

118TH CONGRESS
1ST SESSION

H. R. 154

To ensure election integrity and security by establishing consistent photo identification requirements for voting in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. FITZPATRICK introduced the following bill; which was referred to the Committee on House Administration

A BILL

To ensure election integrity and security by establishing consistent photo identification requirements for 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 our Elections
5 Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Free, fair, and secure elections are nec-
2 essary to the prosperity of democracy in the United
3 States and around the world.

4 (2) The right to vote is a crucial aspect of
5 American citizenship and must be protected from
6 any potential interference, abuse, and fraud.

7 (3) The passage of the Help America Vote Act
8 of 2002 improved and standardized State and local
9 governments' administration of Federal elections,
10 but lacked strong provisions to validate a voter's
11 identity prior to their voting.

12 (4) In 2005, the bipartisan Commission on
13 Federal Election Reform co-chaired by former
14 Democratic President Jimmy Carter and former Re-
15 publican Secretary of State James A. Baker III re-
16 leased a report which explicitly recommended that
17 States require voters to use a valid identification
18 that includes their full legal name, date of birth, a
19 signature, and a photo.

20 (5) A public survey conducted by the reputable,
21 nonpartisan Monmouth University Polling Institute
22 in June 2021 indicated that an overwhelming 80
23 percent of Americans support requiring voters to
24 show a photo identification in order to vote.

1 (6) Valid identification is required by the States
2 and the Federal Government for a multitude of seri-
3 ous purposes in public life such as driving or renting
4 a car, boarding an airplane or train, traveling within
5 and outside of the United States, purchasing alcohol
6 or controlled substances, picking up prescription
7 medication, opening a bank account or cashing a
8 check, applying for employment or housing opportu-
9 nities, and much more.

10 (7) As determined by the Congressional Re-
11 search Service, 161 nations worldwide—approxi-
12 mately 83 percent—require their citizens to present
13 a form of identification in order to vote, including
14 38 of the top 50 most democratic nations identified
15 by the Democracy Index 2021.

16 (8) More than two-thirds of the States already
17 request or require citizens to show a form of identi-
18 fication in order to vote, 22 of which request or re-
19 quire a photo identification for the purposes of vot-
20 ing.

21 **SEC. 3. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-**
22 **FICATION.**

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

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

5 **“SEC. 303A. PHOTO IDENTIFICATION REQUIREMENTS.**

6 “(a) PROVISION OF IDENTIFICATION REQUIRED AS
7 CONDITION OF CASTING BALLOT.—

8 “(1) INDIVIDUALS VOTING IN PERSON.—

9 “(A) REQUIREMENT TO PROVIDE IDENTI-
10 FICATION.—Notwithstanding any other provi-
11 sion of law and except as provided in subpara-
12 graph (B), the appropriate State or local elec-
13 tion official may not provide a ballot for an
14 election for Federal office to an individual who
15 desires to vote in person unless the individual
16 presents to the official a valid photo identifica-
17 tion.

18 “(B) AVAILABILITY OF PROVISIONAL BAL-
19 LOT.—

20 “(i) IN GENERAL.—If an individual
21 does not present the identification required
22 under subparagraph (A), the individual
23 shall be permitted to cast a provisional bal-
24 lot with respect to the election under sec-
25 tion 302(a), except that the appropriate

1 State or local election official may not
2 make a determination under section
3 302(a)(4) that the individual is eligible
4 under State law to vote in the election un-
5 less, not later than 3 days after casting the
6 provisional ballot, the individual presents
7 to the official—

8 “(I) the identification required
9 under subparagraph (A); or

10 “(II) an affidavit developed and
11 made available to the individual by
12 the State attesting that the individual
13 does not possess the identification re-
14 quired under subparagraph (A) be-
15 cause the individual has a religious
16 objection to being photographed.

17 “(ii) NO EFFECT ON OTHER PROVI-
18 SIONAL BALLOTING RULES.—Nothing in
19 clause (i) may be construed to apply to the
20 casting of a provisional ballot pursuant to
21 section 302(a) or any State law for reasons
22 other than the failure to present the identi-
23 fication required under subparagraph (A).

24 “(2) INDIVIDUALS VOTING OTHER THAN IN
25 PERSON.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law and except as provided in
3 subparagraph (B), the appropriate State or
4 local election official may not accept any ballot
5 for an election for Federal office provided by an
6 individual who votes other than in person unless
7 the individual submits with the ballot—

8 “(i) a copy of a valid photo identifica-
9 tion; or

10 “(ii) the last four digits of the individ-
11 ual’s Social Security number and an affi-
12 davit developed and made available to the
13 individual by the State attesting that the
14 individual is unable to obtain a copy of a
15 valid photo identification after making rea-
16 sonable efforts to obtain such a copy.

