

ASSEMBLY BILL

No. 9

Introduced by Assembly Member Huff

December 4, 2006

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

LEGISLATIVE COUNSEL'S DIGEST

AB 9, as introduced, Huff. Voter identification: proof of identity.

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

This bill would require any eligible citizen, in addition, to present proof of his or her identity to a member of the precinct board before receiving a ballot, and would specify 6 forms of currently valid identification that may be used for this purpose. It would permit a voter who is unable to present proof of identity to cast a provisional ballot. The bill would also make a violation or attempted violation of these provisions a felony.

This bill, by requiring the county elections official to verify a voter's identity, and because it would also create a new crime, 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 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. This act shall be known, and may be cited, as the
2 Voter Identification Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) The right to vote is one of our most important and
5 fundamental rights, and the State of California has a special and
6 compelling interest in safeguarding each and every vote from abuse
7 or fraud.

8 (b) Current law does not require any proof of identity to be
9 presented at the time of voting in person or by absentee ballot.

10 (c) To deter potential voter fraud and ensure the right of citizens
11 to vote, it is necessary that poll workers verify the identity of each
12 person desiring to vote to ensure that the person actually casting
13 a ballot is the person entitled to vote.

14 SEC. 3. Section 14218.3 is added to the Elections Code, to
15 read:

16 14218.3. (a) Any eligible citizen who desires to vote in person
17 at a polling place shall present proof of his or her identity to a
18 member of the precinct board at the time of voting. Any one of
19 the following forms of currently valid picture identification may
20 be used:

21 (1) A California driver's license.

22 (2) A California identification card.

23 (3) A United States military identification card.

24 (4) A United States passport.

25 (5) A tribal enrollment card or other form of tribal identification.

26 (6) A United States federal, state, or local government issued
27 identification.

28 (b) A precinct board member shall visually confirm the
29 photograph and signature of the person desiring to vote, and shall
30 record the identifying number, if any, and the form of identification
31 presented in the roster of voters.

32 (c) Any violation or attempted violation of subdivision (a) shall
33 constitute fraud pursuant to Section 18500.

1 (d) Any voter desiring to vote in person who is unable to present
2 one of the forms of valid picture identification listed in subdivision
3 (a) shall be entitled to vote a provisional ballot.

4 (e) The requirement to present valid picture identification when
5 voting shall be prominently printed on all sample ballots near the
6 location where the voter's polling place is indicated.

7 (f) The provisions of this section are severable. If any provision
8 of this section or its application is held invalid, that invalidity shall
9 not affect other provisions or applications that can be given effect
10 without the invalid provision or application.

11 SEC. 4. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.