

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9368
OFFERED BY MR. STEIL OF WISCONSIN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Voter ID Act”.

3 SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-
4 FICATION.

5 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
6 TION AS CONDITION OF CASTING BALLOT.—

7 (1) IN GENERAL.—Title III of the Help Amer-
8 ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
9 amended by inserting after section 303 the following
10 new section:

11 “SEC. 303A. PHOTO IDENTIFICATION REQUIREMENTS.

12 “(a) PROVISION OF IDENTIFICATION REQUIRED AS
13 CONDITION OF CASTING BALLOT.—

14 “(1) INDIVIDUALS VOTING IN PERSON.—

15 “(A) REQUIREMENT TO PROVIDE IDENTI-
16 FICATION.—Notwithstanding any other provi-
17 sion of law and except as provided in subpara-
18 graph (B), the appropriate State or local elec-

1 tion official may not provide a ballot for an
2 election for Federal office to an individual who
3 desires to vote in person unless the individual
4 presents to the official a valid physical photo
5 identification.

6 “(B) AVAILABILITY OF PROVISIONAL BAL-
7 LOT.—

8 “(i) IN GENERAL.—If an individual
9 does not present the identification required
10 under subparagraph (A), the individual
11 shall be permitted to cast a provisional bal-
12 lot with respect to the election under sec-
13 tion 302(a), except that the appropriate
14 State or local election official may not
15 make a determination under section
16 302(a)(4) that the individual is eligible
17 under State law to vote in the election un-
18 less, not later than 3 days after casting the
19 provisional ballot, the individual presents
20 to the official—

21 “(I) the identification required
22 under subparagraph (A); or

23 “(II) an affidavit developed and
24 made available to the individual by
25 the State attesting that the individual

1 does not possess the identification re-
2 quired under subparagraph (A) be-
3 cause the individual has a religious
4 objection to being photographed.

5 “(ii) NO EFFECT ON OTHER PROVI-
6 SIONAL BALLOTING RULES.—Nothing in
7 clause (i) may be construed to apply to the
8 casting of a provisional ballot pursuant to
9 section 302(a) or any State law for reasons
10 other than the failure to present the identi-
11 fication required under subparagraph (A).

12 “(2) INDIVIDUALS VOTING OTHER THAN IN
13 PERSON.—

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of law and except as provided in
16 subparagraph (B), the appropriate State or
17 local election official may not accept any ballot
18 for an election for Federal office provided by an
19 individual who votes other than in person unless
20 the individual—

21 “(i) submits with the ballot a copy of
22 a valid photo identification;

23 “(ii) submits with the ballot the last
24 four digits of the individual’s Social Secu-
25 rity number and an affidavit developed and

1 made available to the individual by the
2 State attesting that the individual is un-
3 able to obtain a copy of a valid photo iden-
4 tification after making reasonable efforts
5 to obtain such a copy; or

6 “(iii) includes a notarization by a no-
7 tary public attesting that the individual
8 has personally marked the ballot.

9 “(B) EXCEPTIONS.—Subparagraph (A)
10 does not apply with respect to a ballot provided
11 by—

12 “(i) an absent uniformed services
13 voter, as defined in section 107(1) of the
14 Uniformed and Overseas Citizens Absentee
15 Voting Act (52 U.S.C. 20310(1)); or

16 “(ii) an individual provided the right
17 to vote otherwise than in person under sec-
18 tion 3(b)(2)(B)(ii) of the Voting Accessi-
19 bility for the Elderly and Handicapped Act
20 (52 U.S.C. 20102(b)(2)(B)(ii)).

21 “(b) PROVIDING PUBLIC ACCESS TO DIGITAL IMAG-
22 ING DEVICES.—With respect to each State, the appro-
23 priate State or local government official of the State shall
24 ensure, to the extent practicable, public access to a digital
25 imaging device, which shall include a printer, copier,

1 image scanner, or multifunction machine, at State and
2 local government buildings in the State, including courts,
3 libraries, and police stations, for the purpose of allowing
4 individuals to use such a device at no cost to the individual
5 to make a copy of a valid photo identification.

6 “(c) NOTIFICATION OF IDENTIFICATION REQUIRE-
7 MENT TO APPLICANTS FOR VOTER REGISTRATION.—

8 “(1) IN GENERAL.—Each State shall ensure
9 that, at the time an individual applies to register to
10 vote in elections for Federal office in the State, the
11 appropriate State or local election official notifies
12 the individual of the photo identification require-
13 ments of this section.

