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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.**

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BANKS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots 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; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Save Democracy Act”.

6 (b) **FINDINGS.**—Congress finds the following:

1           (1) Congress recognizes that the legitimacy of  
2           the United States’s representative democracy rests  
3           on the integrity of our Federal elections and con-  
4           fidence our citizens have in them.

5           (2) Consistent with article I, section 4, clause  
6           1 of the Constitution of the United States and the  
7           principles of federalism, primary authority to regu-  
8           late Federal elections is reserved to the States, while  
9           Congress’s role is secondary.

10          (3) While exercising its primary role in deter-  
11          mining the manner in which Federal elections shall  
12          be carried out, States must seek to protect the fair-  
13          ness, accessibility, and integrity of the elections.

14          (4) Congress should limit its secondary role in  
15          regulating Federal elections to instances in which  
16          State regulation of Federal elections has contributed  
17          to or proven unsuccessful in preventing impropriety.

18 **SEC. 2. INTEGRITY IN VOTER REGISTRATION.**

19          (a) PROHIBITING AUTOMATIC VOTER REGISTRA-  
20          TION.—Section 8 of the National Voter Registration Act  
21          of 1993 (52 U.S.C. 20507) is amended—

22                (1) by redesignating subsection (j) as sub-  
23                section (k); and

24                (2) by inserting after subsection (i) the fol-  
25                lowing new subsection:

1       “(j) PROHIBITING REGISTRATION PURSUANT TO  
2 AUTOMATIC VOTER REGISTRATION SYSTEM.—

3           “(1) PROHIBITION.—A State may not register  
4 an individual to vote in elections for Federal office  
5 pursuant to an automatic voter registration system.

6           “(2) DEFINITION.—In this subsection, an  
7 ‘automatic voter registration system’ means, with re-  
8 spect to a State, a system that registers an indi-  
9 vidual to vote in elections for Federal office in the  
10 State, if eligible, by electronically transferring the  
11 information necessary for registration from govern-  
12 ment agencies to election officials of the State so  
13 that, unless the individual affirmatively declines to  
14 be registered, the individual will be registered to vote  
15 in such elections.”.

16       (b) PROHIBITING REGISTRATION TO VOTE OF INDI-  
17 VIDUALS WHO FAIL TO PROVIDE PROOF OF UNITED  
18 STATES CITIZENSHIP.—Section 8 of the National Voter  
19 Registration Act of 1993 (52 U.S.C. 20507), as amended  
20 by subsection (a), is amended—

21           (1) by redesignating subsection (k) as sub-  
22 section (l); and

23           (2) by inserting after subsection (j) the fol-  
24 lowing new subsection:

1       “(k) PROHIBITING REGISTRATION OF INDIVIDUALS  
2 NOT PROVIDING PROOF OF UNITED STATES CITIZEN-  
3 SHIP.—

4               “(1) PROHIBITION.—Notwithstanding any other  
5 provision of this Act, a State may not register an in-  
6 dividual to vote in elections for Federal office held  
7 in the State unless, at the time the individual ap-  
8 plies to register to vote, the individual provides docu-  
9 mentary proof that the individual is a citizen of the  
10 United States, which shall consist of any of the fol-  
11 lowing (or a photocopy thereof):

12                       “(A) A certified birth certificate issued by  
13 a State or unit of local government in a State.

14                       “(B) A valid United States passport.

15                       “(C) A Consular Report of Birth Abroad  
16 issued by the Secretary of State.

17                       “(D) A Naturalization Certificate or Cer-  
18 tificate of Citizenship issued by the Secretary of  
19 Homeland Security.

20               “(2) APPLICABILITY.—Paragraph (1) applies  
21 with respect to an individual who applies to register  
22 to vote under section 5, 6, or 7 (including an indi-  
23 vidual who submits the mail voter registration appli-  
24 cation form prescribed by the Election Assistance  
25 Commission pursuant to section 9), or who applies

1 under any other method of voter registration avail-  
2 able in the State.”.

