

**H. B. 3117**

(By Delegate Manchin)

[Introduced March 25, 2013; referred to the  
Committee on the Judiciary then Finance.]

A BILL to amend and reenact §3-1-34 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §3-1-51; and to amend and reenact §17B-2-1 of said code, all relating to voter photo identification; types of acceptable photo identification; authorization of the execution of voter identity affidavits for qualified voters without photo identification; procedure for the execution of voter identity affidavit; recording voter identity affidavits; authorizing the Secretary of State to propose for promulgation necessary rules; procedures to verify the identity of voters executing voter identity affidavit; providing for the issuance of identification cards; and requiring the state to provide the identification cards without charge to any qualified voter.

*Be it enacted by the Legislature of West Virginia:*

1       That §3-1-34 of the Code of West Virginia, 1931, as amended,  
2 be amended and reenacted; that said code be amended by adding  
3 thereto a new section, designated §3-1-51; and that §17B-2-1 of  
4 said code be amended and reenacted, all to read as follows:

5                               **CHAPTER 3. ELECTIONS.**

6 **ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**

7 **§3-1-34. Voting procedures generally; assistance to voters; voting**  
8                               **records; penalties.**

9       (a) Any person desiring to vote in an election shall, upon  
10 entering the election room, clearly state his or her name and  
11 residence to one of the poll clerks who shall thereupon announce  
12 the same in a clear and distinct tone of voice. If that person is  
13 found to be duly registered as a voter at that precinct, he or she  
14 shall sign his or her name in the designated location provided at  
15 the precinct. If that person is physically or otherwise unable to  
16 sign his or her name, his or her mark shall be affixed by one of  
17 the poll clerks in the presence of the other and the name of the  
18 poll clerk affixing the voter's mark shall be indicated immediately  
19 under the affixation. No ballot may be given to the person until  
20 he or she signs his or her name on the designated location or his  
21 or her signature is affixed thereon.

22       (b) (1) One of the poll clerks shall request that the person  
23 desiring to vote present a valid photo identification meeting the

1 requirements of subdivision (2) of this subsection. If the person  
2 desiring to vote does not have a valid photo identification, a poll  
3 clerk shall inform the voter that he or she may execute a voter  
4 identity affidavit.

5 (2) A valid photo identification shall show the name of the  
6 individual to whom the identification was issued, and the name  
7 shall substantially conform to the name in the individual's voter  
8 registration record; it also shall show a photograph of the  
9 individual to whom the identification was issued; and it shall also  
10 have an expiration date that has not been exceeded by a period of  
11 more than five years from the current date. The following forms of  
12 identification bearing a photograph of the voter shall satisfy the  
13 identification requirements of subdivision (1) of this subsection:

14 (A) A driver's license issued by the State of West Virginia or  
15 any other state.

16 (B) An identification card issued by the Division of Motor  
17 Vehicles pursuant to section one, article two, chapter seventeen-b  
18 of this code or an identification card issued by any other state.

19 (C) A United States armed services identification card.

20 (D) A United States passport.

21 (E) Any other valid photo identification issued by federal,  
22 state, county, or municipal government.

23 (F) A valid student identification card.

24 (G) A photo identification not authorized by paragraphs (A)

1 through (F) but determined to be legitimate by the election  
2 officials, provided that if any person authorized to challenge a  
3 voter under section forty-one of this article objects to the use of  
4 such photo identification, the voter shall be required to execute  
5 a voter identity affidavit as if no identification was presented.

6 (3) If the person desiring to vote produces a photo  
7 identification that is an out-of state driver's license or  
8 nondriver's identification card, the poll clerk shall record the  
9 state of issuance in accordance with uniform procedures developed  
10 by the Secretary of State and the clerk of the county commission or  
11 designee shall submit the information to the Secretary of State  
12 within thirty days of the election.

13 (4) A person desiring to vote who does not have a valid photo  
14 identification, shall receive an explanatory document prepared by  
15 the Secretary of State explaining the proof of identity  
16 requirements. If the person desiring to vote executes a voter  
17 identity affidavit, the poll clerk shall document the execution of  
18 the affidavit in accordance with uniform procedures developed by  
19 the Secretary of State.

20 (A) The voter identity affidavit shall be in the following  
21 form:

22 "State of West Virginia  
23 County of .....

24 I do solemnly swear (or affirm) that my name is

1 .....; that I reside  
2 at.....; and that I am the person listed in  
3 the precinct pollbook under this name and at this address.

4 I understand that knowingly providing false information is a  
5 violation of law and subjects me to fine of up to \$1,000 and/or  
6 confinement in jail for up to 1 year.  
7 .....

