118TH CONGRESS 2D SESSION

H.R.8281

AN ACT

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 Representa-
- 2 tives of the United States of America in Congress assembled,

1 SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "Safeguard American
- 3 Voter Eligibility Act" or the "SAVE Act".
- 4 SEC. 2. ENSURING ONLY CITIZENS ARE REGISTERED TO
- 5 VOTE IN ELECTIONS FOR FEDERAL OFFICE.
- 6 (a) Definition of Documentary Proof of
- 7 United States Citizenship.—Section 3 of the National
- 8 Voter Registration Act of 1993 (52 U.S.C. 20502) is
- 9 amended—
- 10 (1) by striking "As used" and inserting "(a) IN
- 11 GENERAL.—As used"; and
- 12 (2) by adding at the end the following:
- 13 "(b) Documentary Proof of United States
- 14 CITIZENSHIP.—As used in this Act, the term 'documen-
- 15 tary proof of United States citizenship' means, with re-
- 16 spect to an applicant for voter registration, any of the fol-
- 17 lowing:
- 18 "(1) A form of identification issued consistent
- with the requirements of the REAL ID Act of 2005
- that indicates the applicant is a citizen of the United
- 21 States.
- "(2) A valid United States passport.
- 23 "(3) The applicant's official United States mili-
- 24 tary identification card, together with a United
- 25 States military record of service showing that the
- applicant's place of birth was in the United States.

1	"(4) A valid government-issued photo identifica-
2	tion card issued by a Federal, State or Tribal gov-
3	ernment showing that the applicant's place of birth
4	was in the United States.
5	"(5) A valid government-issued photo identifica-
6	tion card issued by a Federal, State or Tribal gov-
7	ernment other than an identification described in
8	paragraphs (1) through (4), but only if presented to-
9	gether with one or more of the following:
10	"(A) A certified birth certificate issued by
11	a State, a unit of local government in a State,
12	or a Tribal government which—
13	"(i) was issued by the State, unit of
14	local government, or Tribal government in
15	which the applicant was born;
16	"(ii) was filed with the office respon-
17	sible for keeping vital records in the State;
18	"(iii) includes the full name, date of
19	birth, and place of birth of the applicant;
20	"(iv) lists the full names of one or
21	both of the parents of the applicant;
22	"(v) has the signature of an individual
23	who is authorized to sign birth certificates
24	on behalf of the State, unit of local govern-

1	ment, or Tribal government in which the
2	applicant was born;
3	"(vi) includes the date that the certifi-
4	cate was filed with the office responsible
5	for keeping vital records in the State; and
6	"(vii) has the seal of the State, unit
7	of local government, or Tribal government
8	that issued the birth certificate.
9	"(B) An extract from a United States hos-
10	pital Record of Birth created at the time of the
11	applicant's birth which indicates that the appli-
12	cant's place of birth was in the United States.
13	"(C) A final adoption decree showing the
14	applicant's name and that the applicant's place
15	of birth was in the United States.
16	"(D) A Consular Report of Birth Abroad
17	of a citizen of the United States or a certifi-
18	cation of the applicant's Report of Birth of a
19	United States citizen issued by the Secretary of
20	State.
21	"(E) A Naturalization Certificate or Cer-
22	tificate of Citizenship issued by the Secretary of
23	Homeland Security or any other document or
24	method of proof of United States citizenship

1	issued by the Federal government pursuant to
2	the Immigration and Nationality Act.
3	"(F) An American Indian Card issued by
4	the Department of Homeland Security with the
5	classification 'KIC'.".
6	(b) In General.—Section 4 of the National Voter
7	Registration Act of 1993 (52 U.S.C. 20503) is amended—
8	(1) in subsection (a), by striking "subsection
9	(b)" and inserting "subsection (c)";
10	(2) by redesignating subsection (b) as sub-
11	section (c); and
12	(3) by inserting after subsection (a) the fol-
13	lowing new subsection:
14	"(b) Requiring Applicants to Present Docu-
15	MENTARY PROOF OF UNITED STATES CITIZENSHIP.—
16	Under any method of voter registration in a State, the
17	State shall not accept and process an application to reg-
18	ister to vote in an election for Federal office unless the
19	applicant presents documentary proof of United States
20	citizenship with the application.".
21	(c) REGISTRATION WITH APPLICATION FOR MOTOR
22	VEHICLE DRIVER'S LICENSE.—Section 5 of the National
23	Voter Registration Act of 1993 (52 U.S.C. 20504) is
24	amended—

