



[118H8281]

(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

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

Mr. Roy introduced the following bill; which was referred to the Committee on _____

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 Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguard American
5 Voter Eligibility Act” or the “SAVE Act”.

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

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

7 (1) by striking “As used” and inserting “(a) IN
8 **GENERAL.**—As used”; and

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

10 “(b) **DOCUMENTARY PROOF OF UNITED STATES**
11 **CITIZENSHIP.**—As used in this Act, the term ‘documentary
12 proof of United States citizenship’ means, with respect to an applicant for voter registration, any of the following:

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

19 “(2) A valid United States passport.

20 “(3) The applicant’s official United States military identification card, together with a United States military record of service showing that the applicant’s place of birth was in the United States.

24 “(4) A valid government-issued photo identification card issued by a Federal, State or Tribal gov-

1 ernment showing that the applicant's place of birth
2 was in the United States.

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

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

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

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

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

18 “(iv) lists the full names of one or
19 both of the parents of the applicant;

20 “(v) has the signature of an individual
21 who is authorized to sign birth certificates
22 on behalf of the State, unit of local govern-
23 ment, or Tribal government in which the
24 applicant was born;

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

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

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

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

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

19 “(E) A Naturalization Certificate or Cer-
20 tificate of Citizenship issued by the Secretary of
21 Homeland Security or any other document or
22 method of proof of United States citizenship
23 issued by the Federal government pursuant to
24 the Immigration and Nationality Act.

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

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

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

8 (2) by redesignating subsection (b) as sub-
9 section (c); and

10 (3) by inserting after subsection (a) the fol-
11 lowing new subsection:

12 “(b) REQUIRING APPLICANTS TO PRESENT DOCU-
13 MENTARY PROOF OF UNITED STATES CITIZENSHIP.—

14 Under any method of voter registration in a State, the
15 State shall not accept and process an application to reg-
16 ister to vote in an election for Federal office unless the
17 applicant presents documentary proof of United States
18 citizenship with the application.”.

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

23 (1) in subsection (a)(1), by striking “Each
24 State motor vehicle driver’s license application” and
25 inserting “Subject to the requirements under section

1 8(j), each State motor vehicle driver's license appli-
2 cation";

3 (2) in subsection (c)(1), by striking "Each
4 State shall include" and inserting "Subject to the
5 requirements under section 8(j), each State shall in-
6 clude";

7 (3) in subsection (c)(2)(B)—

8 (A) in clause (i), by striking "and" at the
9 end;

10 (B) in clause (ii), by adding "and" at the
11 end; and

12 (C) by adding at the end the following new
13 clause:

14 "(iii) verify that the applicant is a citizen
15 of the United States";

16 (4) in subsection (c)(2)(C)(i), by striking "(in-
17 cluding citizenship)" and inserting ", including the
18 requirement that the applicant provides documentary
19 proof of United States citizenship"; and

20 (5) in subsection (c)(2)(D)(iii), by striking ";"
21 and" and inserting the following: ", other than as
22 evidence in a criminal proceeding or immigration
23 proceeding brought against an applicant who know-
24 ingly attempts to register to vote and knowingly
25 makes a false declaration under penalty of perjury

1 that the applicant meets the eligibility requirements
2 to register to vote in an election for Federal office;
3 and”.

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

8 (1) in subsection (a)(1)—

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

13 (B) by striking “Federal Election Commis-
14 sion” and inserting “Election Assistance Com-
15 mission”;

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

23 (3) in subsection (c)(1)—

24 (A) in subparagraph (A), by striking
25 “and” at the end;

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

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

5 “(C) the person did not provide documentary
6 proof of United States citizenship when registering
7 to vote.”; and

8 (4) by adding at the end the following new sub-
9 section:

10 "(e) ENSURING PROOF OF UNITED STATES CITIZEN-
11 SHIP.—

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

20 “(A) the applicant presents documentary
21 proof of United States citizenship in person to
22 the office of the appropriate election official not
23 later than the deadline provided by State law
24 for the receipt of a completed voter registration
25 application for the election; or

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

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

21 “(3) ACCESSIBILITY.—Each State shall, in con-
22 sultation with the Election Assistance Commission,
23 ensure that reasonable accommodations are made to
24 allow an individual with a disability who submits the
25 mail voter registration application form prescribed

1 by the Election Assistance Commission pursuant to
2 section 9(a)(2) or a form described in paragraph (1)
3 or (2) of subsection (a) to present documentary
4 proof of United States citizenship to the appropriate
5 election official.”.

