

118TH CONGRESS
2D SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguard American
5 Voter Eligibility Act” or the “SAVE Act”.

1 **SEC. 2. ENSURING ONLY CITIZENS ARE REGISTERED TO**
2 **VOTE IN ELECTIONS FOR FEDERAL OFFICE.**

3 (a) DEFINITION OF DOCUMENTARY PROOF OF
4 UNITED STATES CITIZENSHIP.—Section 3 of the National
5 Voter Registration Act of 1993 (52 U.S.C. 20502) is
6 amended—

7 (1) by striking “As used” and inserting “(a) IN
8 GENERAL.—As used”; and

9 (2) by adding at the end the following:

10 “(b) DOCUMENTARY PROOF OF UNITED STATES
11 CITIZENSHIP.—As used in this Act, the term ‘documen-
12 tary proof of United States citizenship’ means, with re-
13 spect to an applicant for voter registration, any of the fol-
14 lowing:

15 “(1) A form of identification issued consistent
16 with the requirements of the REAL ID Act of 2005
17 that indicates the applicant is a citizen of the United
18 States.

19 “(2) A valid United States passport.

20 “(3) The applicant’s official United States mili-
21 tary identification card, together with a United
22 States military record of service showing that the
23 applicant’s place of birth was in the United States.

24 “(4) A valid government-issued photo identifica-
25 tion card issued by a Federal, State or Tribal gov-

1 ernment showing that the applicant’s place of birth
2 was in the United States.

3 “(5) A valid government-issued photo identifica-
4 tion card issued by a Federal, State or Tribal gov-
5 ernment other than an identification described in
6 paragraphs (1) through (4), but only if presented to-
7 gether with one or more of the following:

8 “(A) A certified birth certificate issued by
9 a State, a unit of local government in a State,
10 or a Tribal government which—

11 “(i) was issued by the State, unit of
12 local government, or Tribal government in
13 which the applicant was born;

14 “(ii) was filed with the office respon-
15 sible for keeping vital records in the State;

16 “(iii) includes the full name, date of
17 birth, and place of birth of the applicant;

18 “(iv) lists the full names of one or
19 both of the parents of the applicant;

20 “(v) has the signature of an individual
21 who is authorized to sign birth certificates
22 on behalf of the State, unit of local govern-
23 ment, or Tribal government in which the
24 applicant was born;

1 “(vi) includes the date that the certifi-
2 cate was filed with the office responsible
3 for keeping vital records in the State; and

4 “(vii) has the seal of the State, unit
5 of local government, or Tribal government
6 that issued the birth certificate.

7 “(B) An extract from a United States hos-
8 pital Record of Birth created at the time of the
9 applicant’s birth which indicates that the appli-
10 cant’s place of birth was in the United States.

11 “(C) A final adoption decree showing the
12 applicant’s name and that the applicant’s place
13 of birth was in the United States.

14 “(D) A Consular Report of Birth Abroad
15 of a citizen of the United States or a certifi-
16 cation of the applicant’s Report of Birth of a
17 United States citizen issued by the Secretary of
18 State.

19 “(E) A Naturalization Certificate or Cer-
20 tificate of Citizenship issued by the Secretary of
21 Homeland Security or any other document or
22 method of proof of United States citizenship
23 issued by the Federal government pursuant to
24 the Immigration and Nationality Act.

1 “(F) An American Indian Card issued by
2 the Department of Homeland Security with the
3 classification ‘KIC’.”.

4 (b) IN GENERAL.—Section 4 of the National Voter
5 Registration Act of 1993 (52 U.S.C. 20503) is amended—

6 (1) in subsection (a), by striking “subsection
7 (b)” and inserting “subsection (c)”;

8 (2) by redesignating subsection (b) as sub-
9 section (c); and

10 (3) by inserting after subsection (a) the fol-
11 lowing new subsection:

12 “(b) REQUIRING APPLICANTS TO PRESENT DOCU-
13 MENTARY PROOF OF UNITED STATES CITIZENSHIP.—
14 Under any method of voter registration in a State, the
15 State shall not accept and process an application to reg-
16 ister to vote in an election for Federal office unless the
17 applicant presents documentary proof of United States
18 citizenship with the application.”.