1	(1) in subsection (a)(1), by striking "Each
2	State motor vehicle driver's license application" and
3	inserting "Subject to the requirements under section
4	8(j), each State motor vehicle driver's license appli-
5	cation";
6	(2) in subsection (e)(1), by striking "Each
7	State shall include" and inserting "Subject to the
8	requirements under section 8(j), each State shall in-
9	clude";
10	(3) in subsection $(e)(2)(B)$ —
11	(A) in clause (i), by striking "and" at the
12	$\mathrm{end};$
13	(B) in clause (ii), by adding "and" at the
14	end; and
15	(C) by adding at the end the following new
16	clause:
17	"(iii) verify that the applicant is a citizen
18	of the United States;";
19	(4) in subsection (c)(2)(C)(i), by striking "(in-
20	cluding citizenship)" and inserting ", including the
21	requirement that the applicant provides documentary
22	proof of United States citizenship"; and
23	(5) in subsection $(c)(2)(D)(iii)$, by striking ";
24	and" and inserting the following: ", other than as
25	evidence in a criminal proceeding or immigration

1	proceeding brought against an applicant who know-
2	ingly attempts to register to vote and knowingly
3	makes a false declaration under penalty of perjury
4	that the applicant meets the eligibility requirements
5	to register to vote in an election for Federal office;
6	and".
7	(d) Requiring Documentary Proof of United
8	STATES CITIZENSHIP WITH NATIONAL MAIL VOTER
9	REGISTRATION FORM.—Section 6 of the National Voter
10	Registration Act of 1993 (52 U.S.C. 20505) is amended—
11	(1) in subsection $(a)(1)$ —
12	(A) by striking "Each State shall accept
13	and use" and inserting "Subject to the require-
14	ments under section 8(j), each State shall ac-
15	cept and use"; and
16	(B) by striking "Federal Election Commis-
17	sion" and inserting "Election Assistance Com-
18	mission";
19	(2) in subsection (b), by adding at the end the
20	following: "The chief State election official of a
21	State shall take such steps as may be necessary to
22	ensure that residents of the State are aware of the
23	requirement to provide documentary proof of United
24	States citizenship to register to vote in elections for
25	Federal office in the State.";

1	(3) in subsection $(c)(1)$ —
2	(A) in subparagraph (A), by striking
3	"and" at the end;
4	(B) in subparagraph (B) by striking the
5	period at the end and inserting "; and"; and
6	(C) by adding at the end the following new
7	subparagraph:
8	"(C) the person did not provide documentary
9	proof of United States citizenship when registering
10	to vote."; and
11	(4) by adding at the end the following new sub-
12	section:
13	"(e) Ensuring Proof of United States Citizen-
14	SHIP.—
15	"(1) Presenting proof of united states
16	CITIZENSHIP TO ELECTION OFFICIAL.—An applicant
17	who submits the mail voter registration application
18	form prescribed by the Election Assistance Commis-
19	sion pursuant to section 9(a)(2) or a form described
20	in paragraph (1) or (2) of subsection (a) shall not
21	be registered to vote in an election for Federal office
22	unless—
23	"(A) the applicant presents documentary
24	proof of United States citizenship in person to
25	the office of the appropriate election official not

later than the deadline provided by State law for the receipt of a completed voter registration application for the election; or

> "(B) in the case of a State which permits an individual to register to vote in an election for Federal office at a polling place on the day of the election and on any day when voting, including early voting, is permitted for the election, the applicant presents documentary proof of United States citizenship to the appropriate election official at the polling place not later than the date of the election.

