

To the office of U.S. Senator Jon Husted

Re: S 5271 (119th Congress), A bill to amend the Help America Vote Act of 2002 to require voters to provide photo identification. • Latest action (2026-08-08): Cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 52 - 46. Record Vote Number: 231.

VFA SI Solution #240 • published 2026-08-10 • <https://www.valuesforamerica.com/solutions/240>

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Secure and Accessible Federal Elections Act of 2025

The measure, as described from the official record: To require voters to present photo identification when voting in federal elections, in order to prevent voter impersonation fraud and increase public confidence in election integrity.

THE PROPOSAL

This Act requires that for all federal elections, each state shall require voters to present a valid photo identification before casting a ballot. Acceptable identification must be issued by a state or federal government agency, include a photograph and expiration date, and be current or expired no more than five years prior.

To prevent disenfranchisement, each state must provide a free photo identification to any registered voter who requests one, with no fee or documentary requirement beyond proof of residency and citizenship. States must also allow voters who cannot obtain photo identification due to disability, religious objection, or lack of documentation to cast a provisional ballot. That ballot shall be counted if the voter signs an affidavit under penalty of perjury and the signature matches the voter registration record.

The Election Assistance Commission (EAC) shall establish minimum standards for acceptable photo identification and alternative verification procedures. States shall report annually to the EAC on the number of free IDs issued and provisional ballots cast under this section.

Funding: \$100 million per year is authorized to be appropriated from the general fund to the EAC for grants to states to implement free ID programs and voter education. This amount shall be adjusted for inflation annually.

Enforcement: The Attorney General may bring a civil action against a state that fails to comply with any provision of this Act. Additionally, any voter who is denied the right to vote without being offered a free ID or alternative verification may sue in federal district court for injunctive relief and damages. States that fail to comply may lose up to 10% of their Help America Vote Act grant funding.

Sunset: This Act shall expire five years after its effective date, unless reauthorized by Congress.

The EAC shall submit a report to Congress on the impact on voter turnout and fraud prevention one year before expiration.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General fund appropriations, with a cap of \$100 million per year.
Funding Amount	\$100 million per year for five years, total \$500 million.
Sunset Years	5 years
Oversight Body	Election Assistance Commission (EAC)
Enforcement Mechanism	Civil actions by the Attorney General and private right of action for voters; states that fail to comply may lose up to 10% of their HAVA grant funding.
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 4, Clause 1
- Fourteenth Amendment, Equal Protection Clause
- Tenth Amendment

Concerns with the measure as written:

- The original bill may impose an undue burden on the right to vote without providing free access to identification or alternative verification methods, potentially violating the Equal Protection Clause of the Fourteenth Amendment.
 - Congress's power under Article I, Section 4 to regulate the manner of federal elections must be exercised in a way that does not conflict with state authority under the Tenth Amendment or fundamental voting rights.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: free IDs and alternative verification protect voting rights and prevent disenfranchisement of low-income, elderly, and minority voters. Republican priorities: photo ID requirement deters voter impersonation fraud and increases public confidence in election integrity.

Strongest objection, and the answer: States must also allow voters who cannot obtain photo identification due to disability, religious objection, or lack of documentation to cast a provisional ballot.

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