

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1356

Introduced by Assembly Members Bill Berryhill and Garrick
(Principal coauthor: Senator Runner)

February 27, 2009

An act to add Section 14216.5 to the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as amended, Bill Berryhill. Elections: proof of identification.

Existing law requires that a person desiring to vote announce his or her name and address to a precinct worker at the polling place.

This bill would also require a person who desires to vote to show specified proof of identification. The bill would authorize a person who does not have proof of identification to vote a provisional ballot after completing an affidavit under penalty of perjury that he or she is a registered voter. The bill would require the Department of Motor Vehicles to waive the fee for an identification card requested for satisfying the voter identification requirement.

By imposing additional duties on elections officials and creating a new crime, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 14216.5 is added to the Elections Code,
2 to read:

3 14216.5. (a) Prior to receiving a ballot, a voter shall present
4 to a member of the precinct board proof of identification that
5 satisfies all of the following requirements:

6 (1) The document shows the name of the individual to whom
7 the document was issued, and the name conforms to the name in
8 the individual's voter registration record.

9 (2) The document shows a photograph of the individual ~~to whom~~
10 ~~the document was issued.~~ *presenting the document.*

11 (3) The document includes an expiration date, and the document
12 is not expired at the time of voting or it expired ~~after the date of~~
13 ~~the most recent general election.~~ *less than two years prior to*
14 *election day.*

15 (4) The document was issued by the United States or the State
16 of California, *or the document is a valid tribal member*
17 *identification card issued by an Indian tribe recognized by the*
18 *federal government.*

19 (b) If a voter is unable to, or refuses to, provide proof of
20 identification pursuant to subdivision (a), he or she may execute
21 a declaration, ~~certified as to its truthfulness and correctness to be~~
22 *correct* under penalty of perjury, declaring that he or she is
23 registered to vote. Upon execution of the declaration, the voter
24 shall be issued a provisional ballot pursuant to Section 14310 *and*
25 *an identification envelope to be completed by the voter in the same*
26 *manner as set forth in Section 3011 for a vote by mail identification*
27 *envelope.*

28 SEC. 2. Section 14902.5 is added to the Vehicle Code, to read:

29 14902.5. Notwithstanding any other provision of law, the fee
30 for an original or replacement identification card shall be waived
31 for a person who requests the identification card for purposes of

1 satisfying the requirement of Section 14216.5 of the Elections
2 Code.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution for certain
5 costs that may be incurred by a local agency or school district
6 because, in that regard, this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty for a crime
8 or infraction, within the meaning of Section 17556 of the
9 Government Code, or changes the definition of a crime within the
10 meaning of Section 6 of Article XIII B of the California
11 Constitution.

12 However, if the Commission on State Mandates determines that
13 this act contains other costs mandated by the state, reimbursement
14 to 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.