

AMENDED IN SENATE MARCH 27, 2007

SENATE BILL

No. 173

**Introduced by Senator Harman
(Principal coauthor: Senator Cox)**

February 5, 2007

An act to add Section 14218.3 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as amended, Harman. Elections: voting identification.

(1) Existing law requires a person desiring to vote to announce his or her name and address to a precinct board member and to write them on the roster of voters.

This bill would additionally require a voter to present proof of his or her identity to a member of the precinct board before receiving a ballot. It would specify the documents that may be used for this purpose and would authorize any other form of identification that the Secretary of State deems appropriate. It would permit a voter who is unable to present proof of identity to cast a provisional ballot.

This bill would require the Secretary of State to establish a task force, consisting of representatives from various organizations, to assist in implementing these provisions.

The bill, by requiring county elections officials to develop procedures to implement these provisions, would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14218.3 is added to the Elections Code,
2 to read:

3 14218.3. (a) A voter shall present proof of his or her identity
4 to a member of the precinct board before receiving a ballot.

5 (b) Proof of identity may be established by presenting any of
6 the following documents:

7 (1) A California driver's license.

8 (2) A California identification card.

9 (3) A military identification card.

10 (4) A Certification of Citizenship or a United States passport
11 issued by the federal government.

12 ~~(5) A copy of a birth certificate.~~

13 ~~(6)~~

14 (5) Any other form of identification that the Secretary of State
15 deems appropriate.

16 (c) The Secretary of State shall establish a task force to assist
17 in implementing this section. The task force shall include
18 representatives from organizations that advocate for senior citizens,
19 the disabled, and voting rights. The task force shall assist the
20 Secretary of State in implementing outreach efforts to assure that
21 all eligible voters in this state have the ability to obtain at a minimal
22 cost the documents required by this section.

23 (d) A voter who is unable to present proof of his or her identity,
24 as required by this section, shall be entitled to vote a provisional
25 ballot, as provided in Section 14310.

26 SEC. 2. (a) The Legislature finds that the procedure under
27 current law requiring a voter to announce his or her name to a
28 precinct board member before receiving a ballot and allowing a
29 precinct board member to challenge a potential voter on specified
30 grounds is insufficient to ensure against voting fraud because the
31 potential for, and consequences of, abuse are too great.

1 (b) The Legislature has investigated many other methods to
2 eliminate voting fraud, and finds that each of the other methods is
3 more drastic than the method proposed by this act. Because the
4 current law is ineffective to ensure against voting fraud, the
5 Legislature finds that the method proposed by this act is the least
6 drastic means available.

7 (c) The Legislature finds that Section 1 of this act is necessary
8 to protect the integrity of the voting process, and by establishing
9 additional procedures to reduce voting fraud, this act serves a
10 compelling state interest and its provisions are narrowly tailored
11 to achieving these objectives.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.