"(2) Notification of Requirement.—Upon receiving an otherwise completed mail voter registration application form prescribed by the Election Assistance Commission pursuant to section 9(a)(2) or a form described in paragraph (1) or (2) of subsection (a), the appropriate election official shall transmit a notice to the applicant of the requirement to present documentary proof of United States citizenship under this subsection, and shall include in the notice instructions to enable the applicant to meet the requirement.

"(3) ACCESSIBILITY.—Each State shall, in consultation with the Election Assistance Commission,

1	ensure that reasonable accommodations are made to
2	allow an individual with a disability who submits the
3	mail voter registration application form prescribed
4	by the Election Assistance Commission pursuant to
5	section $9(a)(2)$ or a form described in paragraph (1)
6	or (2) of subsection (a) to present documentary
7	proof of United States citizenship to the appropriate
8	election official.".
9	(e) Requirements for Voter Registration
10	Agencies.—Section 7 of the National Voter Registration
11	Act of 1993 (52 U.S.C. 20506) is amended—
12	(1) in subsection (a)—
13	(A) in paragraph (4)(A), by adding at the
14	end the following new clause:
15	"(iv) Receipt of documentary proof of United
16	States citizenship of each applicant to register to
17	vote in elections for Federal office in the State.";
18	and
19	(B) in paragraph (6)—
20	(i) in subparagraph (A)(i)(I), by strik-
21	ing "(including citizenship)" and inserting
22	", including the requirement that the ap-
23	plicant provides documentary proof of
24	United States citizenship"; and

1	(ii) by redesignating subparagraph
2	(B) as subparagraph (C); and
3	(iii) by inserting after subparagraph
4	(A) the following new subparagraph:
5	"(B) ask the applicant the question, 'Are you a
6	citizen of the United States?' and if the applicant
7	answers in the affirmative require documentary
8	proof of United States citizenship prior to providing
9	the form under subparagraph (C);"; and
10	(2) in subsection (e)(1), by inserting "who are
11	citizens of the United States" after "for persons".
12	(f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-
13	TION OF VOTER REGISTRATION.—Section 8 of the Na-
14	tional Voter Registration Act of 1993 (52 U.S.C. 20507)
15	is amended—
16	(1) in subsection (a)—
17	(A) by striking "In the administration of
18	voter registration" and inserting "Subject to
19	the requirements of subsection (j), in the ad-
20	ministration of voter registration"; and
21	(B) in paragraph (3)—
22	(i) in subparagraph (B), by striking
23	"or" at the end; and
24	(ii) by adding at the end the following
25	new subparagraphs:

1	"(D) based on documentary proof or
2	verified information that the registrant is not a
3	United States citizen; or
4	"(E) the registration otherwise fails to
5	comply with applicable State law;";
6	(2) by redesignating subsection (j) as sub-
7	section (l); and
8	(3) by inserting after subsection (i) the fol-
9	lowing new subsections:
10	"(j) Ensuring Only Citizens Are Registered to
11	Vote.—
12	"(1) IN GENERAL.—Notwithstanding any other
13	provision of this Act, a State may not register an in-
14	dividual to vote in elections for Federal office held
15	in the State unless, at the time the individual ap-
16	plies to register to vote, the individual provides docu-
17	mentary proof of United States citizenship.
18	"(2) Additional processes in certain
19	CASES.—
20	"(A) Process for those without doc-
21	UMENTARY PROOF.—
22	"(i) In general.—Subject to any rel-
23	evant guidance adopted by the Election As-
24	sistance Commission, each State shall es-
25	tablish a process under which an applicant

2

3

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

who cannot provide documentary proof of United States citizenship under paragraph (1) may, if the applicant signs an attestation 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 sufficiently applicant has established United States citizenship for purposes of registering to vote in elections for Federal office in the State.