19 (c) REGISTRATION WITH APPLICATION FOR MOTOR
20 VEHICLE DRIVER’S LICENSE.—Section 5 of the National
21 Voter Registration Act of 1993 (52 U.S.C. 20504) is
22 amended—

23 (1) in subsection (a)(1), by striking “Each
24 State motor vehicle driver’s license application” and
25 inserting “Subject to the requirements under section

1 8(j), each State motor vehicle driver’s license appli-
2 cation”;

3 (2) in subsection (c)(1), by striking “Each
4 State shall include” and inserting “Subject to the
5 requirements under section 8(j), each State shall in-
6 clude”;

7 (3) in subsection (c)(2)(B)—

8 (A) in clause (i), by striking “and” at the
9 end;

10 (B) in clause (ii), by adding “and” at the
11 end; and

12 (C) by adding at the end the following new
13 clause:

14 “(iii) verify that the applicant is a cit-
15 izen of the United States;”;

16 (4) in subsection (c)(2)(C)(i), by striking “(in-
17 cluding citizenship)” and inserting “, including the
18 requirement that the applicant provides documentary
19 proof of United States citizenship”; and

20 (5) in subsection (c)(2)(D)(iii), by striking “;
21 and” and inserting the following: “, other than as
22 evidence in a criminal proceeding or immigration
23 proceeding brought against an applicant who know-
24 ingly attempts to register to vote and knowingly
25 makes a false declaration under penalty of perjury

1 that the applicant meets the eligibility requirements
2 to register to vote in an election for Federal office;
3 and”.

4 (d) REQUIRING DOCUMENTARY PROOF OF UNITED
5 STATES CITIZENSHIP WITH NATIONAL MAIL VOTER
6 REGISTRATION FORM.—Section 6 of the National Voter
7 Registration Act of 1993 (52 U.S.C. 20505) is amended—

8 (1) in subsection (a)(1)—

9 (A) by striking “Each State shall accept
10 and use” and inserting “Subject to the require-
11 ments under section 8(j), each State shall ac-
12 cept and use”; and

13 (B) by striking “Federal Election Commis-
14 sion” and inserting “Election Assistance Com-
15 mission”;

16 (2) in subsection (b), by adding at the end the
17 following: “The chief State election official of a
18 State shall take such steps as may be necessary to
19 ensure that residents of the State are aware of the
20 requirement to provide documentary proof of United
21 States citizenship to register to vote in elections for
22 Federal office in the State.”;

23 (3) in subsection (c)(1)—

24 (A) in subparagraph (A), by striking
25 “and” at the end;

1 (B) in subparagraph (B) by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(C) the person did not provide documentary
6 proof of United States citizenship when registering
7 to vote.”; and

8 (4) by adding at the end the following new sub-
9 section:

10 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-
11 SHIP.—

12 “(1) PRESENTING PROOF OF UNITED STATES
13 CITIZENSHIP TO ELECTION OFFICIAL.—An applicant
14 who submits the mail voter registration application
15 form prescribed by the Election Assistance Commis-
16 sion pursuant to section 9(a)(2) or a form described
17 in paragraph (1) or (2) of subsection (a) shall not
18 be registered to vote in an election for Federal office
19 unless—

20 “(A) the applicant presents documentary
21 proof of United States citizenship in person to
22 the office of the appropriate election official not
23 later than the deadline provided by State law
24 for the receipt of a completed voter registration
25 application for the election; or

1 “(B) in the case of a State which permits
2 an individual to register to vote in an election
3 for Federal office at a polling place on the day
4 of the election and on any day when voting, in-
5 cluding early voting, is permitted for the elec-
6 tion, the applicant presents documentary proof
7 of United States citizenship to the appropriate
8 election official at the polling place not later
9 than the date of the election.

10 “(2) NOTIFICATION OF REQUIREMENT.—Upon
11 receiving an otherwise completed mail voter registra-
12 tion application form prescribed by the Election As-
13 sistance Commission pursuant to section 9(a)(2) or
14 a form described in paragraph (1) or (2) of sub-
15 section (a), the appropriate election official shall
16 transmit a notice to the applicant of the requirement
17 to present documentary proof of United States citi-
18 zenship under this subsection, and shall include in
19 the notice instructions to enable the applicant to
20 meet the requirement.

21 “(3) ACCESSIBILITY.—Each State shall, in con-
22 sultation with the Election Assistance Commission,
23 ensure that reasonable accommodations are made to
24 allow an individual with a disability who submits the
25 mail voter registration application form prescribed

1 by the Election Assistance Commission pursuant to
2 section 9(a)(2) or a form described in paragraph (1)
3 or (2) of subsection (a) to present documentary
4 proof of United States citizenship to the appropriate
5 election official.”.

