voter registration ap-
14 plication forms.

○