

116TH CONGRESS
2D SESSION

H. R. 8962

To amend the National Voter Registration Act of 1993 to prohibit States from registering individuals to vote in elections for Federal office who do not provide documentary proof of United States citizenship, to amend the Help America Vote Act of 2002 to require individuals to provide identification as a condition of voting in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2020

Mr. NORMAN (for himself, Mr. MURPHY of North Carolina, Mr. DUNCAN, Mr. BUDD, Mr. WILSON of South Carolina, Mr. WEBER of Texas, Mr. TIMMONS, Mr. RICE of South Carolina, Mr. BABIN, Mr. LONG, and Mr. PERRY) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Science, Space, and Technology, and the Judiciary, 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 National Voter Registration Act of 1993 to prohibit States from registering individuals to vote in elections for Federal office who do not provide documentary proof of United States citizenship, to amend the Help America Vote Act of 2002 to require individuals to provide identification as a condition of voting 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing And
5 Verifying Elections in America Act” or the “SAVE Amer-
6 ica Act”.

7 **SEC. 2. PROHIBITING REGISTRATION TO VOTE OF INDIVID-**
8 **UALS WHO FAIL TO PROVIDE PROOF OF**
9 **UNITED STATES CITIZENSHIP.**

10 (a) IN GENERAL.—Section 8 of the National Voter
11 Registration Act of 1993 (52 U.S.C. 20507) is amended—

12 (1) by redesignating subsection (j) as sub-
13 section (k); and

14 (2) by inserting after subsection (i) the fol-
15 lowing new subsection:

16 “(j) PROHIBITING REGISTRATION OF INDIVIDUALS
17 NOT PROVIDING PROOF OF UNITED STATES CITIZEN-
18 SHIP.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 provision of this Act, a State may not register an in-
21 dividual to vote in elections for Federal office held
22 in the State unless, at the time the individual ap-
23 plies to register to vote, the individual provides docu-
24 mentary proof that the individual is a citizen of the

1 United States, which shall consist of any of the fol-
2 lowing (or a photocopy thereof):

3 “(A) A certified birth certificate issued by
4 a State or unit of local government in a State.

5 “(B) A valid United States passport.

6 “(C) A Consular Report of Birth Abroad
7 issued by the Secretary of State.

8 “(D) A Naturalization Certificate or Cer-
9 tificate of Citizenship issued by the Secretary of
10 Homeland Security.

11 “(2) APPLICABILITY.—Paragraph (1) applies
12 with respect to an individual who applies to register
13 to vote under section 5, 6, or 7 (including an indi-
14 vidual who submits the mail voter registration appli-
15 cation form prescribed by the Election Assistance
16 Commission pursuant to section 9), or who applies
17 under any other method of voter registration avail-
18 able in the State.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply with respect to applications for
21 voter registration which are submitted on or after the date
22 of the enactment of this Act.

1 **SEC. 3. REQUIRING PROVISION OF IDENTIFICATION AS A**
2 **CONDITION OF VOTING IN FEDERAL ELEC-**
3 **TIONS.**

4 (a) REQUIREMENT TO PROVIDE IDENTIFICATION AS
5 CONDITION OF RECEIVING BALLOT.—

6 (1) IN GENERAL.—Section 303(b) of the Help
7 America Vote Act of 2002 (52 U.S.C. 21083(b)) is
8 amended—

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

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

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 to an indi-
18 vidual who desires to vote in person unless the indi-
19 vidual presents to the official a current and valid
20 identification issued by the State or by a unit of
21 local government in the State.

22 “(2) INDIVIDUALS VOTING OTHER THAN IN
23 PERSON.—Notwithstanding any other provision of
24 law, the appropriate State or local election official
25 may not accept any ballot for an election for Federal
26 office provided by an individual who votes other than

1 in person unless the individual submits with the bal-
 2 lot a copy of a current and valid identification issued
 3 by the State or by a unit of local government in the
 4 State.

