

**AMENDMENT TO SUBSTITUTE
OFFERED BY MR. MCCARTHY**

McCarthy amendment #2

Insert after section 5 of the matter proposed to be inserted by the substitute the following (and redesignate the succeeding provision accordingly):

1 **SEC. 6. REQUIRING VOTERS TO PROVIDE PHOTO IDENTI-**
2 **FICATION.**

3 (a) REQUIREMENT TO PROVIDE PHOTO IDENTIFICA-
4 TION AS CONDITION OF RECEIVING BALLOT.—

5 (1) REQUIREMENT TO PROVIDE PHOTO IDENTI-
6 FICATION AS CONDITION OF RECEIVING BALLOT.—

7 Section 303(b) of the Help America Vote Act of
8 2002 (42 U.S.C. 15483(b)) is amended—

9 (A) in the heading, by striking “FOR VOT-
10 ERS WHO REGISTER BY MAIL” and inserting
11 “FOR PROVIDING PHOTO IDENTIFICATION”;
12 and

13 (B) by striking paragraphs (1) through (3)
14 and inserting the following:

15 “(1) INDIVIDUALS VOTING IN PERSON.—

16 “(A) REQUIREMENT TO PROVIDE IDENTI-
17 FICATION.—Notwithstanding any other provi-

1 sion of law and except as provided in subpara-
2 graph (B), the appropriate State or local elec-
3 tion official may not provide a ballot for an
4 election for Federal office to an individual who
5 desires to vote in person unless the individual
6 presents to the official a government-issued,
7 current, and valid photo identification.

8 “(B) AVAILABILITY OF PROVISIONAL BAL-
9 LOT.—If an individual does not present the
10 identification required under subparagraph (A),
11 the individual shall be permitted to cast a provi-
12 sional ballot with respect to the election under
13 section 302(a), except that the appropriate
14 State or local election official may not make a
15 determination under section 302(a)(4) that the
16 individual is eligible under State law to vote in
17 the election unless the individual presents the
18 identification required under subparagraph (A)
19 to the official not later than 48 hours after
20 casting the provisional ballot.

21 “(2) INDIVIDUALS VOTING OTHER THAN IN
22 PERSON.—

23 “(A) IN GENERAL.—Notwithstanding any
24 other provision of law and except as provided in
25 subparagraph (B), the appropriate State or

1 local election official may not accept any ballot
2 for an election for Federal office provided by an
3 individual who votes other than in person unless
4 the individual submits with the ballot a copy of
5 a government-issued, current, and valid photo
6 identification.

7 “(B) EXCEPTION FOR OVERSEAS MILITARY
8 VOTERS.—Subparagraph (A) does not apply
9 with respect to a ballot provided by an absent
10 uniformed services voter who, by reason of ac-
11 tive duty or service, is absent from the United
12 States on the date of the election involved. In
13 this subparagraph, the term ‘absent uniformed
14 services voter’ has the meaning given such term
15 in section 107(1) of the Uniformed and Over-
16 seas Citizens Absentee Voting Act (42 U.S.C.
17 1973ff—6(1)), other than an individual de-
18 scribed in section 107(1)(C) of such Act.

19 “(3) SPECIFIC REQUIREMENTS FOR GOVERN-
20 MENT ISSUE.—For purposes of paragraphs (1) and
21 (2), an identification is ‘government-issued’ if it is
22 issued by the Federal Government or by the govern-
23 ment of a State.”.

24 (2) CONFORMING AMENDMENTS.—Section 303
25 of such Act (42 U.S.C. 15483) is amended—

1 (A) in the heading, by striking “**FOR VOT-**
2 **ERS WHO REGISTER BY MAIL**” and inserting
3 “**FOR PROVIDING PHOTO IDENTIFICA-**
4 **TION**”; and

5 (B) in subsection (c), by striking “sub-
6 sections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)”
7 and inserting “subsection (a)(5)(A)(i)(II)”.

8 (3) CLERICAL AMENDMENT.—The table of con-
9 tents of such Act is amended by amending the item
10 relating to section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements and re-
quirements for providing photo identification.”.

11 (4) EFFECTIVE DATE.—

12 (A) IN GENERAL.—This subsection and the
13 amendments made by this subsection shall
14 apply with respect to the regularly scheduled
15 general election for Federal office held in No-
16 vember 2010 and each subsequent election for
17 Federal office.

