H. R. 112TH CONGRESS
2D SESSION

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 signing an affidavit attesting to the individual’s identification, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LARSEN of Washington introduced the following bill; which was referred to the Committee on

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 signing an affidavit 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,
SECTION 1. SHORT TITLE.

This Act may be cited as the “America Votes Act of 2012”.

SEC. 2. PERMITTING USE OF AFFIDAVIT TO MEET IDENTIFICATION REQUIREMENTS FOR VOTING.

(a) PERMITTING USE OF AFFIDAVIT.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by inserting after section 303 the following new section:

“SEC. 303A. PERMITTING USE OF AFFIDAVIT TO MEET IDENTIFICATION REQUIREMENTS.

“(a) USE OF AFFIDAVIT.—Except as provided in subsection (c), if a State has in effect a requirement that an individual present identification as a condition of receiving and casting a ballot in an election for Federal office, the individual may meet the requirement—

“(1) in the case of an individual who desires to vote in person, by presenting the appropriate State or local election official with an affidavit, signed by the individual under penalty of perjury, attesting to the individual’s identification and attesting that the individual is registered to vote in the election; or

“(2) in the case of an individual who desires to vote by mail, by submitting with the ballot the affidavit described in paragraph (1).
“(b) REQUIRING USE OF REGULAR BALLOT.—A State may not require an individual who presents or submits an affidavit in accordance with subsection (a) to cast a provision ballot in the election under section 302.

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

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (42 U.S.C. 15511) is amended by striking “and 303” and inserting “303, and 303A”.

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

“Sec. 303A. Permitting use of affidavit to meet identification requirements.”.

SEC. 3. REQUIRING STATES TO INCLUDE INFORMATION ON USE OF AFFIDAVIT IN VOTING INFORMATION MATERIAL POSTED AT POLLING PLACES.

Section 302(b)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15482(b)(2)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and
(3) by adding at the end the following new sub-
paragraph:

“(G) in the case of a State that has in ef-
flect a requirement that an individual present
identification as a condition of receiving and
casting a ballot in an election for Federal office,
information on how an individual may meet
such requirement by presenting an affidavit in
accordance with section 303A.”.

SEC. 4. EFFECTIVE DATE.

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