5 “(3) EXCEPTION.—Paragraphs (1) and (2) do
 6 not apply in the case of an individual who is unable
 7 to obtain an identification for purposes of such para-
 8 graphs because of a reasonable impediment, as de-
 9 termined in accordance with the law of the State in-
 10 volved.”.

11 (2) CONFORMING AMENDMENTS.—Section 303
 12 of such Act (52 U.S.C. 21083) is amended—

13 (A) in the heading, by striking “**FOR VOT-**
 14 **ERS WHO REGISTER BY MAIL**” and inserting
 15 “**FOR PROVIDING IDENTIFICATION**”; and

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

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

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

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—This section and the amend-
 24 ments made by this section shall apply with respect

1 to elections for Federal office held on or after the
2 date of the enactment of this Act.

3 (2) CONFORMING AMENDMENT.—Section
4 303(d)(2) of the Help America Vote Act of 2002 (52
5 U.S.C. 21083(d)(2)) is amended to read as follows:

6 “(2) REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.—Paragraphs (1), (2), and (3) of subsection (b) shall apply with respect to elections for
7 Federal office held on or after the date of the enactment of the SAVE America Act.”.

11 **SEC. 4. REQUIRING APPLICANTS FOR MOTOR VEHICLE
12 DRIVER’S LICENSES IN NEW STATE TO INDICATE WHETHER STATE SERVES AS RESIDENCE FOR VOTER REGISTRATION PURPOSES.**

16 (a) REQUIREMENTS FOR APPLICANTS FOR LICENSES.—Section 5(d) of the National Voter Registration
17 Act of 1993 (52 U.S.C. 20504(d)) is amended—

19 (1) by striking “Any change” and inserting
20 “(1) Any change”; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(2)(A) A State motor vehicle authority shall require
24 each individual applying for a motor vehicle driver’s license in the State—
25

1 “(i) to attest, under penalty of perjury, whether
2 the individual resides in another State or resided in
3 another State prior to applying for the license, and,
4 if so, to identify the State involved; and

5 “(ii) to attest, under penalty of perjury, wheth-
6 er the individual intends for the State to serve as
7 the individual’s residence for purposes of registering
8 to vote in elections for Federal office.

9 “(B) If pursuant to subparagraph (A)(ii) an indi-
10 vidual indicates to the State motor vehicle authority that
11 the individual intends for the State to serve as the individ-
12 ual’s residence for purposes of registering to vote in elec-
13 tions for Federal office, the authority shall notify the
14 motor vehicle authority of the State identified by the indi-
15 vidual pursuant to subparagraph (A)(i), who shall notify
16 the chief State election official of such State that the indi-
17 vidual no longer intends for that State to serve as the indi-
18 vidual’s residence for purposes of registering to vote in
19 elections for Federal office.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect with respect to elections
22 occurring in 2021 or any succeeding year.

1 **SEC. 5. PRE-ELECTION MAINTENANCE OF OFFICIAL VOTER**
2 **REGISTRATION LIST.**

3 (a) REQUIRING STATE TO CERTIFY COMPLETION OF
4 PROGRAM TO REMOVE INELIGIBLE VOTERS PRIOR TO
5 DATE OF ELECTION.—Section 8(c)(2)(A) of the National
6 Voter Registration Act of 1993 (52 U.S.C.
7 20507(c)(2)(A)) is amended by striking “A State shall
8 complete” and all that follows through “eligible voters.”
9 and inserting the following: “Not later than 90 days prior
10 to the date of an election for Federal office, each State
11 shall certify to the Election Assistance Commission that
12 the State has completed a program to remove the names
13 of ineligible voters from the official list of eligible voters
14 with respect to the election.”.

