

ASSEMBLY BILL

No. 120

**Introduced by Assembly Member Ackerman
(Principal coauthor: Assembly Member House)**

January 5, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

AB 120, as introduced, Ackerman. Elections: voting identification.

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 require a voter, in addition, to present proof of his or her identity and residency 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 determines to be appropriate. It would permit a voter who is unable to present proof of identity or residency to cast a provisional ballot.

This bill, by requiring the county elections official to develop procedures to implement this bill in a manner that imposes the least burdensome requirements upon voters, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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
- 2 Code, to read:
- 3 14218.3. A voter shall present proof of his or her
- 4 identity and residency to a member of the precinct board
- 5 before receiving a ballot.
- 6 (a) Proof of identity may be established by presenting
- 7 any of the following documents:
- 8 (1) A California driver’s license.
- 9 (2) A California identification card.
- 10 (3) A valid voter registration card.
- 11 (4) A sample ballot pamphlet for the election with the
- 12 voter’s name and address printed thereon by the county
- 13 elections official.
- 14 (5) A military identification card.
- 15 (6) A Certification of Citizenship issued by the
- 16 Immigration and Naturalization Service.
- 17 (7) A copy of a birth certificate.
- 18 (8) Any other form of identification that the Secretary
- 19 of State determines to be appropriate.
- 20 (b) Proof of residency may be established by
- 21 presenting any of the following documents:
- 22 (1) A California driver’s license.
- 23 (2) A California identification card.
- 24 (3) A valid voter registration card.
- 25 (4) A sample ballot pamphlet for the election with the
- 26 voter’s name and address printed thereon by the county
- 27 elections official.



1 (5) A current utility or telephone bill or stub showing
2 the correct name and address.

3 (6) Any other form of identification that the Secretary
4 of State determines to be appropriate.

5 (c) The county elections official shall develop
6 procedures to implement this section in a manner that
7 imposes the least burdensome requirements upon voters.

8 (d) A voter who is unable to present proof of his or her
9 identity or residency as required by this section shall be
10 entitled to vote a provisional ballot, as provided in Section
11 14310.

12 SEC. 2. (a) The Legislature finds that the procedure
13 under current law requiring a voter to announce his or
14 her name to a precinct board member before receiving
15 a ballot and allowing a precinct board member to
16 challenge a potential voter on specified grounds is
17 insufficient to ensure against voting fraud because the
18 potential for and consequences of abuse are too great.

19 (b) The Legislature has investigated many other
20 methods to eliminate voting fraud, and finds that each of
21 the other methods is more drastic than the method
22 proposed by this act. Because the current law is
23 ineffective to ensure against voting fraud, the Legislature
24 finds that the method proposed by this act is the least
25 drastic means available.

26 (c) The Legislature finds that Section 1 of this act is
27 necessary to protect the integrity of the voting process,
28 and by establishing additional procedures to reduce
29 voting fraud, this act serves a compelling state interest
30 and its provisions are narrowly tailored to achieving these
31 objectives.

32 SEC. 3. Notwithstanding Section 17610 of the
33 Government Code, if the Commission on State Mandates
34 determines that this act contains costs mandated by the
35 state, reimbursement to local agencies and school
36 districts for those costs shall be made pursuant to Part 7
37 (commencing with Section 17500) of Division 4 of Title
38 2 of the Government Code. If the statewide cost of the
39 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from
2 the State Mandates Claims Fund.
3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

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