3 (c) REQUIRING APPLICANTS FOR VOTER REGISTRA-  
4 TION TO PROVIDE FULL SOCIAL SECURITY NUMBERS.—

5 (1) REQUIREMENT.—Section 303(a)(5)(A) of  
6 the Help America Vote Act of 2002 (52 U.S.C.  
7 21083(a)(5)(A)) is amended to read as follows:

8 “(A) REQUIRING APPLICANTS TO PROVIDE  
9 FULL SOCIAL SECURITY NUMBER.—Notwith-  
10 standing any other provision of law, an applica-  
11 tion for voter registration for an election for  
12 Federal office may not be accepted or processed  
13 by a State unless the application includes the  
14 applicant’s full Social Security number.”.

15 (2) CONFORMING AMENDMENT RELATING TO  
16 CERTAIN VOTERS REGISTERING BY MAIL.—Section  
17 303(b)(3)(B)(i) of such Act (52 U.S.C.  
18 21083(b)(3)(B)(i)) is amended by striking “either—  
19 ” and all that follows through “; and” and inserting  
20 “the individual’s full Social Security number; and”.

21 (3) CONFORMING AMENDMENT RELATING TO  
22 WAIVER OF PRIVACY ACT.—Section 303(c) of such  
23 Act (52 U.S.C. 21083(c)) is amended to read as fol-  
24 lows:

1           “(c) PERMITTED USE OF SOCIAL SECURITY NUM-  
2 BERS.—Section 7 of the Privacy Act of 1974 (5 U.S.C.  
3 552a note) does not apply to the use of a Social Security  
4 number under subsection (a)(5)(A) or subsection  
5 (b)(3)(B)(i).”.

6           (d) ENSURING PROVISION OF INFORMATION TO  
7 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED  
8 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-  
9 SHIP.—

10           (1) REQUIRING STATE ELECTION OFFICIALS TO  
11 COORDINATE INFORMATION ON RECUSAL AS PART  
12 OF MAINTENANCE OF STATEWIDE VOTER REGISTRA-  
13 TION LIST.—Subparagraph (A) of section 303(a)(2)  
14 of the Help America Vote Act of 2002 (52 U.S.C.  
15 21083(a)(2)) is amended—

16           (A) by redesignating clause (iii) as clause  
17 (iv); and

18           (B) by inserting after clause (ii) the fol-  
19 lowing new clause:

20           “(iii) For purposes of removing names  
21 of ineligible voters from the official list of  
22 eligible voters by reason of citizenship sta-  
23 tus, the State shall coordinate the comput-  
24 erized list with records of courts which  
25 have recused individuals from serving on a

1 jury on the grounds that the individuals  
2 are not citizens of the United States.”.

3 (2) REQUIRING NOTIFICATION BY COURTS.—

4 (A) REQUIREMENT DESCRIBED.—If a  
5 United States district court or a court of any  
6 State or local jurisdiction recuses an individual  
7 from serving on a jury on the grounds that the  
8 individual is not a citizen of the United States,  
9 the court shall transmit a notice of the individ-  
10 ual’s recusal—

11 (i) to the chief State election official  
12 of the State in which the individual re-  
13 sides; and

14 (ii) to the Attorney General.

15 (B) DEFINITIONS.—For purposes of this  
16 subsection—

17 (i) the “chief State election official”  
18 of a State is the individual designated by  
19 the State under section 10 of the National  
20 Voter Registration Act of 1993 (52 U.S.C.  
21 20509) to be responsible for coordination  
22 of the State’s responsibilities under such  
23 Act; and

24 (ii) the term “State” means each of  
25 the several States, the District of Colum-

1           bia, the Commonwealth of Puerto Rico,  
2           American Samoa, Guam, the United States  
3           Virgin Islands, and the Commonwealth of  
4           the Northern Mariana Islands.

5           (e) EFFECTIVE DATE.—This section and the amend-  
6           ments made by this section shall take effect on the date  
7           of the enactment of this Act, and shall apply with respect  
8           to applications for voter registration which are submitted  
9           on or after such date.