6 (e) REQUIREMENTS FOR VOTER REGISTRATION
7 AGENCIES.—Section 7 of the National Voter Registration
8 Act of 1993 (52 U.S.C. 20506) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (4)(A), by adding at the
11 end the following new clause:

12 “(iv) Receipt of documentary proof of
13 United States citizenship of each applicant to
14 register to vote in elections for Federal office in
15 the State.”; and

16 (B) in paragraph (6)—

17 (i) in subparagraph (A)(i)(I), by strik-
18 ing “(including citizenship)” and inserting
19 “, including the requirement that the ap-
20 plicant provides documentary proof of
21 United States citizenship”; and

22 (ii) by redesignating subparagraph
23 (B) as subparagraph (C); and

24 (iii) by inserting after subparagraph
25 (A) the following new subparagraph:

1 “(B) ask the applicant the question, ‘Are you a
2 citizen of the United States?’ and if the applicant
3 answers in the affirmative require documentary
4 proof of United States citizenship prior to providing
5 the form under subparagraph (C);”; and

6 (2) in subsection (c)(1), by inserting “who are
7 citizens of the United States” after “for persons”.

8 (f) REQUIREMENTS WITH RESPECT TO ADMINISTRA-
9 TION OF VOTER REGISTRATION.—Section 8 of the Na-
10 tional Voter Registration Act of 1993 (52 U.S.C. 20507)
11 is amended—

12 (1) in subsection (a)—

13 (A) by striking “In the administration of
14 voter registration” and inserting “Subject to
15 the requirements of subsection (j), in the ad-
16 ministration of voter registration”; and

17 (B) in paragraph (3)—

18 (i) in subparagraph (B), by striking
19 “or” at the end; and

20 (ii) by adding at the end the following
21 new subparagraphs:

22 “(D) based on documentary proof or
23 verified information that the registrant is not a
24 United States citizen; or

1 “(E) the registration otherwise fails to
2 comply with applicable State law;”;

3 (2) by redesignating subsection (j) as sub-
4 section (l); and

5 (3) by inserting after subsection (i) the fol-
6 lowing new subsections:

7 “(j) ENSURING ONLY CITIZENS ARE REGISTERED TO
8 VOTE.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of this Act, a State may not register an in-
11 dividual to vote in elections for Federal office held
12 in the State unless, at the time the individual ap-
13 plies to register to vote, the individual provides docu-
14 mentary proof United States citizenship.

15 “(2) ADDITIONAL PROCESSES IN CERTAIN
16 CASES.—

17 “(A) PROCESS FOR THOSE WITHOUT DOC-
18 UMENTARY PROOF.—

19 “(i) IN GENERAL.—Subject to any rel-
20 evant guidance adopted by the Election As-
21 sistance Commission, each State shall es-
22 tablish a process under which an applicant
23 who cannot provide documentary proof of
24 United States citizenship under paragraph
25 (1) may, if the applicant signs an attesta-

1 tion under penalty of perjury that the ap-
2 plicant is a citizen of the United States
3 and eligible to vote in elections for Federal
4 office, submit such other evidence to the
5 appropriate State official demonstrating
6 that the applicant is a citizen of the
7 United States and such official shall make
8 a determination as to whether the appli-
9 cant has sufficiently established United
10 States citizenship for purposes of reg-
11 istering to vote in elections for Federal of-
12 fice in the State.

13 “(ii) AFFIDAVIT REQUIREMENT.—If a
14 State official makes a determination under
15 clause (i) that an applicant has sufficiently
16 established United States citizenship for
17 purposes of registering to vote in elections
18 for Federal office in the State, such deter-
19 mination shall be accompanied by an affi-
20 davit developed under clause (iii) signed by
21 the official swearing or affirming the appli-
22 cant sufficiently established United States
23 citizenship for purposes of registering to
24 vote.

1 “(iii) DEVELOPMENT OF AFFIDAVIT
2 BY THE ELECTION ASSISTANCE COMMIS-
3 SION.—The Election Assistance Commis-
4 sion shall develop a uniform affidavit for
5 use by State officials under clause (ii),
6 which shall—

7 “(I) include an explanation of the
8 minimum standards required for a
9 State official to register an applicant
10 who cannot provide documentary
11 proof of United States citizenship to
12 vote in elections for Federal office in
13 the State; and

14 “(II) require the official to ex-
15 plain the basis for registering such
16 applicant to vote in such elections.

