



**Legislative Bulletin.....September 20, 2006**

**Contents:**

**H.R. 4844—Federal Election Integrity Act**

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**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 1

**Total Cost of Discretionary Authorizations:** \$77 million over five years

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** \$0

**Total New State & Local Government Mandates:** 3

**Total New Private Sector Mandates:** 1

**Number of Bills Without Committee Reports:** 1 (but one will soon be available)

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 0

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**H.R. 4844—Federal Election Integrity Act—as amended (Hyde, R-IL)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 20<sup>th</sup>, subject to a closed rule (H.Res. 1015).

**Summary:** H.R. 4844 would prohibit, beginning with the November 2008 regularly scheduled general election, a state or local election official from providing a ballot for a federal election to any individual voting in person unless the individual presents a government-issued (federal or state), current, and valid photo identification (ID). Beginning with the November 2010 regularly scheduled general election, in-person voters would have to provide a photo ID that could not have been obtained without proof of U.S. citizenship (the proof of citizenship would have to be displayed or otherwise marked on the ID). Voters not presenting the proper photo ID would be allowed to cast a provisional ballot, but would be

deemed INELIGIBLE to vote unless the voter presents the proper photo ID within 48 hours of casting the provisional ballot.

The bill maintains the same ID requirements as above for individuals who vote by mail, except that the photo ID would have to be photocopied and submitted with the ballot. The vote-by-mail requirements would NOT apply to active duty military servicemen who are absent from the United States on the day of the relevant election.

The bill would require states to each set up a new program, beginning in fiscal years 2008, to provide elections-only photo IDs to individuals who do not possess a government-issued photo ID but who want to vote in elections for federal office. The fee a state charges individuals to get a photo ID under his program could not exceed the “reasonable cost” to the state of providing the ID and could not be charged to anyone who “provides an attestation that the individual is unable to afford the fee.” The federal government would make payments to the states (no sooner than October 1, 2007) to reimburse them for the photo IDs provided for free to people who cannot afford the fee. H.R. 4844 would authorize “such sums as may be necessary” for fiscal year 2008 and every year thereafter for these payments to states.

**Additional Background:** The REAL ID Act (Public Law 109-13) will go into effect in May 2008. Pursuant to that law, people will be required to prove their legal status in the United States to get a compliant ID (driver’s license, etc.) acceptable by federal agencies. H.R. 4844 would allow people to use these REAL ID Act IDs to vote.

**Committee Action:** On March 2, 2006, the bill was referred to the Committee on House Administration, which, on September 14, 2006, marked up, amended, and ordered the bill reported to the full House by a party-line 4-3 vote.

**Cost to Taxpayers:** CBO estimates that the bill would authorize \$1 million in FY2007 and a total of \$77 million over the FY2007-FY2011 period. The bill would not affect mandatory spending or revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, the bill would require states to each establish elections-only photo ID programs, would prohibit state and local election officials from giving ballots to people who do not show the proper photo ID, and would prohibit states from charging fees for the new IDs for people who say they cannot afford them. However, the federal government would make payments to states to help with the costs of the photo-ID program.

The bill would also impose a private sector mandate by requiring individuals to have a certain type of ID to vote in a federal election.

<p><b><u>RSC note:</u></b> Article I, Section 4, Clause 1 of the U.S. Constitution states that: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed</p>
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in each States by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.”

**Constitutional Authority:** Although a committee report is not yet available, House Administration Committee staff informally told RSC staff that the report will constitutional authority in Article I, Section 4, Clause 1 (the congressional power for Congress to make laws regarding the time, place, and manner of holding elections for federal office).

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