6 (e) REQUIREMENTS FOR VOTER REGISTRATION

7 AGENCIES.—Section 7 of the National Voter Registration
8 Act of 1993 (52 U.S.C. 20506) is amended—

9 (1) in subsection (a)—

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

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

16 (B) in paragraph (6)—

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

22 (ii) by redesignating subparagraph
23 (B) as subparagraph (C); and

24 (iii) by inserting after subparagraph
25 (A) the following new subparagraph:

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

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

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

12 (1) in subsection (a)—

13 (A) by striking “In the administration of
14 voter registration” and inserting “Subject to
15 the requirements of subsection (j), in the ad-
16 ministration of voter registration”; and

17 (B) in paragraph (3)—

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

20 (ii) by adding at the end the following
21 new subparagraphs:

22 “(D) based on documentary proof or
23 verified information that the registrant is not a
24 United States citizen; or

1 “(E) the registration otherwise fails to
2 comply with applicable State law;”;

3 (2) by redesignating subsection (j) as sub-
4 section (l); and

5 (3) by inserting after subsection (i) the fol-
6 lowing new subsections:

7 “(j) ENSURING ONLY CITIZENS ARE REGISTERED TO

8 VOTE.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of this Act, a State may not register an in-
11 dividual to vote in elections for Federal office held
12 in the State unless, at the time the individual ap-
13 plies to register to vote, the individual provides docu-
14 mentary proof of United States citizenship.

15 “(2) ADDITIONAL PROCESSES IN CERTAIN
16 CASES.—

17 “(A) PROCESS FOR THOSE WITHOUT DOC-
18 UMENTARY PROOF.—

19 “(i) IN GENERAL.—Subject to any rel-
20 evant guidance adopted by the Election As-
21 sistance Commission, each State shall es-
22 tablish a process under which an applicant
23 who cannot provide documentary proof of
24 United States citizenship under paragraph
25 (1) may, if the applicant signs an attesta-

tion under penalty of perjury that the applicant is a citizen of the United States and eligible to vote in elections for Federal office, submit such other evidence to the appropriate State or local official demonstrating that the applicant is a citizen of the United States and such official shall make a determination as to whether the applicant has sufficiently established United States citizenship for purposes of registering to vote in elections for Federal office in the State.

1 “(iii) DEVELOPMENT OF AFFIDAVIT
2 BY THE ELECTION ASSISTANCE COMMIS-
3 SION.—The Election Assistance Commis-
4 sion shall develop a uniform affidavit for
5 use by State and local officials under
6 clause (ii), which shall—

7 “(I) include an explanation of the
8 minimum standards required for a
9 State or local official to register an
10 applicant who cannot provide docu-
11 mentary proof of United States citi-
12 zenship to vote in elections for Fed-
13 eral office in the State; and

14 “(II) require the official to ex-
15 plain the basis for registering such
16 applicant to vote in such elections.

17 “(B) PROCESS IN CASE OF CERTAIN DIS-
18 CREPANCIES IN DOCUMENTATION.—Subject to
19 any relevant guidance adopted by the Election
20 Assistance Commission, each State shall estab-
21 lish a process under which an applicant can
22 provide such additional documentation to the
23 appropriate election official of the State as may
24 be necessary to establish that the applicant is
25 a citizen of the United States in the event of a

1 discrepancy with respect to the applicant's doc-
2 umentary proof of United States citizenship.

3 “(3) STATE REQUIREMENTS.—Each State shall
4 take affirmative steps on an ongoing basis to ensure
5 that only United States citizens are registered to
6 vote under the provisions of this Act, which shall in-
7 clude the establishment of a program described in
8 paragraph (4) not later than 30 days after the date
9 of the enactment of this subsection.

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

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

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

21 “(C) State agencies that supply State iden-
22 tification cards or driver's licenses where the
23 agency confirms the United States citizenship
24 status of applicants.

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

4 “(5) AVAILABILITY OF INFORMATION.—

5 “(A) IN GENERAL.—At the request of a
6 State election official (including a request re-
7 lated to a process established by a State under
8 paragraph (2)(A) or (2)(B)), any head of a
9 Federal department or agency possessing infor-
10 mation relevant to determining the eligibility of
11 an individual to vote in elections for Federal of-
12 fice shall, not later than 24 hours after receipt
13 of such request, provide the official with such
14 information as may be necessary to enable the
15 official to verify that an applicant for voter reg-
16 istration in elections for Federal office held in
17 the State or a registrant on the official list of
18 eligible voters in elections for Federal office
19 held in the State is a citizen of the United
20 States, which shall include providing the official
21 with such batched information as may be re-
22 quested 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 heads of Federal departments and agencies
9 shall share information with each other with re-
10 spect to an individual who is the subject of a
11 request received under paragraph (A) in order
12 to enable them to respond to the request.

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

24 “(E) PROHIBITING FEES.—The head of a
25 Federal department or agency may not charge

1 a fee for responding to a State's request under
2 paragraph (A).

