

118TH CONGRESS  
2D SESSION

# H. R. 8281

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2024

Mr. ROY (for himself, Mr. GARBARINO, Mr. SCALISE, Mr. EMMER, Ms. STEFANIK, Ms. TENNEY, Mrs. HARSHBARGER, Mr. DONALDS, Mrs. MILLER of Illinois, Mr. RESCHENTHALER, Mr. HIGGINS of Louisiana, Mr. GRAVES of Louisiana, Mr. MCCLINTOCK, Mr. LAWLER, Ms. BOEBERT, Mr. BANKS, Mr. MOORE of Alabama, Mr. MCCAUL, Mr. ARRINGTON, Mr. WILLIAMS of New York, Mr. LANGWORTHY, Mr. ELLZEY, Mr. GUEST, Mr. HERN, Mrs. HOUCHIN, Mr. MIKE GARCIA of California, Mr. WILLIAMS of Texas, Mr. BIGGS, Mr. PALMER, Mr. FEENSTRA, Mr. NEHLS, Mr. BABIN, Mr. SELF, Mr. FALLON, Mr. CLOUD, Mr. CRENSHAW, Mr. HUNT, Mr. WEBER of Texas, Mr. JORDAN, Mr. AUSTIN SCOTT of Georgia, Mr. MCCORMICK, Mr. CLYDE, Mr. BRECHEEN, Mr. BISHOP of North Carolina, Mr. BOST, Mrs. FISCHBACH, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on House Administration

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

22 “(2) A valid United States passport.

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

1           “(4) A valid government-issued photo identifica-  
2           tion card issued by a Federal, State or Tribal gov-  
3           ernment showing that the applicant’s place of birth  
4           was in the United States.

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

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

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

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

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

20           “(iv) lists the full names of one or  
21           both of the parents of the applicant;

22           “(v) has the signature of an individual  
23           who is authorized to sign birth certificates  
24           on behalf of the State, unit of local govern-

1           ment, or Tribal government in which the  
2           applicant was born;

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

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

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

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

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

21          “(E) A Naturalization Certificate or Cer-  
22          tificate of Citizenship issued by the Secretary of  
23          Homeland Security or any other document or  
24          method of proof of United States citizenship

1 issued by the Federal government pursuant to  
2 the Immigration and Nationality Act.

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

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

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

10 (2) by redesignating subsection (b) as sub-  
11 section (c); and

12 (3) by inserting after subsection (a) the fol-  
13 lowing new subsection:

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

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

1           (1) in subsection (a)(1), by striking “Each  
2 State motor vehicle driver’s license application” and  
3 inserting “Subject to the requirements under section  
4 8(j), each State motor vehicle driver’s license appli-  
5 cation”;

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

10          (3) in subsection (c)(2)(B)—

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

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

15           (C) by adding at the end the following new  
16 clause:

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

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

23          (5) in subsection (c)(2)(D)(iii), by striking “;  
24 and” and inserting the following: “, other than as  
25 evidence in a criminal proceeding or immigration

1 proceeding brought against an applicant who know-  
2 ingly attempts to register to vote and knowingly  
3 makes a false declaration under penalty of perjury  
4 that the applicant meets the eligibility requirements  
5 to register to vote in an election for Federal office;  
6 and”.

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

11 (1) in subsection (a)(1)—

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

16 (B) by striking “Federal Election Commis-  
17 sion” and inserting “Election Assistance Com-  
18 mission”;

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

1 (3) in subsection (c)(1)—

2 (A) in subparagraph (A), by striking  
3 “and” at the end;

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

6 (C) by adding at the end the following new  
7 subparagraph:

8 “(C) the person did not provide documentary  
9 proof of United States citizenship when registering  
10 to vote.”; and

11 (4) by adding at the end the following new sub-  
12 section:

13 “(e) ENSURING PROOF OF UNITED STATES CITIZEN-  
14 SHIP.—

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

23 “(A) the applicant presents documentary  
24 proof of United States citizenship in person to  
25 the office of the appropriate election official not



1 later than the deadline provided by State law  
2 for the receipt of a completed voter registration  
3 application for the election; or

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

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

24 “(3) ACCESSIBILITY.—Each State shall, in con-  
25 sultation with the Election Assistance Commission,

1 ensure that reasonable accommodations are made to  
2 allow an individual with a disability who submits the  
3 mail voter registration application form prescribed  
4 by the Election Assistance Commission pursuant to  
5 section 9(a)(2) or a form described in paragraph (1)  
6 or (2) of subsection (a) to present documentary  
7 proof of United States citizenship to the appropriate  
8 election official.”.

