Section 1. Section [ ] is enacted to read:

Proof of United States citizenship requirement; Citizenship status; Duties of election officials.

A) Each individual who applies to register to vote in this state, regardless of method, shall provide the [election official] with Documentary Proof of Citizenship.

B) The [chief election official] shall update the state's voter registration form to:

1) Include a space or box where the applicant is required to enter the identification number printed on their driver's license or state-ID card issued by the [state's motor vehicles agency] or to indicate if the applicant has never been issued a driver's license or state-ID card in this state;

2) Remove any space or box for the applicant to affirm United States citizenship;

3) Include a statement instructing the applicant that if the applicant fails to provide the identification number described in paragraph (1) of this subsection, the applicant must provide the [election official] with another form of Documentary Proof of Citizenship or the application will be rejected.

4) Include a full explanation of the registration process and a clear indication that the applicant must be verified as a United States citizen prior to being registered.

5) Require the applicant to sign affirming that:

a. the information the applicant has provided in this application is accurate;

b. the Documentary Proof of Citizenship the applicant has provided in connection with this application is, to the best of his or her knowledge, sufficient for the [election official] to verify the applicant's United States citizenship;

c. the applicant will provide additional documentation or information to the [election official] as necessary to verify the applicant's United States citizenship.

C) When processing a voter registration application, the [election official] shall verify the applicant is a United States citizen pursuant to Section 2 of this Act.

D) No individual shall be registered to vote in this state as a Verified Voter unless and until the [election official] verifies that the individual is a citizen of the United States, provided that:

1) For applicants submitting the National Mail Voter Registration Form, if an [election official] is unable to verify that an applicant is a citizen of the United States but the applicant otherwise satisfies all applicable legal requirements to register to vote in this state, the [election official] shall register and classify the applicant as a Federal-only Voter.

2) If an [election official] verifies an applicant is not a citizen of the United States, the [election official] shall reject the application. The [election official] shall forward the applicant's information [and supporting documentation] to [the appropriate law enforcement agency and prosecutorial authority].

3) The voter registration records maintained for registered voters shall clearly and accurately indicate each voter's current classification as a Verified Voter or Federal-only Voter. Verified Voters shall not be required to resubmit Documentary Proof of Citizenship during subsequent updates to his or her voter registration.

E) The [election official] shall register Federal-only Voters in a manner that designates each voter's [precinct or voter status] as Federal-only.

Section 2. Section [ ] is enacted to read:

Citizenship verification processes; Notice to certain applicants.

A) When processing a voter registration application, the [election official] shall use all available resources to verify the applicant is a citizen of the United States, including relevant information from the following records:

1) The [state motor vehicle agency]'s electronic database;

2) The United States Social Security Administration database;

3) The United States Citizenship and Immigration Services Systematic Alien Verification for Entitlements Program;

4) A national association for public health statistics and information systems electronic verification of vital events system (or similar state database); and

5) Any other federal, state, or political subdivision database and any other database relating to voter registration to which the [election official] has or is granted access.

B) After processing a voter registration application, the [election official] shall notify the applicant in writing:

1) If the applicant was rejected because he or she was verified as not being a citizen of the United States; or

2) If, for applicants submitting the National Mail Voter Registration Form who could not be verified as a citizen of the United States, the applicant is registered to vote as a Federal-only Voter and the process for submitting Documentary Proof of Citizenship to the [election official] to become classified as a Verified Voter.

C) To the extent allowed under applicable law, the [election official] shall enter into agreements with the following entities, to allow the [election official] to request and obtain records or information relating to an individual's citizenship status. The [election official] shall have the discretion to enter agreements with other entities than those provided below to carry out the provisions of this Act:

1) The [state motor vehicle agency];

2) The United States Social Security Administration;

3). The United States Citizenship and Immigration Services Systemic Alien Verification for Entitlements Program;

4) A national association for public health statistics and information systems electronic verification of vital events system (or similar state database); or

5) Any other federal, state, or political subdivision database and any other database relating to voter registration to which the [election official] is granted access.

D) The [chief election official] shall promulgate regulations to implement the provisions and requirements of this Act within [XX] days of it becoming effective.

Section 3. Section [ ] is enacted to read:

Federal-only voters procedures & rules for voting; Opportunity to verify citizenship.

A) Federal-only Voters may only vote by physical appearance at an appropriate polling place. Federal-only Voters shall follow the same procedures and rules when marking and casting their ballots that are applicable to in-person voting at their respective polling place except as otherwise provided in subsection (C) of this Section.

B) A Federal-only Voter is only qualified to vote in federal contests. Votes cast in elections that are not federal contests shall not be counted unless the Federal-only Voter provides Documentary Proof of Citizenship to the [election official] within the time limit provided in subsection (C) of this Section.

C) A Federal-only Voter shall vote in the same manner as a provisional voter in this state.

1) Provisional voting materials shall clearly reflect the reason for voting provisionally is that the voter is classified as a Federal-only Voter.

2) At any time before the close of [the state's provisional ballot cure period], a Federal-only Voter shall have the opportunity to provide the [election official] with Documentary Proof of Citizenship. If a Federal-only Voter is verified to be a United States citizen, all votes cast on that voter's ballot shall be counted and the [election official] shall update the voter's registration record as a Verified Voter.