14 “(2) SPECIAL RULE FOR INDIVIDUALS APPLY-
15 ING TO REGISTER TO VOTE ONLINE.—Each State
16 shall ensure that, in the case of an individual who
17 applies to register to vote in elections for Federal of-
18 fice in the State online, the online voter registration
19 system notifies the individual of the photo identifica-
20 tion requirements of this section before the indi-
21 vidual completes the online registration process.

22 “(d) VALID PHOTO IDENTIFICATION DEFINED.—For
23 purposes of this section, a ‘valid photo identification’
24 means, with respect to an individual who seeks to vote in
25 an election for Federal office, any of the following:

1 “(1) A valid State-issued motor vehicle driver’s
2 license that includes a photo of the individual and an
3 expiration date.

4 “(2) A valid State-issued identification card
5 that includes a photo of the individual and an expi-
6 ration date issued by a State motor vehicle author-
7 ity.

8 “(3) A valid United States passport for the in-
9 dividual.

10 “(4) A valid photo identification card for the in-
11 dividual issued by the Department of Defense or the
12 Department of Veterans Affairs.

13 “(5) A valid identification document issued by
14 a Tribal government that includes a photo of the in-
15 dividual and an expiration date.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents of such Act is amended by inserting after the
18 item relating to section 303 the following new item:

“Sec. 303A. Photo identification requirements.”.

19 (b) CONFORMING AMENDMENT RELATING TO VOL-
20 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
21 SION.—Section 311(b) of such Act (52 U.S.C. 21101(b))
22 is amended—

23 (1) by striking “and” at the end of paragraph
24 (2);

1 (2) by striking the period at the end of para-
2 graph (3) and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(4) in the case of the recommendations with
6 respect to section 303A, the date that is 90 days
7 after the date of the enactment of the Voter ID
8 Act.”.

9 (c) CONFORMING AMENDMENT RELATING TO EN-
10 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
11 is amended by striking “sections 301, 302, 303, and 304”
12 and inserting “subtitle A of title III”.

13 (d) EFFECTIVE DATE.—This section and the amend-
14 ments made by this section shall take effect on the date
15 that is 90 days after the date of the enactment of this
16 Act.

17 **SEC. 3. GRANT PROGRAM FOR PROVISION OF STATE AND**
18 **TRIBAL IDENTIFICATION.**

19 (a) IN GENERAL.—Subtitle D of title II of the Help
20 America Vote Act of 2002 (Public Law 107–252; 52
21 U.S.C. 21001 et seq.) is amended by adding at the end
22 the following new part:

1 **“PART 7—GRANT PROGRAM FOR PROVISION OF**
2 **IDENTIFICATION**

3 **“SEC. 298. GRANT PROGRAM FOR PROVISION OF IDENTI-**
4 **FICATION.**

5 “(a) GRANTS TO STATES.—

6 “(1) IN GENERAL.—The Commission shall
7 make grants to each State that provides identifica-
8 tion described in paragraph (2) without charge to
9 any individual who—

10 “(A) is eligible for such identification; and

11 “(B) provides an attestation under penalty
12 of perjury that the individual cannot afford to
13 pay the fee otherwise charged by the State for
14 the provision of the identification.

15 “(2) IDENTIFICATION DESCRIBED.—An identi-
16 fication described in this subsection is—

17 “(A) a State-issued motor vehicle driver’s
18 license that includes a photo of the individual
19 and an expiration date; and

20 “(B) an identification card issued by a
21 State motor vehicle authority that includes a
22 photo of the individual and an expiration date.

23 “(b) GRANTS TO TRIBES.—

24 “(1) IN GENERAL.—The Commission shall
25 make grants to each Tribal government that pro-

1 vides identification described in paragraph (2) with-
2 out charge to any individual who—

3 “(A) is eligible for such identification; and

4 “(B) provides an attestation under penalty
5 of perjury that the individual cannot afford to
6 pay such fee.

7 “(2) IDENTIFICATION DESCRIBED.—An identi-
8 fication described in this subsection is an identifica-
9 tion document issued by a Tribal government that
10 includes a photo of the individual and an expiration
11 date.

12 “(3) TRIBAL GOVERNMENT.—In this sub-
13 section, the term ‘Tribal government’ means the gov-
14 erning body of any Indian or Alaska Native tribe,
15 band, nation, pueblo, village, or community that the
16 Secretary of the Interior acknowledges to exist as an
17 Indian tribe under the Federally Recognized Indian
18 Tribe List Act of 1994 (25 U.S.C. 479a et seq.).”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 of such Act is amended by inserting after the item relating
21 to section 296 the following:

“PART 7—GRANT PROGRAM FOR PROVISION OF IDENTIFICATION

“Sec. 298. Grant program for provision of identification.”.

