

117TH CONGRESS
1ST SESSION

H. R. 5448

To promote integrity in elections for Federal office by prohibiting automatic voter registration and requiring voter identification, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2021

Mr. GOHMERT (for himself, Mr. GOOD of Virginia, and Mrs. MILLER of Illinois) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To promote integrity in elections for Federal office by prohibiting automatic voter registration and requiring voter 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Believe In Delaware
5 Election Nobility Act” or the “BIDEN Act”.

1 **SEC. 2. RESTRICTIONS ON CERTAIN VOTER REGISTRATION**
2 **ACTIVITIES.**

3 (a) PROHIBITION OF AUTOMATIC VOTER REGISTRA-
4 TION.—Section 8 of the National Voter Registration Act
5 of 1993 (52 U.S.C. 20507) is amended—

6 (1) by redesignating subsection (j) as sub-
7 section (k); and

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

10 “(j) PROHIBITING REGISTRATION PURSUANT TO
11 AUTOMATIC VOTER REGISTRATION SYSTEM.—

12 “(1) PROHIBITION.—A State may not register
13 an individual to vote in elections for Federal office
14 pursuant to an automatic voter registration system.

15 “(2) DEFINITION.—In this subsection, the term
16 ‘automatic voter registration system’ means, with re-
17 spect to a State, a system that registers an indi-
18 vidual to vote in elections for Federal office in the
19 State, if eligible, by electronically transferring the
20 information necessary for registration from govern-
21 ment agencies to election officials of the State so
22 that, unless the individual affirmatively declines to
23 be registered, the individual will be registered to vote
24 in such elections.”.

25 (b) VOTER REGISTRATION DEADLINE.—Section
26 8(a)(1) of the National Voter Registration Act of 1993

1 (52 U.S.C. 20507(a)(1)) is amended by striking “not later
 2 than the lesser of 30 days, or the period provided by State
 3 law, before the date of the election” each place it appears
 4 and inserting “not later than the fourth Saturday prior
 5 to the date of the election”.

6 (c) EFFECTIVE DATE.—This section and the amend-
 7 ments made by this section shall apply with respect to the
 8 regularly scheduled general election for Federal office held
 9 in 2022 and any succeeding election for Federal office.

10 **SEC. 3. REQUIRING IN PERSON VOTERS TO PROVIDE IDEN-**
 11 **TIFICATION.**

12 (a) REQUIREMENTS.—Title III of the Help America
 13 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

14 (1) by redesignating sections 304 and 305 as
 15 sections 305 and 306; and

16 (2) by inserting after section 303 the following
 17 new section:

18 **“SEC. 304. MANDATORY PROVISION OF IDENTIFICATION**
 19 **FOR IN PERSON VOTING.**

20 “(a) IDENTIFICATION REQUIREMENTS FOR VOTERS
 21 WHO VOTE IN PERSON.—Notwithstanding any other pro-
 22 vision of law and except as provided in subsection (b) and
 23 section 302(a), the appropriate State or local election offi-
 24 cial may not provide an individual a ballot to vote in per-
 25 son at a polling place in the State in an election for Fed-

1 eral office unless the individual provides to such official
 2 proof of identity and address.

3 “(b) EXCEPTION.—Notwithstanding subsection (a),
 4 the appropriate State or local election official shall provide
 5 a ballot for an election for Federal office to an individual
 6 who desires to vote in person if the individual presents
 7 the appropriate State or local election official with a sworn
 8 written statement attesting to the individual’s identity.

9 “(c) EFFECTIVE DATE.—This section shall apply
 10 with respect to the regularly scheduled general election for
 11 Federal office held in 2022 and any succeeding election
 12 for Federal office.”.

13 (b) CONFORMING AMENDMENT RELATING TO EN-
 14 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
 15 is amended by striking “and 303” and inserting “303, and
 16 304”.