18 (B) CONFORMING AMENDMENT.—Section
19 303(d)(2) of such Act (42 U.S.C. 15483(d)(2))
20 is amended to read as follows:

21 “(2) REQUIREMENT TO PROVIDE PHOTO IDEN-
22 TIFICATION.—Paragraphs (1) and (2) of subsection
23 (b) shall apply with respect to the regularly sched-
24 uled general election for Federal office held in No-

1 vember 2010 and each subsequent election for Fed-
2 eral office.”.

3 (b) MAKING PHOTO IDENTIFICATIONS AVAILABLE.—

4 (1) REQUIRING STATES TO MAKE IDENTIFICA-
5 TION AVAILABLE.—Section 303(b) of such Act (42
6 U.S.C. 15483(b)), as amended by subsection
7 (a)(1)(B), is amended—

8 (A) by redesignating paragraphs (4) and
9 (5) as paragraphs (5) and (6); and

10 (B) by inserting after paragraph (3) the
11 following new paragraph:

12 “(4) MAKING PHOTO IDENTIFICATIONS AVAIL-
13 ABLE.—

14 “(A) IN GENERAL.—During fiscal year
15 2010 and each succeeding fiscal year, each
16 State shall establish a program to provide photo
17 identifications which may be used to meet the
18 requirements of paragraphs (1) and (2) by indi-
19 viduals who desire to vote in elections held in
20 the State but who do not otherwise possess a
21 government-issued photo identification.

22 “(B) IDENTIFICATIONS PROVIDED AT NO
23 COST TO INDIGENT INDIVIDUALS.—If a State
24 charges an individual a fee for providing a

1 photo identification under the program estab-
2 lished under subparagraph (A)—

3 “(i) the fee charged may not exceed
4 the reasonable cost to the State of pro-
5 viding the identification to the individual;
6 and

7 “(ii) the State may not charge a fee
8 to any individual who provides an attesta-
9 tion that the individual is unable to afford
10 the fee.

11 “(C) IDENTIFICATIONS NOT TO BE USED
12 FOR OTHER PURPOSES.—Any photo identifica-
13 tion provided under the program established
14 under subparagraph (A) may not serve as a
15 government-issued photo identification for pur-
16 poses of any program or function of a State or
17 local government other than the administration
18 of elections.”.

19 (2) PAYMENTS TO STATES TO COVER COSTS.—
20 Subtitle D of title II of such Act (42 U.S.C. 15321
21 et seq.), as amended by section 2(c)(4)(A), is further
22 amended by adding at the end the following new
23 part:

1 **“PART 8—PAYMENTS TO COVER COSTS OF PRO-**
2 **VIDING PHOTO IDENTIFICATIONS TO INDI-**
3 **GENT INDIVIDUALS**

4 **“SEC. 298. PAYMENTS TO COVER COSTS TO STATES OF PRO-**
5 **VIDING PHOTO IDENTIFICATIONS FOR VOT-**
6 **ING TO INDIGENT INDIVIDUALS.**

7 “(a) PAYMENTS TO STATES.—The Commission shall
8 make payments to States to cover the costs incurred in
9 providing photo identifications under the program estab-
10 lished under section 303(b)(4) to individuals who are un-
11 able to afford the fee that would otherwise be charged
12 under the program.

13 “(b) AMOUNT OF PAYMENT.—The amount of the
14 payment made to a State under this part for any year
15 shall be equal to the amount of fees which would have
16 been collected by the State during the year under the pro-
17 gram established under section 303(b)(4) but for the ap-
18 plication of section 303(b)(4)(B)(ii), as determined on the
19 basis of information furnished to the Commission by the
20 State at such time and in such form as the Commission
21 may require.

22 **“SEC. 298A. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated for pay-
24 ments under this part such sums as may be necessary for
25 fiscal year 2010 and each succeeding fiscal year.”.

1 (3) CLERICAL AMENDMENT.—The table of con-
2 tents of such Act, as amended by section 2(c)(4)(B),
3 is further amended by adding at the end of the
4 items relating to subtitle D of title II the following:

 “PART 8—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO
 IDENTIFICATIONS TO INDIGENT INDIVIDUALS

 “Sec. 298. Payments to cover costs to States of providing photo identifications
 for voting to indigent individuals.

 “Sec. 298A. Authorization of appropriations.”.

5 (4) EFFECTIVE DATE.—This subsection and the
6 amendments made by this subsection shall take ef-
7 fect October 1, 2009.