15 (b) PROVISION OF INFORMATION TO STATE BY
16 UNITED STATES POSTAL SERVICE AND SOCIAL SECURITY
17 ADMINISTRATION.—Section 8(c)(2) of such Act (52
18 U.S.C. 20507(c)(2)) is amended—

19 (1) by redesignating subparagraph (B) as sub-
20 paragraph (C); and

21 (2) by inserting after subparagraph (A) the fol-
22 lowing new subparagraph:

23 “(B) Not later than 180 days before the date of each
24 regularly scheduled general election for Federal office—

25 “(i) the Postmaster General shall transmit to
26 the chief State election official of a State change-of-

1 address information on individuals who, since the
2 previous regularly scheduled general election for
3 Federal office, are no longer residents of the State;
4 and

5 “(ii) the Director of the Social Security Admin-
6 istration shall transmit to the chief State election of-
7 ficial information on individuals from the State who
8 have died since the previous regularly scheduled gen-
9 eral election for Federal office”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to the regularly sched-
12 uled general election for Federal office held in November
13 2022 and each succeeding election for Federal office.

14 **SEC. 6. VOTING SYSTEMS RESEARCH BY NATIONAL INSTI-
15 TUTE OF STANDARDS AND TECHNOLOGY.**

16 The Director of the National Institute of Standards
17 and Technology, in collaboration with the National Science
18 Foundation as appropriate, shall carry out a program of
19 research on voting systems, including—

- 20 (1) the cybersecurity of different components of
21 such systems;
22 (2) end-to-end verifiable systems;
23 (3) the timely counting, verification, and certifi-
24 cation of results;

- 1 (4) the accessibility and usability of different
2 components of such systems;
- 3 (5) voter privacy and data protection;
- 4 (6) methods for auditing elections;
- 5 (7) the interoperability of system technologies;
- 6 (8) means for providing voters with the ability
7 to easily check whether a ballot sent by mail has
8 been dispatched to the voter and whether the voter's
9 marked ballot has been received and accepted by the
10 appropriate election official;
- 11 (9) the reliability of various approaches to voter
12 authentication;
- 13 (10) accessibility and transparency for poll
14 watchers;
- 15 (11) methods for authenticating and updating
16 voter registration lists; and
- 17 (12) such other areas of research as the Direc-
18 tor of the National Institute of Standards and Tech-
19 nology determines to be appropriate and related to
20 the security and integrity of elections for Federal of-
21 fice.

1 **SEC. 7. ENHANCED PENALTIES FOR FRAUDULENT TRANS-**
2 **MISSION OF BALLOTS BY MAIL IN FEDERAL**
3 **ELECTIONS.**

4 (a) **PENALTIES FOR MAIL FRAUD.**—Section 1341 of
5 title 18, United States Code, is amended by striking “20
6 years” and inserting “20 years (or, in the case of a matter
7 or thing consisting of a ballot in an election for Federal
8 office which is placed or deposited for purposes of exe-
9 cuting a scheme or artifice involving multiple ballots, 30
10 years)”.

11 (b) **PENALTIES FOR USE OF FICTITIOUS NAME OR**
12 **ADDRESS ON BALLOT.**—Section 1343 of title 18, United
13 States Code, is amended by striking “five years” and in-
14 serting “five years (or, in the case of mail matter con-
15 sisting of a ballot in an election for Federal office which
16 is transmitted for purposes of executing a scheme or arti-
17 fice involving multiple ballots, 10 years)”.

18 (c) **PENALTIES FOR TRANSMISSION OF FRAUDULENT**
19 **BALLOTS.**—Section 12 of the National Voter Registration
20 Act of 1993 (52 U.S.C. 20511) is amended by striking
21 “five years” and inserting “five years (or, in the case of
22 activity described in paragraph (2)(B) which involves the
23 transmission of multiple ballots by mail, 10 years)”.

1 **SEC. 8. REPORTING SYSTEM FOR INCIDENTS OF FRAUD IN**
2 **FEDERAL ELECTIONS.**

3 (a) REPORTING SYSTEM.—The Attorney General
4 shall establish a system through which persons may report
5 incidents of fraud in elections for Federal office, including
6 through a toll-free hotline and a confidential online portal.

