

118TH CONGRESS
1ST SESSION

H. R. 4597

To amend the REAL ID Act of 2005 to include an indication of United States citizenship in the minimum requirements for driver’s licenses and identification cards under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2023

Mr. VAN ORDEN introduced the following bill; which was referred to the Committee on Oversight and Accountability

A BILL

To amend the REAL ID Act of 2005 to include an indication of United States citizenship in the minimum requirements for driver’s licenses and identification cards under such Act, 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; FINDINGS; SENSE OF CONGRESS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Citizen Vote Protection Act”.

6 (b) **FINDINGS; SENSE OF CONGRESS.**—

7 (1) **FINDINGS.**—Congress finds the following:

1 (A) Photo voter identification programs es-
2 tablished by the States should be administered
3 without unlawful discrimination and with an
4 eye toward balancing appropriate access to the
5 ballot box with election integrity and voter con-
6 fidence goals.

7 (B) As confirmed by the bipartisan Com-
8 mission on Federal Election Reform (commonly
9 known as the Carter-Baker Commission),
10 “[v]oters in nearly 100 democracies use a photo
11 identification card without fear of infringement
12 of their rights”.

13 (C) As confirmed by the Carter-Baker
14 Commission, “[t]he right to vote is a vital com-
15 ponent of U.S. citizenship and all States should
16 use their best efforts to obtain proof of citizen-
17 ship before registering voters.”.

18 (D) The Carter-Baker Commission was
19 correct in its 2005 report when it recommended
20 that the REAL ID Act be “modestly adapted
21 for voting purposes to indicate on the front or
22 back whether the individual is a U.S. citizen.”.

23 (E) Congress acknowledges the important
24 work completed by the Carter-Baker Commis-
25 sion and, by amending the REAL ID Act, re-

1 solves the concerns in the Commission’s report
2 that “[t]he REAL ID Act does not require that
3 the card indicates citizenship, but that would
4 need to be done if the card is to be used for
5 voting purposes”.

6 (F) Photographic voter identification is im-
7 portant for ensuring voter confidence in election
8 processes and outcomes.

9 (G) Requiring photographic voter identi-
10 fication is well within States’ constitutional
11 competence, including pursuant to the Quali-
12 fications Clause of the Constitution of the
13 United States (article I, section 2, clause 2),
14 the Presidential Electors Clause of the Con-
15 stitution (article II, section 1, clause 2), and
16 the Seventeenth Amendment.

17 (H) The Fifteenth Amendment, the Nine-
18 teenth Amendment, the Twenty-Fourth Amend-
19 ment, and the Twenty-Sixth Amendment,
20 among other references, make clear that the
21 Constitution prohibits voting by non-citizens in
22 Federal elections.

23 (I) Congress has the constitutional author-
24 ity, including under the aforementioned amend-
25 ments, to pass statutes preventing non-citizens

1 from voting in Federal elections, and did so
2 with the Illegal Immigration Reform and Immigrant
3 Responsibility Act of 1996.

4 (J) Congress may further exercise its con-
5 stitutional authority to ensure the Constitu-
6 tion’s prohibition on non-citizen voting in Fed-
7 eral elections is upheld.

8 (2) SENSE OF CONGRESS.—It is the sense of
9 Congress that the States should implement the sub-
10 stance of the recommendation of the Carter-Baker
11 Commission that, “[t]o ensure that persons pre-
12 senting themselves at the polling place are the ones
13 on the registration list, the Commission recommends
14 that states [encourage] voters to use the REAL ID
15 card, which was mandated in a law signed by the
16 President in May 2005”.

17 **SEC. 2. REAL ID ACT AMENDMENT.**

18 (a) AMENDMENT.—Section 202(b) of the Real ID
19 Act of 2005 (49 U.S.C. 30301 note) is amended by adding
20 at the end the following new paragraph:

21 “(10) If the person is a citizen of the United
22 States, an indication of that citizenship, except that
23 no other information may be included with respect
24 to the immigration status of the person.”.

1 (b) APPLICABILITY.—The amendment made by this
2 section shall be effective January 1, 2027, and shall apply
3 with respect to any driver’s license or identification card
4 issued by a State on and after such date.

5 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion or in any amendment made by this section may be
7 construed to establish or mandate the use of a national
8 identification card or to authorize any office of the execu-
9 tive branch to establish or mandate the use of a national
10 identification card.

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