8 Signature of voter

9 Subscribed and affirmed before me this ..... day of  
10 ....., 20....

11 .....

12 Name of Election Official

13 .....

14 Signature of Election Official".

15 (B) If the person desiring to vote executes a voter identity  
16 affidavit, a poll clerk shall take a photograph of the voter and  
17 immediately print and attach the photograph to, and thus make it a  
18 part of, the affidavit form. The photograph shall be 2 inches by 2  
19 inches, or larger, and be in color. The poll clerk who took the  
20 photograph and the voter shall then sign the voter identity  
21 affidavit. The poll clerk shall delete the photograph from the  
22 camera in the presence of the voter. If the poll clerk is unable to  
23 take the voter's photograph due to equipment failure or other cause  
24 beyond the poll clerk's reasonable control, the voter may execute

1 a voter identity affidavit without a photograph.

2 (C) If the voter objects to the photograph requirement because  
3 of religious beliefs, he or she may execute an affidavit of  
4 religious exemption that shall be in the following form:

5 "State of West Virginia

6 County of .....

7 I, ....., residing at

8 ....., do hereby swear or affirm

9 that because of my religious beliefs, I object to having my

10 photograph taken and that I do not possess a form of identification

11 that meets the requirements of the election laws of this state

12 showing my photograph.

13 I understand that knowingly providing false information is a

14 violation of law and subjects me to fine of up to \$1,000 and/or

15 confinement in jail for up to 1 year.

16 I hereby swear or affirm, under the penalties for providing

17 false information, that I am the identical person whom I represent

18 myself to be and that to the best of my knowledge and belief the

19 information above is true and correct.

20 .....

21 Signature of voter

22 Subscribed and affirmed before me this ..... day of

23 ....., 20....

24 .....

1 Name of Election Official

2 .....

3 Signature of Election Official".

4 (D) The person entering voter information into the centralized  
5 voter registration database shall cause the records to indicate  
6 when a voter has not presented a valid photo identification and has  
7 executed a voter identity affidavit.

8 (E) If a voter participating in the Address Confidentiality  
9 Program established by section one hundred three, article twenty-  
10 eight-a, chapter forty-eight of this code, executes a voter  
11 identity affidavit, the program participant's residential or  
12 mailing address is subject to the confidentiality provisions of  
13 section one hundred eight article twenty-eight-a, chapter forty-  
14 eight of this code and shall be used only for those statutory and  
15 administrative purposes authorized by this section.

16 (5) The Secretary of State shall propose for promulgation in  
17 accordance with article three, chapter twenty-nine-a of this code  
18 emergency and legislative rules necessary to effectuate the  
19 purposes of this subsection.

20 ~~(b)~~ (c) The clerk of the county commission is authorized, upon  
21 verification that the precinct at which a handicapped person is  
22 registered to vote is not handicap accessible, to transfer that  
23 person's registration to the nearest polling place in the county  
24 which is handicap accessible. A request by a handicapped person

1 for a transfer of registration must be received by the county clerk  
2 no later than thirty days prior to the date of the election. Any  
3 handicapped person who has not made a request for a transfer of  
4 registration at least thirty days prior to the date of the election  
5 may vote a provisional ballot at a handicap accessible polling  
6 place in the county of his or her registration. If during the  
7 canvass the county commission determines that the person had been  
8 registered in a precinct that is not handicap accessible, the voted  
9 ballot, if otherwise valid, shall be counted. The handicapped  
10 person may vote in the precinct to which the registration was  
11 transferred only as long as the disability exists or the precinct  
12 from which the handicapped person was transferred remains  
13 inaccessible to the handicapped. To ensure confidentiality of the  
14 transferred ballot, the county clerk processing the ballot shall  
15 provide the voter with an unmarked envelope and an outer envelope  
16 designated "provisional ballot/handicapped voter". After  
17 validation of the ballot at the canvass, the outer envelope shall  
18 be destroyed and the handicapped voter's ballot shall be placed  
19 with other approved provisional ballots prior to removal of the  
20 ballot from the unmarked envelope.

21 ~~(c)~~ (d) When the voter's signature is properly marked, and  
22 having presented a valid photo identification verifying the voter's  
23 identify or executed a voter identity affidavit, the two poll  
24 clerks shall sign their names in the places indicated on the back

1 of the official ballot and deliver the ballot to the voter to be  
2 voted by him or her without leaving the election room. If he or  
3 she returns the ballot spoiled to the clerks, they shall  
4 immediately mark the ballot "spoiled" and it shall be preserved and  
5 placed in a spoiled ballot envelope together with other spoiled  
6 ballots to be delivered to the board of canvassers and deliver to  
7 the voter another official ballot, signed by the clerks on the  
8 reverse side. The voter shall thereupon retire alone to the booth  
9 or compartment prepared within the election room for voting  
10 purposes and there prepare his or her ballot. In voting for  
11 candidates in general and special elections, the voter shall comply  
12 with the rules and procedures prescribed in section five, article  
13 six of this chapter.