17 (c) CONFORMING AMENDMENTS RELATING TO RE-
 18 PEAL OF EXISTING PHOTO IDENTIFICATION REQUIRE-
 19 MENTS FOR CERTAIN VOTERS.—

20 (1) IN GENERAL.—Section 303 of such Act (42
 21 U.S.C. 15483) is amended—

22 (A) in the heading, by striking “**AND RE-**
 23 **QUIREMENTS FOR VOTERS WHO REGISTER**
 24 **BY MAIL**” and inserting “**AND REQUIRE-**

1 **MENTS FOR MAIL-IN REGISTRATION**
 2 **FORMS”;**

3 (B) in the heading of subsection (b), by
 4 striking “FOR VOTERS WHO REGISTER BY
 5 MAIL” and inserting “FOR MAIL-IN REGISTRA-
 6 TION FORMS”;

7 (C) in subsection (b), by striking para-
 8 graphs (1) through (3) and redesignating para-
 9 graphs (4) and (5) as paragraphs (1) and (2),
 10 respectively; and

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

14 (2) CLERICAL AMENDMENT.—The table of con-
 15 tents of such Act is amended by amending the item
 16 relating to section 303 to read as follows:

“Sec. 303. Computerized statewide voter registration list requirements and re-
 quirements for mail-in registration forms.”.

17 (d) CLERICAL AMENDMENTS.—The table of contents
 18 of such Act is amended—

19 (1) by redesignating the items relating to sec-
 20 tions 304 and 305 as relating to sections 305 and
 21 306; and

22 (2) by inserting after the item relating to sec-
 23 tion 303 the following new item:

“Sec. 304. Mandatory provision of identification for in person voting.”.

1 **SEC. 4. REQUIREMENTS WITH RESPECT TO VOTING BY AB-**
2 **SENTEE BALLOT.**

3 (a) REQUIREMENTS.—Title III of the Help America
4 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
5 by section 3(a), is amended—

6 (1) by redesignating sections 305 and 306 as
7 sections 306 and 307, respectively; and

8 (2) by inserting after section 304 the following
9 new section:

10 **“SEC. 305. REQUIREMENTS WITH RESPECT TO VOTING BY**
11 **ABSENTEE BALLOT.**

12 “(a) INDIVIDUALS ELIGIBLE TO RECEIVE ABSENTEE
13 BALLOT.—

14 “(1) EXCUSABLE REASONS TO RECEIVE ABSEN-
15 TEE BALLOT.—A State may not provide to an indi-
16 vidual an absentee ballot to vote in an election for
17 Federal office unless such individual meets the appli-
18 cation requirements described in paragraph (2) and
19 is unable to vote in person at the appropriate polling
20 place in the State on the date of the election for any
21 of the following reasons:

22 “(A) The business or occupation of the in-
23 dividual prevents such individual from voting in
24 person on the date of the election.

25 “(B) The individual is unable to vote in
26 person on the date of the election because such

1 individual provides care to a parent, spouse, or
2 child with an illness, disability, or injury that
3 requires constant care.

4 “(C) The individual suffers from a physical
5 ailment or is an individual with a disability that
6 substantially limits any major life activities.

7 “(D) The individual will be absent from
8 the jurisdiction in which the individual is reg-
9 istered to vote on the date of the election.

10 “(E) The individual is unable to vote in
11 person on the date of the election due to sin-
12 cerely held religious beliefs.

13 “(F) The individual is entitled to vote by
14 absentee ballot under any other Federal law.

15 “(2) APPLICATION REQUIREMENTS.—A State
16 may not provide to an individual an absentee ballot
17 to vote in an election for Federal office unless—

18 “(A) the individual submits an application
19 to the appropriate State or local election official
20 and such application is received by the official
21 not later than noon on the date before the date
22 of the election; and

23 “(B) the application includes—

24 “(i) the individual’s name and ad-
25 dress;

1 “(ii) the reason such individual is un-
2 able to vote in person at the appropriate
3 polling place in the State on the date of
4 the election and such reason is an excus-
5 able reason described in paragraph (1);
6 and

7 “(iii) a sworn written statement at-
8 testing to the individual’s identity.

9 “(b) RESTRICTIONS ON DELIVERY OF VOTED AB-
10 SENTEE BALLOTS.—A voted absentee ballot delivered to
11 the appropriate election official in an election for Federal
12 office by an individual who is not the voter shall not be
13 counted unless the individual who delivers such ballot is
14 acting with respect to the individual’s official duties as au-
15 thorized by law and is—

16 “(1) an election official;

17 “(2) an employee of the United States Postal
18 Service; or

19 “(3) any other individual who is authorized by
20 law to collect and transmit United States mail.