17 “(B) PROCESS IN CASE OF CERTAIN DIS-
18 CREPANCIES IN DOCUMENTATION.—Subject to
19 any relevant guidance adopted by the Election
20 Assistance Commission, each State shall estab-
21 lish a process under which an applicant can
22 provide such additional documentation to the
23 appropriate election official of the State as may
24 be necessary to establish that the applicant is
25 a citizen of the United States in the event of a

1 discrepancy with respect to the applicant’s doc-
2 umentary proof of United States citizenship.

3 “(3) STATE REQUIREMENTS.—Each State shall
4 take affirmative steps on an ongoing basis to ensure
5 that only United States citizens are registered to
6 vote under the provisions of this Act, which shall in-
7 clude the establishment of a program described in
8 paragraph (4) not later than 30 days after the date
9 of the enactment of this subsection.

10 “(4) PROGRAM DESCRIBED.—A State may meet
11 the requirements of paragraph (3) by establishing a
12 program under which the State identifies individuals
13 who are not United States citizens using information
14 supplied by one or more of the following sources:

15 “(A) The Department of Homeland Secu-
16 rity through the Systematic Alien Verification
17 for Entitlements (‘SAVE’) or otherwise.

18 “(B) The Social Security Administration
19 through the Social Security Number
20 Verification Service, or otherwise.

21 “(C) State agencies that supply State iden-
22 tification cards or drivers licenses where the
23 agency confirms the United States citizenship
24 status of applicants.

1 “(D) Other sources, including databases,
2 which provide confirmation of United States
3 citizenship status.

4 “(5) AVAILABILITY OF INFORMATION.—

5 “(A) IN GENERAL.—At the request of a
6 State election official (including a request re-
7 lated to a process established by a State under
8 paragraph (2)(A) or (2)(B)), the Secretary of
9 Homeland Security and the Commissioner of
10 the Social Security Administration shall, not
11 later than 30 days after receipt of such request,
12 provide the official with such information as
13 may be necessary to enable the official to verify
14 that an applicant for voter registration in elec-
15 tions for Federal office held in the State or a
16 registrant on the official list of eligible voters in
17 elections for Federal office held in the State is
18 a citizen of the United States, which shall in-
19 clude providing the official with such batched
20 information as may be requested by the official.

21 “(B) USE OF SAVE SYSTEM.—The Sec-
22 retary of Homeland Security may respond to a
23 request received under paragraph (1) by using
24 the system for the verification of immigration
25 status under the applicable provisions of section

1 1137 of the Social Security Act (42 U.S.C.
2 1320b-7), as established pursuant to section
3 121(c) of the Immigration Reform and Control
4 Act of 1986 (Public Law 99–603).

5 “(C) SHARING OF INFORMATION.—The
6 Secretary and the Commissioner shall share in-
7 formation with each other with respect to an in-
8 dividual who is the subject of a request received
9 under paragraph (A) in order to enable the Sec-
10 retary and the Commissioner to respond to the
11 request.

12 “(D) INVESTIGATION FOR PURPOSES OF
13 REMOVAL.—The Secretary of Homeland Secu-
14 rity shall conduct an investigation to determine
15 whether to initiate removal proceedings under
16 section 239 of the Immigration and Nationality
17 Act (8 U.S.C. 1229) if it is determined pursu-
18 ant to subparagraph (A) or (B) that an alien
19 (as such term is defined in section 101 of the
20 Immigration and Nationality Act (8 U.S.C.
21 1101)) is unlawfully registered to vote in elec-
22 tions for Federal office.

23 “(E) PROHIBITING FEES.—The Secretary
24 may not charge a fee for responding to a
25 State’s request under paragraph (A).

1 “(k) REMOVAL OF NONCITIZENS FROM REGISTRA-
2 TION ROLLS.—A State shall remove an individual who is
3 not a citizen of the United States from the official list
4 of eligible voters for elections for Federal office held in
5 the State at any time upon receipt of documentation or
6 verified information that a registrant is not a United
7 States citizen.”.

8 (g) CLARIFICATION OF AUTHORITY OF STATE TO RE-
9 MOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGIBLE
10 VOTERS.—

11 (1) IN GENERAL.—Section 8(a)(4) of the Na-
12 tional Voter Registration Act of 1993 (52 U.S.C.
13 20507(a)(4)) is amended—

14 (A) by striking “or” at the end of subpara-
15 graph (A);

16 (B) by adding “or” at the end of subpara-
17 graph (B); and

18 (C) by adding at the end the following new
19 subparagraph:

20 “(C) documentary proof or verified infor-
21 mation that the registrant is not a United
22 States citizen;”.