14 ~~(d)~~ (e) It is the duty of a poll clerk, in the presence of the  
15 other poll clerk, to indicate by a check mark, or by other means,  
16 inserted in the appropriate place on the registration record of  
17 each voter the fact that the voter voted in the election. In  
18 primary elections the clerk shall also insert thereon a  
19 distinguishing initial or initials of the political party for whose  
20 candidates the voter voted. If a person is challenged at the  
21 polls, the challenge shall be indicated by the poll clerks on the  
22 registration record, together with the name of the challenger. The  
23 subsequent removal of the challenge shall be recorded on the  
24 registration record by the clerk of the county commission.

1       ~~(e)~~ (f) (1) No voter may receive any assistance in voting  
2 unless, by reason of blindness, disability, advanced age or  
3 inability to read and write, that voter is unable to vote without  
4 assistance. Any voter qualified to receive assistance in voting  
5 under the provisions of this section may:

6       (A) Declare his or her choice of candidates to an Election  
7 Commissioner of each political party who, in the presence of the  
8 voter and in the presence of each other, shall prepare the ballot  
9 for voting in the manner hereinbefore provided and, on request,  
10 shall read to the voter the names of the candidates selected on the  
11 ballot;

12       (B) Require the Election Commissioners to indicate to him or  
13 her the relative position of the names of the candidates on the  
14 ballot, whereupon the voter shall retire to one of the booths or  
15 compartments to prepare his or her ballot in the manner  
16 hereinbefore provided;

17       (C) Be assisted by any person of the voter's choice, other  
18 than the voter's present or former employer or agent of that  
19 employer, the officer or agent of a labor union of which the voter  
20 is a past or present member or a candidate on the ballot or an  
21 official write-in candidate; or

22       (D) If he or she is handicapped, vote from an automobile  
23 outside the polling place or precinct by the absentee balloting  
24 method provided in subsection (e), section five, article three of

1 this chapter in the presence of an Election Commissioner of each  
2 political party if all of the following conditions are met:

3 (i) The polling place is not handicap accessible; and

4 (ii) No voters are voting or waiting to vote inside the  
5 polling place.

6 (2) The voted ballot shall then be returned to the precinct  
7 officials and secured in a sealed envelope to be returned to the  
8 clerk of the county commission with all other election materials.  
9 The ballot shall then be tabulated using the appropriate method  
10 provided in section eight of this chapter as it relates to the  
11 specific voting system in use.

12 (3) Any voter who requests assistance in voting but who is  
13 believed not to be qualified for assistance under the provisions of  
14 this section shall nevertheless be permitted to vote a provisional  
15 ballot with the assistance of any person herein authorized to  
16 render assistance.

17 (4) Any one or more of the election commissioners or poll  
18 clerks in the precinct may challenge the ballot on the ground that  
19 the voter thereof received assistance in voting it when in his, her  
20 or their opinion the person who received assistance in voting is  
21 not so illiterate, blind, disabled or of such advanced age as to  
22 have been unable to vote without assistance. The Election  
23 Commissioner or poll clerk or commissioners or poll clerks making  
24 the challenge shall enter the challenge and reason therefor on the

1 form and in the manner prescribed or authorized by article three of  
2 this chapter.

3 (5) An Election Commissioner or other person who assists a  
4 voter in voting:

5 (A) May not in any manner request or seek to persuade or  
6 induce the voter to vote any particular ticket or for any  
7 particular candidate or for or against any public question and must  
8 not keep or make any memorandum or entry of anything occurring  
9 within the voting booth or compartment and must not, directly or  
10 indirectly, reveal to any person the name of any candidate voted  
11 for by the voter or which ticket he or she had voted or how he or  
12 she had voted on any public question or anything occurring within  
13 the voting booth or compartment or voting machine booth except when  
14 required pursuant to law to give testimony as to the matter in a  
15 judicial proceeding; and

16 (B) Shall sign a written oath or affirmation before assisting  
17 the voter on a form prescribed by the Secretary of State stating  
18 that he or she will not override the actual preference of the voter  
19 being assisted, attempt to influence the voter's choice or mislead  
20 the voter into voting for someone other than the candidate of  
21 voter's choice. The person assisting the voter shall also swear or  
22 affirm that he or she believes that the voter is voting free of  
23 intimidation or manipulation: *Provided*, That no person providing  
24 assistance to a voter is required to sign an oath or affirmation

1 where the reason for requesting assistance is the voter's inability  
2 to vote without assistance because of blindness as defined in  
3 section three, article fifteen, chapter five of this code and the  
4 inability to vote without assistance because of blindness is  
5 certified in writing by a physician of the voter's choice and is on  
6 file in the office of the clerk of the county commission.