"(ii) AFFIDAVIT REQUIREMENT.—If a State or local official makes a determination under clause (i) that an applicant has sufficiently established United States citizenship for purposes of registering to vote in elections for Federal office in the State, such determination shall be accompanied by an affidavit developed under clause (iii) signed by the official swearing or affirming the applicant sufficiently established

1	United States citizenship for purposes of
2	registering to vote.
3	"(iii) Development of Affidavit
4	BY THE ELECTION ASSISTANCE COMMIS-
5	SION.—The Election Assistance Commis-
6	sion shall develop a uniform affidavit for
7	use by State and local officials under
8	clause (ii), which shall—
9	"(I) include an explanation of the
10	minimum standards required for a
11	State or local official to register an
12	applicant who cannot provide docu-
13	mentary proof of United States citi-
14	zenship to vote in elections for Fed-
15	eral office in the State; and
16	"(II) require the official to ex-
17	plain the basis for registering such
18	applicant to vote in such elections.
19	"(B) Process in case of certain dis-
20	CREPANCIES IN DOCUMENTATION.—Subject to
21	any relevant guidance adopted by the Election
22	Assistance Commission, each State shall estab-
23	lish a process under which an applicant can
24	provide such additional documentation to the
25	appropriate election official of the State as may

1	be necessary to establish that the applicant is
2	a citizen of the United States in the event of a
3	discrepancy with respect to the applicant's doc-
4	umentary proof of United States citizenship.
5	"(3) State requirements.—Each State shall
6	take affirmative steps on an ongoing basis to ensure
7	that only United States citizens are registered to
8	vote under the provisions of this Act, which shall in-
9	clude the establishment of a program described in
10	paragraph (4) not later than 30 days after the date
11	of the enactment of this subsection.
12	"(4) Program described.—A State may meet
13	the requirements of paragraph (3) by establishing a
14	program under which the State identifies individuals
15	who are not United States citizens using information
16	supplied by one or more of the following sources:
17	"(A) The Department of Homeland Secu-
18	rity through the Systematic Alien Verification
19	for Entitlements ('SAVE') or otherwise.
20	"(B) The Social Security Administration
21	through the Social Security Number
22	Verification Service, or otherwise.
23	"(C) State agencies that supply State iden-
24	tification cards or driver's licenses where the

2

3

4

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

agency confirms the United States citizenship status of applicants.

"(D) Other sources, including databases, which provide confirmation of United States citizenship status.

"(5) AVAILABILITY OF INFORMATION.—

"(A) IN GENERAL.—At the request of a State election official (including a request related to a process established by a State under paragraph (2)(A) or (2)(B), any head of a Federal department or agency possessing information relevant to determining the eligibility of an individual to vote in elections for Federal office shall, not later than 24 hours after receipt of such request, provide the official with such information as may be necessary to enable the official to verify that an applicant for voter registration in elections for Federal office held in the State or a registrant on the official list of eligible voters in elections for Federal office held in the State is a citizen of the United States, which shall include providing the official with such batched information as may be requested by the official.

- "(B) Use of save system.—The Sec-retary of Homeland Security may respond to a request received under paragraph (1) by using the system for the verification of immigration status under the applicable provisions of section 1137 of the Social Security Act (42 U.S.C. 1320b-7), as established pursuant to section 121(c) of the Immigration Reform and Control Act of 1986 (Public Law 99–603).
 - "(C) SHARING OF INFORMATION.—The heads of Federal departments and agencies shall share information with each other with respect to an individual who is the subject of a request received under paragraph (A) in order to enable them to respond to the request.
 - "(D) Investigation for purposes of Removal.—The Secretary of Homeland Security shall conduct an investigation to determine whether to initiate removal proceedings under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) if it is determined pursuant to subparagraph (A) or (B) that an alien (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C.