3) No later than [X] days following [the close of state's provisional ballot cure period], the [election official] shall send written notice to each Federal-only Voter who submitted a ballot in that election informing the voter of the disposition of his or her ballot and any updates to his or her voter registration record.

D) The [chief election official] shall design, prepare, and distribute a standardized written notice form that shall be provided to each Federal-only Voter who appears to vote. This notice shall inform the voter:

1) The [election official] was unable to verify the voter is a citizen of the United States;

2) The voter is qualified to vote only in federal contests;

3) If the voter wishes for his or her full ballot to be counted, he or she must provide Documentary Proof of Citizenship to the [election official] [by the close of the state's provisional ballot cure period];
4) If the voter takes no action, or if his or her Documentary Proof of Citizenship cannot be verified, only votes cast in federal contests will be counted.

Section 4. Section [ ] is enacted to read:

Collection and exchange of records and information; Confidentiality and retention policy.

A) All records, documents, and correspondence relating to the verification of citizenship by the [election official], and any changes made to voter registration records resulting therefrom, shall be considered voter list maintenance records and shall be retained for [state's document retention period or 22-month NVRA period, whichever is longer].

B) Any records or documents pertaining to the verification of a voter's citizenship status shall be included in that voter's corresponding voter registration record for the duration of that voter's status as a registered voter in this state. Such records and documents shall be stored and maintained in accordance with all applicable provisions of federal and state law regarding the protection of private or personally identifiable information.

Section 5. Section [ ] is enacted to read:

Prohibited acts; Violations.

A) It shall be unlawful for any election official to knowingly and intentionally cause an individual who has not been verified as a citizen of the United States to be classified as a Verified Voter. Violations of this provision shall be punishable as a [class __] felony.

B) It shall be unlawful for any election official to knowingly and intentionally cause an individual who has been determined to not be a citizen of the United States to be registered to vote. Violations of this provision shall be punishable as a [class ___] felony.

C) It shall be unlawful for any person who is not a citizen of the United States to knowingly and intentionally apply to register to vote. Violations of this provision shall be punishable as a [class ___] felony.

D) It shall be unlawful for any person to knowingly and intentionally count, tabulate, or otherwise cause to be counted, votes cast in any race other than a federal contest by a Federal-only Voter unless that voter has been verified as a citizen of the United States pursuant to Section 3(C). Violations of this provision shall be punishable as a [class ___] felony.

Section 6. Section [ ] is enacted to read:

If a federal agency listed in Section 2 ever terminates access to citizenship data by an [election official], the attorney general shall seek redress in a court of law.

Section 7. Section [ ] is enacted to read:

Change in federal law or policy; Severability.

A) If, at any time, any change occurs in federal law or policy such that a state is permitted to enforce or apply a requirement of verification or Documentary Proof of Citizenship to individuals applying to register to vote using the National Mail Voter Registration Form, any provisions of this Act which would otherwise permit an individual to register and vote in any election held in this state without providing Documentary Proof of Citizenship shall immediately cease to be effective and the United States citizenship requirement, verification procedures, and penalties provided for in this Act shall immediately apply to every individual registered to vote or attempting to register to vote in this state.

B) If any provision of this Act is held, in whole or in part, to be unconstitutional or unlawful for any reason, all other provisions of this Act shall not be affected and shall otherwise remain in force and effect to the fullest extent possible.

Section 8. Section [ ] is enacted to read:

Definitions.

For purposes of this chapter, the following definitions apply:

A) "Documentary Proof of Citizenship" shall mean:

1) the number of the applicant's current or expired driver's license or identification card issued by the [state motor vehicle agency] if the agency indicates on the driver's license or identification card (or within the agency's database record for such individual) that the person has provided satisfactory proof of United States citizenship;

2) a legible photocopy of the applicant's birth certificate issued by a United States state or territory, or the District of Columbia that verifies citizenship; provided that if a person has changed his or her name since birth, that person shall provide [legal documentation of the name change in accordance with state law];

3) a legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number or presentation to the [election official] of the applicant's United States passport;

4) the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be classified as a Verified Voter until the number of the certificate of naturalization is verified with the United States Bureau of Citizenship and Immigration services by the [election official], pursuant to 8 U.S.C. § 1373(c);

5) for citizens born abroad, a certificate of report of birth or consular report of birth abroad issued by the United States Department of State; or

6) Other documents or methods of proof that are established pursuant to the federal Immigration Reform and Control Act of 1986 or the federal Immigration and Nationality Act.

7) [The applicant's bureau of Indian affairs card number, tribal treaty card number, or tribal enrollment number.]

B) Verified Voter" shall mean a registered voter in this state whose United States citizenship has been verified by the [election official].

C) "Federal-only Voter" shall mean a voter registered using the National Mail Voter Registration Form in this state, whose United States citizenship status has not been verified by the [election official], is only eligible to vote in federal races, and shall not include any Verified Voter.

D) "Federal contests" shall mean only the contests for the offices of United States Senator and United States Representative.

E) "National Mail Voter Registration Form" shall mean the voter registration application form created and maintained by the U.S. Election Assistance Commission pursuant to 52 U.S.C. § 20508(a)(2).