21 “(c) REQUIREMENTS FOR COLLECTION OF ABSEN-
22 TEE BALLOTS.—The appropriate State or local election
23 official shall collect voted absentee ballots in an election
24 for Federal office delivered to such official in a carrier
25 envelope which is designed to protect such ballots from

1 tampering, removal, or substitution without detection and
2 which shall—

3 “(1) contain absentee ballots from a single ju-
4 risdiction;

5 “(2) be labeled to reflect the jurisdiction for
6 which the absentee ballots are to be counted; and

7 “(3) be sealed by such official at the time at
8 which the polls in the election close on the date of
9 the election.

10 “(d) PROHIBITING USE OF DROP BOXES FOR COL-
11 LECTION OF BALLOTS.—A State may not use a drop box
12 for the collection of voted absentee ballots in an election
13 for Federal office unless the drop box is located inside a
14 building which serves as an office for a State or local elec-
15 tion official.

16 “(e) PROHIBITING ACCEPTANCE OF ABSENTEE BAL-
17 LOTS RECEIVED AFTER DATE OF ELECTION.—A State
18 may not accept a voted absentee ballot in an election for
19 Federal office which is not received by the appropriate
20 State or local election official prior to the time at which
21 the polls in the election close on the date of the election.

22 “(f) EXCEPTION FOR ABSENT MILITARY AND OVER-
23 SEAS VOTERS.—This section, except with respect to the
24 absentee ballot collection requirements specified in sub-
25 section (c), shall not apply with respect to any individual

1 who is entitled to vote by absentee ballot under the Uni-
 2 formed and Overseas Citizens Absentee Voting Act (52
 3 U.S.C. 20301 et seq.).

4 “(g) EFFECTIVE DATE.—This section shall apply
 5 with respect to the regularly scheduled general election for
 6 Federal office held in 2022 and any succeeding election
 7 for Federal office.”.

8 (b) CONFORMING AMENDMENT RELATING TO EN-
 9 FORCEMENT.—Section 401 of the Help America Vote Act
 10 of 2002 (52 U.S.C. 21111), as amended by section 3(b),
 11 is amended by striking “and 304” and inserting “304, and
 12 305”.

13 (c) CLERICAL AMENDMENT.—The table of contents
 14 of such Act, as amended by section 3(d), is amended—

15 (1) by redesignating the items relating to sec-
 16 tions 305 and 306 as relating to sections 306 and
 17 307; and

18 (2) by inserting after the item relating to sec-
 19 tion 304 the following new item:

“Sec. 305. Requirements with respect to voting by absentee ballot.”.

20 **SEC. 5. PROHIBITION AGAINST EARLY VOTING PERIOD.**

21 (a) REQUIREMENTS.—Title III of the Help America
 22 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
 23 by section 3(a) and section 4(a), is amended—

24 (1) by redesignating sections 306 and 307 as
 25 sections 307 and 308, respectively; and

1 (2) by inserting after section 305 the following
2 new section:

3 **“SEC. 306. PROHIBITION AGAINST EARLY VOTING PERIOD.**

4 “(a) IN GENERAL.—A State may not allow individ-
5 uals to vote at a polling place in the State in an election
6 for Federal office during an early voting period which oc-
7 curs prior to the date of the election in the same manner
8 as voting is allowed on such date.

9 “(b) EFFECTIVE DATE.—This section shall apply
10 with respect to the regularly scheduled general election for
11 Federal office held in 2022 and any succeeding election
12 for Federal office.”.

13 (b) CONFORMING AMENDMENT RELATING TO EN-
14 FORCEMENT.—Section 401 of the Help America Vote Act
15 of 2002 (52 U.S.C. 21111), as amended by section 3(b)
16 and section 4(b), is amended by striking “and 305” and
17 inserting “305, and 306”.

18 (c) CLERICAL AMENDMENT.—The table of contents
19 of such Act, as amended by section 3(d) and section 4(c),
20 is amended—

21 (1) by redesignating the items relating to sec-
22 tions 306 and 307 as relating to sections 307 and
23 308, respectively; and

- 1 (2) by inserting after the item relating to sec-
2 tion 305 the following new item:

“Sec. 306. Prohibition against early voting period.”.