1	1101)) is unlawfully registered to vote in elec-
2	tions for Federal office.
3	"(E) Prohibiting fees.—The head of a
4	Federal department or agency may not charge
5	a fee for responding to a State's request under
6	paragraph (A).
7	"(k) Removal of Noncitizens From Registra-
8	TION ROLLS.—A State shall remove an individual who is
9	not a citizen of the United States from the official list
10	of eligible voters for elections for Federal office held in
11	the State at any time upon receipt of documentation or
12	verified information that a registrant is not a United
13	States citizen.".
14	(g) Clarification of Authority of State to Re-
15	MOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGIBLE
16	Voters.—
17	(1) In general.—Section 8(a)(4) of the Na-
18	tional Voter Registration Act of 1993 (52 U.S.C.
19	20507(a)(4)) is amended—
20	(A) by striking "or" at the end of subpara-
21	graph (A);
22	(B) by adding "or" at the end of subpara-
23	graph (B); and
24	(C) by adding at the end the following new
25	subpara@raph:

1	"(C) documentary proof or verified infor-					
2	mation that the registrant is not a United					
3	States citizen;".					
4	(2) Conforming amendment.—Section					
5	8(c)(2)(B)(i) of such Act (52 U.S.C.					
6	20507(c)(2)(B)(i) is amended by striking "(4)(A)"					
7	and inserting "(4)(A) or (C)".					
8	(h) Requirements With Respect to Federal					
9	Mail Voter Registration Form.—					
10	(1) Contents of Mail voter registration					
11	FORM.—Section 9(b) of such Act (52 U.S.C					
12	20508(b)) is amended—					
13	(A) in paragraph (2)(A), by striking "(in-					
14	cluding citizenship)" and inserting "(including					
15	an explanation of what is required to presen					
16	documentary proof of United States citizen					
17	ship)";					
18	(B) in paragraph (3), by striking "and" as					
19	the end;					
20	(C) in paragraph (4), by striking the pe					
21	riod at the end and inserting "; and"; and					
22	(D) by adding at the end the following new					
23	paragraph:					
24	"(5) shall include a section, for use only by					
25	State or local election official, to record the type of					

- document the applicant presented as documentary proof of United States citizenship, including the date of issuance, the date of expiration (if any), the office which issued the document, and any unique identification number associated with the document.".
 - (2) Information on Mail voter registration form.—Section 9(b)(4) of such Act (52 U.S.C. 20508(b)(4)) is amended—
- 9 (A) by redesignating clauses (i) through 10 (iii) as subparagraphs (A) through (C), respec-11 tively; and
 - (B) in subparagraph (C) (as so redesignated and as amended by paragraph (1)(C)), by striking "; and" and inserting the following: ", other than as evidence in a criminal proceeding or immigration proceeding brought against an applicant who attempts to register to vote and makes a false declaration under penalty of perjury that the applicant meets the eligibility requirements to register to vote in an election for Federal office; and".
- Federal office; and".

 (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of
 the National Voter Registration Act of 1993 (52 U.S.C.
 24 20510(b)(1)) is amended by striking "a violation of this
 Act" and inserting "a violation of this Act, including the

act of an election official who registers an applicant to vote in an election for Federal office who fails to present documentary proof of United States citizenship,". 3 4 (j) Criminal Penalties.—Section 12(2) of such 5 Act (52 U.S.C. 20511(2)) is amended— 6 (1) by striking "or" at the end of subparagraph (A);7 8 (2) by redesignating subparagraph (B) as sub-9 paragraph (D); and 10 (3) by inserting after subparagraph (A) the following new subparagraphs: 11 "(B) in the case of an officer or employee 12 13 of the executive branch, providing material as-14 sistance to a noncitizen in attempting to reg-15 ister to vote or vote in an election for Federal 16 office; 17 "(C) registering an applicant to vote in an 18 election for Federal office who fails to present 19 documentary proof of United States citizenship; 20 or". 21 (k) APPLICABILITY OF REQUIREMENTS TO CERTAIN 22 STATES.— 23 (1) In General.—Subsection (c) of section 4 24 of the National Voter Registration Act of 1993 (52) 25 U.S.C. 20503), as redesignated by subsection (b), is

