

118TH CONGRESS
1ST SESSION

H. R. 861

To amend the Help America Vote Act of 2002 to permit an individual who is subject to a requirement to present identification as a condition of voting in an election for Federal office to meet such requirement by presenting a sworn written statement attesting to the individual's identification, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2023

Mr. LARSEN of Washington (for himself and Mr. VEASEY) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to permit an individual who is subject to a requirement to present identification as a condition of voting in an election for Federal office to meet such requirement by presenting a sworn written statement attesting to the individual's identification, 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 “America Votes Act of
5 2023”.

1 **SEC. 2. PERMITTING USE OF SWORN WRITTEN STATEMENT**
2 **TO MEET IDENTIFICATION REQUIREMENTS**
3 **FOR VOTING.**

4 (a) PERMITTING USE OF STATEMENT.—Title III of
5 the Help America Vote Act of 2002 (52 U.S.C. 21081 et
6 seq.) is amended by inserting after section 303 the fol-
7 lowing new section:

8 **“SEC. 303A. PERMITTING USE OF SWORN WRITTEN STATE-**
9 **MENT TO MEET IDENTIFICATION REQUIRE-**
10 **MENTS.**

11 “(a) USE OF STATEMENT.—

12 “(1) IN GENERAL.—Except as provided in sub-
13 section (c), if a State has in effect a requirement
14 that an individual present identification as a condi-
15 tion of receiving and casting a ballot in an election
16 for Federal office, the State shall permit the indi-
17 vidual to meet the requirement—

18 “(A) in the case of an individual who de-
19 sires to vote in person, by presenting the appro-
20 priate State or local election official with a
21 sworn written statement, signed by the indi-
22 vidual under penalty of perjury, attesting to the
23 individual’s identification and attesting that the
24 individual is registered to vote in the election;
25 or

1 “(B) in the case of an individual who de-
2 sires to vote by mail, by submitting with the
3 ballot the statement described in subparagraph
4 (A).

5 “(2) PROVIDING PRE-PRINTED COPY OF STATE-
6 MENT.—A State which is subject to paragraph (1)
7 shall—

8 “(A) prepare a pre-printed version of the
9 statement described in paragraph (1)(A) which
10 includes a blank space for an individual to pro-
11 vide a name and signature;

12 “(B) make copies of the pre-printed
13 version available at polling places for election
14 officials to distribute to individuals who desire
15 to vote in person; and

16 “(C) include a copy of the pre-printed
17 version with each blank absentee or other ballot
18 transmitted to an individual who desires to vote
19 by mail.

20 “(b) REQUIRING USE OF REGULAR BALLOT.—A
21 State may not require an individual who presents or sub-
22 mits a sworn written statement in accordance with sub-
23 section (a)(1) to cast a provisional ballot in the election
24 under section 302.

1 “(c) EXCEPTION FOR FIRST-TIME VOTERS REG-
 2 ISTERING BY MAIL.—Subsections (a) and (b) do not apply
 3 with respect to any individual described in paragraph (1)
 4 of section 303(b) who is required to meet the requirements
 5 of paragraph (2) of such section.”.

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

10 (c) CLERICAL AMENDMENT.—The table of contents
 11 of such Act is amended by inserting after the item relating
 12 to section 303 the following new item:

“Sec. 303A. Permitting use of sworn written statement to meet identification
 requirements.”.

13 **SEC. 3. REQUIRING STATES TO INCLUDE INFORMATION ON**
 14 **USE OF SWORN WRITTEN STATEMENT IN**
 15 **VOTING INFORMATION MATERIAL POSTED AT**
 16 **POLLING PLACES.**

17 Section 302(b)(2) of the Help America Vote Act of
 18 2002 (52 U.S.C. 21082(b)(2)) is amended—

19 (1) by striking “and” at the end of subpara-
 20 graph (E);

21 (2) by striking the period at the end of sub-
 22 paragraph (F) and inserting “; and”; and

23 (3) by adding at the end the following new sub-
 24 paragraph:

1 “(G) in the case of a State that has in ef-
2 fect a requirement that an individual present
3 identification as a condition of receiving and
4 casting a ballot in an election for Federal office,
5 information on how an individual may meet
6 such requirement by presenting a sworn written
7 statement in accordance with section 303A.”.

8 **SEC. 4. EFFECTIVE DATE.**

9 The amendments made by this Act shall apply with
10 respect to elections occurring on or after the date of the
11 enactment of this Act.

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