17 “(B) EXCEPTION FOR OVERSEAS MILITARY
18 VOTERS.—Subparagraph (A) does not apply
19 with respect to a ballot provided by an absent
20 uniformed services voter who, by reason of ac-
21 tive duty or service, is absent from the United
22 States on the date of the election involved. In
23 this subparagraph, the term ‘absent uniformed
24 services voter’ has the meaning given such term
25 in section 107(1) of the Uniformed and Over-

1 seas Citizens Absentee Voting Act (52 U.S.C.
2 20310(1)), other than an individual described
3 in section 107(1)(C) of such Act.

4 “(b) PROVIDING CERTAIN ASSISTANCE TO INDIVID-
5 UALS UNABLE TO PAY COSTS OF OBTAINING IDENTI-
6 FICATION OR OTHERWISE UNABLE TO OBTAIN IDENTI-
7 FICATION.—

8 “(1) PROVISION OF IDENTIFICATION WITHOUT
9 CHARGE TO CERTAIN INDIVIDUALS.—If an individual
10 presents a State official at the appropriate State
11 agency or department designated by the State with
12 an affidavit developed and made available to the in-
13 dividual by the State attesting that the individual is
14 unable to pay the costs associated with obtaining a
15 valid photo identification under this section, or at-
16 testing that the individual is otherwise unable to ob-
17 tain a valid photo identification under this section
18 after making reasonable efforts to obtain such an
19 identification, the official shall provide the individual
20 with a valid photo identification under this sub-
21 section without charge to the individual.

22 “(2) PUBLIC ACCESS TO DIGITAL IMAGING DE-
23 VICES.—With respect to each State, the appropriate
24 State or local government official of the State shall
25 ensure, to the extent practicable, public access to a

1 digital imaging device, which shall include a printer,
2 copier, image scanner, or multifunction machine, at
3 State and local government buildings in the State,
4 including courts, libraries, and police stations, for
5 the purpose of allowing individuals to use such a de-
6 vice at no cost to the individual to make a copy of
7 a valid photo identification.

8 “(c) VALID PHOTO IDENTIFICATIONS DESCRIBED.—
9 For purposes of this section, a ‘valid photo identification’
10 means, with respect to an individual who seeks to vote in
11 a State, any of the following:

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

15 “(2) A valid State-issued identification card
16 that includes a photo of the individual and an expi-
17 ration date.

18 “(3) A valid United States passport for the in-
19 dividual.

20 “(4) A valid military identification for the indi-
21 vidual.

22 “(5) Any other form of government-issued iden-
23 tification that the State may specify as a valid photo
24 identification for purposes of this subsection.

1 “(d) NOTIFICATION OF IDENTIFICATION REQUIRE-
2 MENT TO APPLICANTS FOR VOTER REGISTRATION.—

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

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

17 “(e) TREATMENT OF STATES WITH CERTAIN PHOTO
18 IDENTIFICATION REQUIREMENTS IN EFFECT AS OF DATE
19 OF ENACTMENT.—If, as of the date of the enactment of
20 this section, a State has in effect a law that satisfies or
21 exceeds the requirements of this section for an individual
22 to provide a photo identification as a condition of casting
23 a ballot in elections for Federal office held in the State
24 and the law remains in effect on and after the effective

1 date of this section, the State shall be considered to meet
 2 the requirements of this section if—

3 “(1) the State submits a request to the Attor-
 4 ney General and provides such information as the
 5 Attorney General may consider necessary to deter-
 6 mine that the State has in effect such a law and
 7 that the law remains in effect; and

8 “(2) the Attorney General—

9 “(A) approves the request; or

10 “(B) fails to issue a determination with re-
 11 spect to the request during the 180-day period
 12 that begins on the date the State submits such
 13 request.

14 “(f) EFFECTIVE DATE.—This section shall apply
 15 with respect to elections for Federal office held in 2024
 16 or any succeeding year.”.

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

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

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

24 (1) by striking “and” at the end of paragraph
 25 (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, October 1, 2023.”.

7 (c) CONFORMING AMENDMENT RELATING TO EN-
8 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
9 is amended by striking “and 303” and inserting “303, and
10 303A”.

11 (d) CONFORMING AMENDMENTS RELATING TO RE-
12 PEAL OF EXISTING PHOTO IDENTIFICATION REQUIRE-
13 MENTS FOR CERTAIN VOTERS.—

14 (1) IN GENERAL.—Section 303 of such Act (52
15 U.S.C. 21083) is amended—

16 (A) in the heading, by striking “**AND RE-**
17 **QUIREMENTS FOR VOTERS WHO REGISTER**
18 **BY MAIL**”;

19 (B) in the heading of subsection (b), by
20 striking “FOR VOTERS WHO REGISTER BY
21 MAIL” and inserting “FOR MAIL-IN REGISTRA-
22 TION FORMS”;

23 (C) in subsection (b), by striking para-
24 graphs (1) through (3) and redesignating para-

1 graphs (4) and (5) as paragraphs (1) and (2),
2 respectively; and

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

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents of such Act is amended by amending the item
8 relating to section 303 to read as follows:

 “Sec. 303. Computerized statewide voter registration list requirements.”.

9 (e) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall apply with respect to
11 elections for Federal office held in 2024 or any succeeding
12 year.

○