10 **SEC. 3. INTEGRITY IN CASTING OF BALLOTS.**

11           (a) PROMOTING INTEGRITY IN CASTING OF BAL-  
12           LOTS.—Title III of the Help America Vote Act of 2002  
13           (52 U.S.C. 21081 et seq.) is amended—

14                   (1) by redesignating sections 304 and 305 as  
15                   sections 305 and 306; and

16                   (2) by inserting after section 303 the following  
17                   new section:

18 **“SEC. 304. PROMOTING INTEGRITY IN CASTING OF BAL-**  
19 **LOTS.**

20                   “(a) REQUIRING PROVISION OF IDENTIFICATION AS  
21                   CONDITION OF VOTING.—

22                           “(1) INDIVIDUALS VOTING IN PERSON.—Not-  
23                   withstanding any other provision of law, the appro-  
24                   priate State or local election official may not provide  
25                   a ballot for an election for Federal office to an indi-



1       vidual who desires to vote in person unless the indi-  
2       vidual presents to the official a current and valid  
3       identification.

4               “(2) INDIVIDUALS VOTING OTHER THAN IN  
5       PERSON.—Notwithstanding any other provision of  
6       law, the appropriate State or local election official  
7       may not accept any ballot for an election for Federal  
8       office provided by an individual who votes other than  
9       in person unless the individual submits with the bal-  
10      lot a copy of a current and valid identification.

11              “(3) CURRENT AND VALID IDENTIFICATION DE-  
12      FINED.—In this subsection, a ‘current and valid  
13      identification’ means a current and valid version of  
14      any of the following:

15                      “(A) An identification issued by a State or  
16                      a unit of local government in a State.

17                      “(B) A United States passport.

18                      “(C) A military identification card.

19                      “(D) An identification issued by a tribal  
20                      government.

21              “(b) PROHIBITING DELIVERY OF BALLOTS BY MAIL  
22      UNLESS REQUESTED.—A State may not deliver a ballot  
23      in an election for Federal office to an individual by mail  
24      unless the individual requests that the State deliver the  
25      ballot to the individual by mail.

1       “(c) PROHIBITING USE OF DROP BOXES FOR COL-  
2 LECTION OF BALLOTS.—A State may not use a drop box  
3 for the collection of voted absentee ballots in an election  
4 for Federal office unless the drop box is located inside a  
5 building which serves as an office for a State or local elec-  
6 tion official.

7       “(d) RESTRICTIONS ON DELIVERY OF VOTED BAL-  
8 LOTS BY THIRD PARTIES.—A State may not accept a  
9 voted absentee ballot in an election for Federal office  
10 which is delivered in person to an election official by any  
11 individual other than the voter to whom the ballot was  
12 transmitted, other than an individual described as follows:

13           “(1) An election official while engaged in offi-  
14 cial duties as authorized by law.

15           “(2) An employee of the United States Postal  
16 Service while engaged in official duties as authorized  
17 by law.

18           “(3) Any other individual who is allowed by law  
19 to collect and transmit United States mail, while en-  
20 gaged in official duties as authorized by law.

21       “(e) PROHIBITING ACCEPTANCE OF ABSENTEE BAL-  
22 LOTS RECEIVED AFTER DATE OF ELECTION.—A State  
23 may not accept a voted absentee ballot in an election for  
24 Federal office which is not received by the appropriate

1 State or local election official prior to the time at which  
2 the polls in the election close on the date of the election.

3 “(f) USE OF SOCIAL SECURITY NUMBERS TO CROSS-  
4 CHECK IDENTIFICATIONS OF INDIVIDUALS CASTING BAL-  
5 LOTS IN AN ELECTION WITH INDIVIDUALS REGISTERED  
6 TO VOTE IN THE ELECTION.—

7 “(1) REQUIREMENT.—Immediately upon the  
8 closing of the polls in an election for Federal office,  
9 each State shall verify the identification of each indi-  
10 vidual who cast a ballot in the election by carrying  
11 out a cross-check of the individual’s identification  
12 with the individual’s identification in the official list  
13 of individuals who are registered to vote in the elec-  
14 tion, using the individual’s full Social Security num-  
15 ber as the method for determining the individual’s  
16 identification.

17 “(2) REPORT TO CONGRESS.—Not later than 7  
18 days after the closing of the polls in an election for  
19 Federal office, the State shall submit to the Com-  
20 mittee on House Administration of the House of  
21 Representatives and the Committee on Rules and  
22 Administration of the Senate a report on the State’s  
23 compliance with subsection (a), and shall include in  
24 the report—

1           “(A) the percentage of individuals who cast  
2           votes in the election whose identifications were  
3           verified by the State under such subsection; and

4           “(B) the number of individuals who cast  
5           votes in the election, or who attempted to cast  
6           votes in the election, whose identifications could  
7           not be verified by the State under such sub-  
8           section.