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

12 (1) in subsection (a)—

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

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

19 (B) in paragraph (6)—

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

1 (ii) by redesignating subparagraph  
2 (B) as subparagraph (C); and

3 (iii) by inserting after subparagraph  
4 (A) the following new subparagraph:

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

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

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

16 (1) in subsection (a)—

17 (A) by striking “In the administration of  
18 voter registration” and inserting “Subject to  
19 the requirements of subsection (j), in the ad-  
20 ministration of voter registration”; and

21 (B) in paragraph (3)—

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

24 (ii) by adding at the end the following  
25 new subparagraphs:

1           “(D) based on documentary proof or  
2           verified information that the registrant is not a  
3           United States citizen; or

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

6           (2) by redesignating subsection (j) as sub-  
7           section (l); and

8           (3) by inserting after subsection (i) the fol-  
9           lowing new subsections:

10          “(j) ENSURING ONLY CITIZENS ARE REGISTERED  
11          TO VOTE.—

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

18           “(2) ADDITIONAL PROCESSES IN CERTAIN  
19           CASES.—

20           “(A) PROCESS FOR THOSE WITHOUT DOC-  
21           UMENTARY PROOF.—

22           “(i) IN GENERAL.—Subject to any rel-  
23           evant guidance adopted by the Election As-  
24           sistance Commission, each State shall es-  
25           tablish a process under which an applicant

1 who cannot provide documentary proof of  
2 United States citizenship under paragraph  
3 (1) may, if the applicant signs an attesta-  
4 tion under penalty of perjury that the ap-  
5 plicant is a citizen of the United States  
6 and eligible to vote in elections for Federal  
7 office, submit such other evidence to the  
8 appropriate State official demonstrating  
9 that the applicant is a citizen of the  
10 United States and such official shall make  
11 a determination as to whether the appli-  
12 cant has sufficiently established United  
13 States citizenship for purposes of reg-  
14 istering to vote in elections for Federal of-  
15 fice in the State.

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

1 citizenship for purposes of registering to  
2 vote.

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

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

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

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

1           be necessary to establish that the applicant is  
2           a citizen of the United States in the event of a  
3           discrepancy with respect to the applicant’s doc-  
4           umentary proof of United States citizenship.

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

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

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

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

23                  “(C) State agencies that supply State iden-  
24                  tification cards or drivers licenses where the

1 agency confirms the United States citizenship  
2 status of applicants.

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

6 “(5) AVAILABILITY OF INFORMATION.—

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

23 “(B) USE OF SAVE SYSTEM.—The Sec-  
24 retary of Homeland Security may respond to a  
25 request received under paragraph (1) by using



1 the system for the verification of immigration  
2 status under the applicable provisions of section  
3 1137 of the Social Security Act (42 U.S.C.  
4 1320b-7), as established pursuant to section  
5 121(c) of the Immigration Reform and Control  
6 Act of 1986 (Public Law 99-603).

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

14 “(D) INVESTIGATION FOR PURPOSES OF  
15 REMOVAL.—The Secretary of Homeland Secu-  
16 rity shall conduct an investigation to determine  
17 whether to initiate removal proceedings under  
18 section 239 of the Immigration and Nationality  
19 Act (8 U.S.C. 1229) if it is determined pursu-  
20 ant to subparagraph (A) or (B) that an alien  
21 (as such term is defined in section 101 of the  
22 Immigration and Nationality Act (8 U.S.C.  
23 1101)) is unlawfully registered to vote in elec-  
24 tions for Federal office.

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

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

11           (g) CLARIFICATION OF AUTHORITY OF STATE TO  
12 REMOVE NONCITIZENS FROM OFFICIAL LIST OF ELIGI-  
13 BLE VOTERS.—

14           (1) IN GENERAL.—Section 8(a)(4) of the Na-  
15 tional Voter Registration Act of 1993 (52 U.S.C.  
16 20507(a)(4)) is amended—

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

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

21           (C) by adding at the end the following new  
22 subparagraph:

23           “(C) documentary proof or verified infor-  
24 mation that the registrant is not a United  
25 States citizen;”.

1           (2) CONFORMING AMENDMENT.—Section  
2           8(c)(2)(B)(i) of such Act (52 U.S.C.  
3           20507(c)(2)(B)(i)) is amended by striking “(4)(A)”  
4           and inserting “(4)(A) or (C)”.

5           (h) REQUIREMENTS WITH RESPECT TO FEDERAL  
6 MAIL VOTER REGISTRATION FORM.—

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

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

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

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

19                   (D) by adding at the end the following new  
20                   paragraph:

21                   “(5) shall include a section, for use only by a  
22                   State or local election official, to record the type of  
23                   document the applicant presented as documentary  
24                   proof of United States citizenship, including the date  
25                   of issuance, the date of expiration (if any), the office

1       which issued the document, and any unique identi-  
2       fication number associated with the document.”.

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

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

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

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

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

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

5 (2) by redesignating subparagraph (B) as sub-  
6 paragraph (C); and

7 (3) by inserting after subparagraph (A) the fol-  
8 lowing new subparagraph:

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

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

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

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

2 Not later than 10 days after the date of the enact-  
3 ment of this Act, the Election Assistance Commission shall  
4 adopt and transmit to the chief State election official of  
5 each State guidance with respect to the implementation  
6 of the requirements under section 2.

7 **SEC. 4. INAPPLICABILITY OF PAPERWORK REDUCTION**  
8 **ACT.**

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

○