

ASSEMBLY BILL

No. 1716

Introduced by Assembly Member Garrick

February 16, 2012

An act to amend Section 3011 of, and to add Section 14215.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1716, as introduced, Garrick. Elections: voter identification.

(1) Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information and that a vote by mail ballot be received by the issuing elections official or the precinct board no later than the close of polls on election day.

This bill would additionally require that the identification envelope include the last 4 digits of the voter's California driver's license number or California identification card number or, if the voter does not possess either of those types of identification, the last 4 digits of the voter's social security number, and would require that the voter's signature and numeric identifying information be verified as being consistent with the voter's state or federal records prior to the voter's ballot being counted. The bill would also require that the identification envelope have a security flap or sleeve to conceal the voter's signature and identifying information during mailing.

(2) Existing law requires that a person desiring to vote announce his or her name and address to the precinct board member at the polling place and then write the information in the index, except for specified exceptions.

This bill would require a person desiring to vote at a polling place to produce and show proof of identification, as defined, to the precinct

worker at the polling place. This bill would also provide for a voter to cast a provisional ballot if the voter declines to provide, or is otherwise unable to provide, sufficient proof of identification. This bill would also provide exemptions from the requirement to provide proof of identification for voters residing in state-licensed care facilities that are used as polling places and voters who establish a religious objection to being photographed. This bill would also provide that, for purposes of complying with the proof of identification requirement, a registered voter could obtain a state-issued identification card from the Department of Motor Vehicles at no cost.

(3) Because this bill would increase the duties of local elections officials regarding conducting elections, it 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, 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 3011 of the Elections Code is amended
 2 to read:
 3 3011. (a) The identification envelope shall contain all of the
 4 following:
 5 (1) A declaration, under penalty of perjury, stating that the voter
 6 resides within the precinct in which he or she is voting and is the
 7 person whose name appears on the envelope.
 8 (2) The signature of the voter *and the last four digits of the*
 9 *voter's California driver's license number or California*
 10 *identification card number or, if the voter has neither, the last four*
 11 *digits of the voter's social security number. The signature and*
 12 *numeric identifying information shall be verified as being*
 13 *consistent with the voter's state or federal records, prior to*
 14 *counting the ballot.*

- 1 (3) The residence address of the voter as shown on the affidavit
2 of registration.
- 3 (4) The date of signing.
- 4 (5) A notice that the envelope contains an official ballot and is
5 to be opened only by the canvassing board.
- 6 (6) A warning plainly stamped or printed on it that voting twice
7 constitutes a crime.
- 8 (7) A warning plainly stamped or printed on it that the voter
9 must sign the envelope in his or her own handwriting in order for
10 the ballot to be counted.
- 11 (8) A statement that the voter has neither applied, nor intends
12 to apply, for a vote by mail voter's ballot from any other
13 jurisdiction for the same election.
- 14 (9) The name of the person authorized by the voter to return the
15 vote by mail ballot pursuant to Section 3017.
- 16 (10) The relationship to the voter of the person authorized to
17 return the vote by mail ballot.
- 18 (11) The signature of the person authorized to return the vote
19 by mail ballot.
- 20 (12) *A security flap or sleeve to conceal the voter's signature*
21 *and identifying information during mailing.*
- 22 (b) Except at a primary election for partisan office, and
23 notwithstanding any other provision of law, the vote by mail voter's
24 party affiliation may not be stamped or printed on the identification
25 envelope.
- 26 SEC. 2. Section 14215.5 is added to the Elections Code, to
27 read:
- 28 14215.5. (a) A person desiring to vote at a polling place shall
29 first provide to the precinct worker at the polling place proof of
30 identification before being permitted to sign the roster of voters.
- 31 (b) For purposes of this section, "proof of identification" refers
32 to a document that satisfies all of the following:
- 33 (1) The document shows the name of the individual to whom
34 the document was issued and the name conforms to the name on
35 the individual's voter registration record.
- 36 (2) The document shows a photograph of the individual to whom
37 the document was issued.
- 38 (3) The document includes an expiration date, and the document
39 is either not expired or expired after the date of the most recent
40 general election.

1 (4) The document was issued by the United States or the State
2 of California.

3 (c) If the voter is unable or declines to present proof of
4 identification, or if a member of the precinct board determines that
5 the proof of identification presented does not meet the requirements
6 of subdivision (b), the voter may request and be issued a
7 provisional ballot and be permitted to vote that ballot.

8 (d) A provisional ballot cast under subdivision (c) shall only be
9 counted if, within 10 days following the election, the voter provides
10 proof of identification that meets the requirements of subdivision
11 (b) to the county voter registration office or establishes that one
12 of the exemptions in subdivisions (e) and (f) applies to the voter.

13 (e) A voter who resides at a state-licensed care facility that is
14 being used as a polling place is not required to provide proof of
15 identification prior to being permitted to sign the roster of voters
16 or to cast his or her ballot.

17 (f) A voter who executes a sworn affidavit before a superior
18 court clerk, or county election board, in a manner prescribed by
19 the board, to declare that the voter has a religious objection to
20 being photographed, shall be permitted to vote by providing a copy
21 of the signed affidavit and proof of identification that meets all of
22 the criteria of subdivision (b) except for the photograph.

23 (g) For purposes of complying with this section, a registered
24 voter may obtain a state-issued identification card from the
25 Department of Motor Vehicles at no cost once for each period of
26 validity of the card.

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.

O