9           “(g) EXCEPTION FOR ABSENT MILITARY AND OVER-  
10          SEAS VOTERS.—This section does not apply with respect  
11          to any individual who is entitled to vote by absentee ballot  
12          under the Uniformed and Overseas Citizens Absentee Vot-  
13          ing Act (52 U.S.C. 20301 et seq.).

14          “(h) EFFECTIVE DATE.—This section shall apply  
15          with respect to the regularly scheduled general election for  
16          Federal office held in 2022 and any succeeding election  
17          for Federal office.”.

18          (b) CONFORMING AMENDMENT RELATING TO EXIST-  
19          ING IDENTIFICATION REQUIREMENTS.—Section 303 of  
20          such Act (52 U.S.C. 21083) is amended—

21                  (1) by striking subsection (b); and

22                  (2) in subsection (c), as amended by section  
23          2(c)(3), by striking “or subsection (b)(3)(B)(i)”.

24          (c) CONFORMING AMENDMENT RELATING TO EN-  
25          FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)

1 is amended by striking “and 303” and inserting “303, and  
2 304”.

3 (d) CLERICAL AMENDMENT.—The table of contents  
4 of such Act is amended—

5 (1) by redesignating the items relating to sec-  
6 tions 304 and 305 as relating to sections 305 and  
7 306; and

8 (2) by inserting after the item relating to sec-  
9 tion 303 the following:

“Sec. 304. Promoting integrity in casting of ballots.”.

10 **SEC. 4. INTEGRITY IN TABULATION OF BALLOTS.**

11 (a) PROMOTING INTEGRITY.—Title III of the Help  
12 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as  
13 amended by section 3(a), is amended—

14 (1) by redesignating sections 305 and 306 as  
15 sections 306 and 307; and

16 (2) by inserting after section 304 the following  
17 new section:

18 **“SEC. 305. PROMOTING INTEGRITY IN TABULATION OF BAL-**  
19 **LOTS.**

20 “(a) MINIMUM PRESENCE OF ELECTION OBSERV-  
21 ERS.—The appropriate State or local election official shall  
22 permit at least 2 representatives of each candidate appear-  
23 ing on the ballot in a general election for Federal office  
24 to observe the tabulation of the ballots in the election.

1       “(b) CONTINUOUS TABULATION OF BALLOTS UNTIL  
2 COMPLETION.—

3           “(1) IN GENERAL.—Upon the closing of the  
4 polls on the date of an election for Federal office,  
5 the appropriate State or local election official shall  
6 continue the tabulation of the ballots cast in the  
7 election without interruption (other than an inter-  
8 ruption caused by an emergency affecting the health  
9 or safety of the election officials carrying out the  
10 tabulation) until each lawfully cast ballot has been  
11 tabulated.

12           “(2) EXCEPTION FOR PROVISIONAL BALLOTS.—  
13 Paragraph (1) does not apply with respect to the  
14 tabulation of any provisional ballot cast in the elec-  
15 tion.

16       “(c) POST-ELECTION AUDIT.—Not later than 30  
17 days after each election for Federal office held in the  
18 State, each State shall conduct and publish an audit of  
19 the effectiveness and accuracy of the voting systems used  
20 to carry out the election and the performance of the State  
21 and local election officials who carried out the election.

22       “(d) EFFECTIVE DATE.—This section shall apply  
23 with respect to the regularly scheduled general election for  
24 Federal office held in 2022 and any succeeding election  
25 for Federal office.”.

1           (b) CONFORMING AMENDMENT RELATING TO EN-  
2 FORCEMENT.—Section 401 of such Act (52 U.S.C.  
3 21111), as amended by section 3(c), is amended by strik-  
4 ing “and 304” and inserting “304, and 305”.

5           (c) CLERICAL AMENDMENT.—The table of contents  
6 of such Act, as amended by section 3(d), is amended—

7                 (1) by redesignating the items relating to sec-  
8 tions 305 and 306 as relating to section 306 and  
9 307; and

10                (2) by inserting after the item relating to sec-  
11 tion 304 the following new item:

“Sec. 305. Promoting integrity in tabulation of ballots.”.