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

10 (g) CLARIFICATION OF AUTHORITY OF STATE TO RE-
11 MOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGIBLE
12 VOTERS.—

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

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

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

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

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

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

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 and as amended by paragraph (1)(C)), by
11 striking “; and” and inserting the following: “,
12 other than as evidence in a criminal proceeding
13 or immigration proceeding brought against an
14 applicant who attempts to register to vote and
15 makes a false declaration under penalty of per-
16 jury that the applicant meets the eligibility re-
17 quirements to register to vote in an election for
18 Federal office; and”.

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 (D); and

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

9 “(B) in the case of an officer or employee
10 of the executive branch, providing material as-
11 sistance to a noncitizen in attempting to reg-
12 ister to vote or vote in an election for Federal
13 office;

14 “(C) registering an applicant to vote in an
15 election for Federal office who fails to present
16 documentary proof of United States citizenship;
17 or”.

18 (k) APPLICABILITY OF REQUIREMENTS TO CERTAIN
19 STATES.—

20 (1) IN GENERAL.—Subsection (c) of section 4
21 of the National Voter Registration Act of 1993 (52
22 U.S.C. 20503), as redesignated by subsection (b), is
23 amended by striking “This Act does not apply to a
24 State” and inserting “Except with respect to the re-
25 quirements under subsection (i) and (j) of section 8

1 in the case of a State described in paragraph (2),
2 this Act does not apply to a State”.

3 (2) PERMITTING STATES TO ADOPT REQUIRE-
4 MENTS AFTER ENACTMENT.—Section 4 of such Act
5 (52 U.S.C. 20503) is amended by adding at the end
6 the following new subsection:

7 “(d) PERMITTING STATES TO ADOPT CERTAIN RE-
8 QUIREMENTS AFTER ENACTMENT.—Subsections (i) and
9 (j) of section 8 shall not apply to a State described in
10 subsection (c)(2) if the State, by law or regulation, adopts
11 requirements which are identical to the requirements
12 under such subsections not later than 60 days prior to
13 the date of the first election for Federal office which is
14 held in the State after the date of the enactment of the
15 SAVE Act.”.

16 SEC. 3. ELECTION ASSISTANCE COMMISSION GUIDANCE.

17 Not later than 10 days after the date of the enact-
18 ment of this Act, the Election Assistance Commission shall
19 adopt and transmit to the chief State election official of
20 each State guidance with respect to the implementation
21 of the requirements under the National Voter Registration
22 Act of 1993 (52 U.S.C. 20501 et seq.), as amended by
23 section 2.

1 **SEC. 4. INAPPLICABILITY OF PAPERWORK REDUCTION**2 **ACT.**

3 Subchapter I of chapter 35 of title 44 (commonly re-
4 ferred to as the “Paperwork Reduction Act”) shall not
5 apply with respect to the development or modification of
6 voter registration materials under the National Voter Reg-
7 istration Act of 1993 (52 U.S.C. 20501 et seq.), as
8 amended by section 2, including the development or modi-
9 fication of any voter registration application forms.

10 **SEC. 5. DUTY OF SECRETARY OF HOMELAND SECURITY TO**11 **NOTIFY ELECTION OFFICIALS OF NATU-
12 RALIZATION.**

13 Upon receiving information that an individual has be-
14 come a naturalized citizen of the United States, the Sec-
15 retary of Homeland Security shall promptly provide notice
16 of such information to the appropriate chief election offi-
17 cial of the State in which such individual is domiciled.

18 **SEC. 6. RULE OF CONSTRUCTION REGARDING PROVI-
19 SIONAL BALLOTS.**

20 Nothing in this Act or in any amendment made by
21 this Act may be construed to supercede, restrict, or other-
22 wise affect the ability of an individual to cast a provisional
23 ballot in an election for Federal office or to have the ballot
24 counted in the election if the individual is verified as a
25 citizen of the United States pursuant to section 8(j) of

1 the National Voter Registration Act of 1993 (as added
2 by section 2(f)).

3 **SEC. 7. RULE OF CONSTRUCTION REGARDING EFFECT ON**
4 **STATE EXEMPTIONS FROM OTHER FEDERAL**
5 **LAWS.**

6 Nothing in this Act or in any amendment made by
7 this Act may be construed to affect the exemption of a
8 State from any requirement of any Federal law other than
9 the National Voter Registration Act of 1993 (52 U.S.C.
10 20501 et seq.).

11 **SEC. 8. EFFECTIVE DATE.**

12 This Act and the amendments made by this Act shall
13 take effect on the date of the enactment of this Act, and
14 shall apply with respect to applications for voter registra-
15 tion which are submitted on or after such date.