- 1 amended by striking "This Act does not apply to a
- 2 State" and inserting "Except with respect to the re-
- quirements under subsection (i) and (j) of section 8
- 4 in the case of a State described in paragraph (2),
- 5 this Act does not apply to a State".
- 6 (2) Permitting states to adopt require-
- 7 MENTS AFTER ENACTMENT.—Section 4 of such Act
- 8 (52 U.S.C. 20503) is amended by adding at the end
- 9 the following new subsection:
- 10 "(d) Permitting States to Adopt Certain Re-
- 11 QUIREMENTS AFTER ENACTMENT.—Subsections (i) and
- 12 (j) of section 8 shall not apply to a State described in
- 13 subsection (c)(2) if the State, by law or regulation, adopts
- 14 requirements which are identical to the requirements
- 15 under such subsections not later than 60 days prior to
- 16 the date of the first election for Federal office which is
- 17 held in the State after the date of the enactment of the
- 18 SAVE Act.".

19 SEC. 3. ELECTION ASSISTANCE COMMISSION GUIDANCE.

- Not later than 10 days after the date of the enact-
- 21 ment of this Act, the Election Assistance Commission shall
- 22 adopt and transmit to the chief State election official of
- 23 each State guidance with respect to the implementation
- 24 of the requirements under the National Voter Registration

- 1 Act of 1993 (52 U.S.C. 20501 et seq.), as amended by
- 2 section 2.
- 3 SEC. 4. INAPPLICABILITY OF PAPERWORK REDUCTION
- 4 **ACT.**
- 5 Subchapter I of chapter 35 of title 44 (commonly re-
- 6 ferred to as the "Paperwork Reduction Act") shall not
- 7 apply with respect to the development or modification of
- 8 voter registration materials under the National Voter Reg-
- 9 istration Act of 1993 (52 U.S.C. 20501 et seq.), as
- 10 amended by section 2, including the development or modi-
- 11 fication of any voter registration application forms.
- 12 SEC. 5. DUTY OF SECRETARY OF HOMELAND SECURITY TO
- 13 NOTIFY ELECTION OFFICIALS OF NATU-
- 14 RALIZATION.
- 15 Upon receiving information that an individual has be-
- 16 come a naturalized citizen of the United States, the Sec-
- 17 retary of Homeland Security shall promptly provide notice
- 18 of such information to the appropriate chief election offi-
- 19 cial of the State in which such individual is domiciled.
- 20 SEC. 6. RULE OF CONSTRUCTION REGARDING PROVI-
- 21 SIONAL BALLOTS.
- Nothing in this Act or in any amendment made by
- 23 this Act may be construed to supercede, restrict, or other-
- 24 wise affect the ability of an individual to cast a provisional
- 25 ballot in an election for Federal office or to have the ballot

- 1 counted in the election if the individual is verified as a
- 2 citizen of the United States pursuant to section 8(j) of
- 3 the National Voter Registration Act of 1993 (as added
- 4 by section 2(f)).
- 5 SEC. 7. RULE OF CONSTRUCTION REGARDING EFFECT ON
- 6 STATE EXEMPTIONS FROM OTHER FEDERAL
- 7 LAWS.
- 8 Nothing in this Act or in any amendment made by
- 9 this Act may be construed to affect the exemption of a
- 10 State from any requirement of any Federal law other than
- 11 the National Voter Registration Act of 1993 (52 U.S.C.
- 12 20501 et seq.).
- 13 SEC. 8. EFFECTIVE DATE.
- 14 This Act and the amendments made by this Act shall
- 15 take effect on the date of the enactment of this Act, and
- 16 shall apply with respect to applications for voter registra-
- 17 tion which are submitted on or after such date.

Passed the House of Representatives July 10, 2024. Attest:

Clerk.

118TH CONGRESS H. R. 8281

AN ACT

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.