

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4844
OFFERED BY MR. EHLERS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Election Integ-
3 rity Act of 2006” .

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

6 (a) **REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
7 TION AS CONDITION OF RECEIVING BALLOT.**—Section
8 303(b) of the Help America Vote Act of 2002 (42 U.S.C.
9 15483(b)) is amended—

10 (1) in the heading, by striking “FOR VOTERS
11 WHO REGISTER BY MAIL” and inserting “FOR PRO-
12 VIDING PHOTO IDENTIFICATION”; and

13 (2) by striking paragraphs (1) through (3) and
14 inserting the following:

15 “(1) **INDIVIDUALS VOTING IN PERSON.**—

16 “(A) **REQUIREMENT TO PROVIDE IDENTI-
17 FICATION.**—Notwithstanding any other provi-
18 sion of law, 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 government-issued,
5 current, and valid photo identification for which
6 the individual was required to provide proof of
7 United States citizenship as a condition for the
8 issuance of the identification (except as pro-
9 vided in subparagraph (B)).

10 “(B) AVAILABILITY OF PROVISIONAL BAL-
11 LOT.—If an individual does not present the
12 identification required under subparagraph (A),
13 the individual shall be permitted to cast a provi-
14 sional ballot with respect to the election under
15 section 302(a), except that the appropriate
16 State or local election official may not make a
17 determination under section 302(a)(4) that the
18 individual is eligible under State law to vote in
19 the election unless the individual presents the
20 identification required under subparagraph (A)
21 to the official not later than 48 hours after
22 casting the provisional ballot.

23 “(2) INDIVIDUALS VOTING OTHER THAN IN
24 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 a copy of
8 a government-issued, current, and valid photo
9 identification for which the individual was re-
10 quired to provide proof of United States citizen-
11 ship as a condition for the issuance of the iden-
12 tification.

13 “(B) EXCEPTION FOR OVERSEAS MILITARY
14 VOTERS.—Subparagraph (A) does not apply
15 with respect to a ballot provided by an absent
16 uniformed services voter who, by reason of ac-
17 tive duty or service, is absent from the United
18 States on the date of the election involved. In
19 this subparagraph, the term ‘absent uniformed
20 services voter’ has the meaning given such term
21 in section 107(1) of the Uniformed and Over-
22 seas Citizens Absentee Voting Act (42 U.S.C.
23 1973ff—6(1)), other than an individual de-
24 scribed in section 107(1)(C) of such Act.

1 (1) IN GENERAL.—This section and the amend-
2 ments made by this section shall apply with respect
3 to the regularly scheduled general election for Fed-
4 eral office held in November 2008 and each subse-
5 quent election for Federal office.

6 (2) CONFORMING AMENDMENT.—Section
7 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is
8 amended to read as follows:

9 “(2) REQUIREMENT TO PROVIDE PHOTO IDEN-
10 TIFICATION.—Paragraphs (1) and (2) of subsection
11 (b) shall apply with respect to the regularly sched-
12 uled general election for Federal office held in No-
13 vember 2008 and each subsequent election for Fed-
14 eral office.”.

15 **SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.**

16 (a) REQUIRING STATES TO MAKE IDENTIFICATION
17 AVAILABLE.—Section 303(b) of the Help America Vote
18 Act of 2002 (42 U.S.C. 15483(b)), as amended by section
19 2(a)(2), is amended—

20 (1) by redesignating paragraphs (4) and (5) as
21 paragraphs (5) and (6); and

22 (2) by inserting after paragraph (3) the fol-
23 lowing new paragraph:

24 “(4) MAKING PHOTO IDENTIFICATIONS AVAIL-
25 ABLE.—

1 “(A) IN GENERAL.—During fiscal year
2 2008 and each succeeding fiscal year, each
3 State shall establish a program to provide photo
4 identifications which may be used to meet the
5 requirements of paragraphs (1) and (2) by indi-
6 viduals who desire to vote in elections held in
7 the State but who do not otherwise possess a
8 government-issued photo identification.

9 “(B) IDENTIFICATIONS PROVIDED AT NO
10 COST TO INDIGENT INDIVIDUALS.—If a State
11 charges an individual a fee for providing a
12 photo identification under the program estab-
13 lished under subparagraph (A)—

14 “(i) the fee charged may not exceed
15 the reasonable cost to the State of pro-
16 viding the identification to the individual;
17 and

18 “(ii) the State may not charge a fee
19 to any individual who provides an attesta-
20 tion that the individual is unable to afford
21 the fee.

22 “(C) IDENTIFICATIONS NOT TO BE USED
23 FOR OTHER PURPOSES.—Any photo identifica-
24 tion provided under the program established
25 under subparagraph (A) may not serve as a

1 government-issued photo identification for pur-
2 poses of any program or function of a State or
3 local government other than the administration
4 of elections.”.

5 (b) PAYMENTS TO STATES TO COVER COSTS.—Sub-
6 title D of title II of such Act (42 U.S.C. 15321 et seq.)
7 is amended by adding at the end the following new part:

8 **“PART 7—PAYMENTS TO COVER COSTS OF PRO-**
9 **VIDING PHOTO IDENTIFICATIONS TO INDI-**
10 **GENT INDIVIDUALS**

11 **“SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PRO-**
12 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**
13 **ING TO INDIGENT INDIVIDUALS.**

14 “(a) PAYMENTS TO STATES.—The Commission shall
15 make payments to States to cover the costs incurred in
16 providing photo identifications under the program estab-
17 lished under section 303(b)(4) to individuals who are un-
18 able to afford the fee that would otherwise be charged
19 under the program.

20 “(b) AMOUNT OF PAYMENT.—The amount of the
21 payment made to a State under this part for any year
22 shall be equal to the amount of fees which would have
23 been collected by the State during the year under the pro-
24 gram established under section 303(b)(4) but for the ap-
25 plication of section 303(b)(4)(B)(ii), as determined on the

1 basis of information furnished to the Commission by the
2 State at such time and in such form as the Commission
3 may require.

4 **“SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated for pay-
6 ments under this part such sums as may be necessary for
7 fiscal year 2008 and each succeeding fiscal year.”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended by adding at the end of the item
10 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO
IDENTIFICATIONS TO INDIGENT INDIVIDUALS

“Sec. 297. Payments to cover costs to States of providing photo identifications
for voting to indigent individuals.

“Sec. 297A. Authorization of appropriations.”.

11 (d) EFFECTIVE DATE.—This section and the amend-
12 ments made by this section shall take effect October 1,
13 2007.

Amend the title so as to read: “A bill to amend the Help America Vote Act of 2002 to require each individual who desires to vote in an election for Federal office to provide the appropriate election official with a government-issued photo identification, and for other purposes.”.