7 (b) DEADLINE.—The Attorney General shall estab-
8 lish the system under subsection (a) not later than 30 days
9 after the date of the enactment of this Act.

10 **SEC. 9. SEPARATE TREATMENT OF PROVISIONAL AND**
11 **MAIL-IN BALLOTS.**

12 (a) PROVISIONAL BALLOTS.—Section 302(a)(4) of
13 the Help America Vote Act of 2002 (52 U.S.C.
14 21082(a)(4)) is amended by striking the period at the end
15 and inserting the following: “, except that the ballot shall
16 be separated and held apart from the ballots cast at the
17 polling place which were not provisional ballots.”.

18 (b) MAIL-IN BALLOTS.—Section 302 of such Act (52
19 U.S.C. 21082) is amended—

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

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

24 “(d) TREATMENT OF MAIL-IN BALLOTS.—

25 “(1) SEPARATION FROM BALLOTS CAST AT
26 POLLING PLACE.—The appropriate election official

1 shall ensure that ballots in an election which are
2 cast by mail are separated and held apart from, and
3 tabulated separately from, ballots in the election
4 which are cast at a polling place.

5 “(2) EFFECTIVE DATE.—This subsection shall
6 apply with respect to the regularly scheduled general
7 election for Federal office held in November 2022
8 and each succeeding election for Federal office.”.

9 (c) CONFORMING AMENDMENT RELATING TO EF-
10 FECTIVE DATE.—Section 302(e) of such Act (52 U.S.C.
11 21082(e)), as redesignated by subsection (b)(1), is amend-
12 ed by striking “Each State” and inserting “Except as pro-
13 vided in subsection (d)(2), each State”.

14 **SEC. 10. CONDITIONS ON PROVISION AND ACCEPTANCE OF**
15 **BALLOTS BY MAIL.**

16 (a) CONDITIONS DESCRIBED.—Title III of the Help
17 America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
18 amended—

19 (1) by redesignating sections 304 and 305 as
20 sections 305 and 306; and

21 (2) by inserting after section 304 the following
22 new section:

23 **“SEC. 304. CONDITIONS ON PROVISION AND ACCEPTANCE**
24 **OF BALLOTS BY MAIL.**

25 “(a) CERTIFICATION OF ABSENCE.—

1 “(1) IN GENERAL.—An election official may not
2 provide an absentee ballot to an individual in an
3 election for Federal office unless—

4 “(A) the individual attests that the indi-
5 vidual will be absent on the date of the election
6 from the jurisdiction in which the individual is
7 registered to vote in person; or

8 “(B) the individual will be unable to cast
9 a ballot in the election in person because of a
10 reasonable impediment, as determined in ac-
11 cordance with the law of the State involved.

12 “(2) EXCEPTION FOR ABSENT MILITARY VOT-
13 ERS.—Paragraph (1) does not apply with respect to
14 an individual who is an absent uniformed services
15 voter, as defined in section 107(1) of the Uniformed
16 and Overseas Absentee Voter Act (52 U.S.C.
17 20310(1)), who is entitled to vote by absentee ballot
18 under such Act.

19 “(b) SIGNATURE.—The appropriate election official
20 may not accept a voted ballot transmitted by mail unless
21 the ballot includes the voter’s signature and—

22 “(1) the signature on the ballot matches a sig-
23 nature of the voter under the records of the State;
24 or

1 “(2) a witness observed the voter signing the
2 ballot or the voter’s signature on the ballot is nota-
3 rized.”.

4 (b) CONFORMING AMENDMENT RELATING TO EN-
5 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
6 is amended by striking “and 303” and inserting “303, and
7 304”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended—

10 (1) by redesignating the items relating to sec-
11 tions 304 and 305 as relating to sections 305 and
12 306; and

13 (2) by inserting after the item relating to sec-
14 tion 303 the following new item:

“Sec. 304. Conditions on provision and acceptance of ballots by mail.”.

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