23 (2) CONFORMING AMENDMENT.—Section
24 8(c)(2)(B)(i) of such Act (52 U.S.C.

1 20507(c)(2)(B)(i) is amended by striking “(4)(A)”
2 and inserting “(4)(A) or (C)”.

3 (h) REQUIREMENTS WITH RESPECT TO FEDERAL
4 MAIL VOTER REGISTRATION FORM.—

5 (1) CONTENTS OF MAIL VOTER REGISTRATION
6 FORM.—Section 9(b) of such Act (52 U.S.C.
7 20508(b)) is amended—

8 (A) in paragraph (2)(A), by striking “(in-
9 cluding citizenship)” and inserting “(including
10 an explanation of what is required to present
11 documentary proof of United States citizen-
12 ship)”;

13 (B) in paragraph (3), by striking “and” at
14 the end;

15 (C) in paragraph (4), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (D) by adding at the end the following new
18 paragraph:

19 “(5) shall include a section, for use only by a
20 State or local election official, to record the type of
21 document the applicant presented as documentary
22 proof of United States citizenship, including the date
23 of issuance, the date of expiration (if any), the office
24 which issued the document, and any unique identi-
25 fication number associated with the document.”.

1 (2) INFORMATION ON MAIL VOTER REGISTRA-
2 TION FORM.—Section 9(b)(4) of such Act (52
3 U.S.C. 20508(b)(4)) is amended—

4 (A) by redesignating clauses (i) through
5 (iii) as subparagraphs (A) through (C), respec-
6 tively; and

7 (B) in subparagraph (C) (as so redesignig-
8 nated), by striking the period at the end and in-
9 serting the following: “, other than as evidence
10 in a criminal proceeding or immigration pro-
11 ceeding brought against an applicant who at-
12 tempts to register to vote and makes a false
13 declaration under penalty of perjury that the
14 applicant meets the eligibility requirements to
15 register to vote in an election for Federal of-
16 fice.”.

17 (i) PRIVATE RIGHT OF ACTION.—Section 11(b)(1) of
18 the National Voter Registration Act of 1993 (52 U.S.C.
19 20510(b)(1)) is amended by striking “a violation of this
20 Act” and inserting “a violation of this Act, including the
21 act of an election official who registers an applicant to
22 vote in an election for Federal office who fails to present
23 documentary proof of United States citizenship,”.

24 (j) CRIMINAL PENALTIES.—Section 12(2) of such
25 Act (52 U.S.C. 20511(2)) is amended—

1 (1) by striking “or” at the end of subparagraph
2 (A);

3 (2) by redesignating subparagraph (B) as sub-
4 paragraph (C); and

5 (3) by inserting after subparagraph (A) the fol-
6 lowing new subparagraph:

7 “(B) registering an applicant to vote in an
8 election for Federal office who fails to present
9 documentary proof of United States citizenship;
10 or”.

11 (k) **APPLICABILITY OF REQUIREMENTS TO CERTAIN**
12 **STATES.**—Subsection (c) of section 4 of the National
13 Voter Registration Act of 1993 (52 U.S.C. 20503), as re-
14 designated by subsection (b), is amended by striking “This
15 Act does not apply to a State” and inserting “Except with
16 respect to the requirements under section 8(j), this Act
17 does not apply to a State”.

18 (l) **EFFECTIVE DATE.**—The amendments made by
19 this section shall take effect on the date of enactment of
20 this Act, and shall apply with respect to applications for
21 voter registration which are submitted on or after such
22 date.

23 **SEC. 3. ELECTION ASSISTANCE COMMISSION GUIDANCE.**

24 Not later than 10 days after the date of the enact-
25 ment of this Act, the Election Assistance Commission shall

1 adopt and transmit to the chief State election official of
2 each State guidance with respect to the implementation
3 of the requirements under section 2.

4 **SEC. 4. INAPPLICABILITY OF PAPERWORK REDUCTION**
5 **ACT.**

6 Subchapter I of chapter 35 of title 44 (commonly re-
7 ferred to as the “Paperwork Reduction Act”) shall not
8 apply with respect to the development or modification of
9 voter registration materials under section 2, including the
10 development or modification of any voter registration ap-
11 plication forms.