7       (6) In accordance with instructions issued by the Secretary of  
8 State, the clerk of the county commission shall provide a form  
9 entitled "list of assisted voters", the form of which list shall  
10 likewise be prescribed by the Secretary of State. The  
11 commissioners shall enter the name of each voter receiving  
12 assistance in voting the ballot, together with the poll slip number  
13 of that voter and the signature of the person or the commissioner  
14 from each party who assisted the voter. If no voter has been  
15 assisted in voting, the commissioners shall likewise make and  
16 subscribe to an oath of that fact on the list.

17       ~~(f)~~ (g) After preparing the ballot, the voter shall fold the  
18 ballot so that the face is not exposed and so that the names of the  
19 poll clerks thereon are seen. The voter shall announce his or her  
20 name and present his or her ballot to one of the commissioners who  
21 shall hand the same to another commissioner, of a different  
22 political party, who shall deposit it in the ballot box if the  
23 ballot is the official one and properly signed. The commissioner  
24 of election may inspect every ballot before it is deposited in the

1 ballot box to ascertain whether it is single, but without unfolding  
2 or unrolling it so as to disclose its content. When the voter has  
3 voted, he or she shall retire immediately from the election room  
4 and beyond the sixty-foot limit thereof and may not return except  
5 by permission of the commissioners.

6 ~~(g)~~ (h) Following the election, the oaths or affirmations  
7 required by this section from those assisting voters, together with  
8 the "list of assisted voters", shall be returned by the Election  
9 Commissioners to the clerk of the county commission along with the  
10 election supplies, records and returns. The clerk of the county  
11 commission shall make the oaths, affirmations and list available  
12 for public inspection and shall preserve them for a period of  
13 twenty-two months or until disposition is authorized or directed by  
14 the Secretary of State or court of record: *Provided*, That the  
15 clerk may use these records to update the voter registration  
16 records in accordance with subsection (d), section eighteen,  
17 article two of this chapter.

18 ~~(h)~~ (i) Any person making an oath or affirmation required  
19 under the provisions of this section who knowingly swears falsely  
20 or any person who counsels, advises, aids or abets another in the  
21 commission of false swearing under this section is guilty of a  
22 misdemeanor and, upon conviction thereof, shall be fined not more  
23 than \$1,000 or confined in jail for a period of not more than one  
24 year, or both fined and confined.

1       ~~(i)~~ (j) Any Election Commissioner or poll clerk who authorizes  
2 or provides unchallenged assistance to a voter when the voter is  
3 known to the Election Commissioner or poll clerk not to require  
4 assistance in voting is guilty of a felony and, upon conviction  
5 thereof, shall be fined not more than \$5,000 or imprisoned in a  
6 state correctional facility for a period of not less than one year  
7 nor more than five years, or both fined and imprisoned.

8   **§3-1-51. Identity Verification of Voters Executing a Voter Identity**  
9                           **Affidavit.**

10       (a) The clerk of the county commission shall cause a letter of  
11 identity verification to be mailed by first class mail to each  
12 voter who executed a voter identity affidavit pursuant to section  
13 thirty-four of this article. The letter shall be mailed within  
14 sixty days after the election. The clerk shall mark the envelope  
15 with instructions to the United States Post Office not to forward  
16 the letter and to provide address correction information. The  
17 letter shall notify the addressee that a person who did not present  
18 valid photo identification voted using his or her name and address  
19 and instruct the addressee to contact the clerk immediately if he  
20 or she did not vote. The letter shall also inform the addressee of  
21 the procedure for obtaining a nondriver's picture identification  
22 card for voting purposes.

23       (b) The clerk of the county commission shall cause letters  
24 mailed pursuant to subsection (a) that are returned as

1 undeliverable by the United States Post Office to be referred to  
2 the Secretary of State. The clerk shall also prepare and forward to  
3 the Secretary of State a list of all persons who were mailed  
4 letters under subsection (a) and who notified the clerk that they  
5 did not vote. Upon receipt of notice from a person who receives a  
6 letter of identity verification that the person did not vote, or  
7 upon receipt of a referral from the clerk, the Secretary of State  
8 shall cause an investigation to be made to determine whether  
9 fraudulent voting occurred.

10 (c) Within sixty days after a general election, the Secretary  
11 of State shall compile a report of the number of voters that did  
12 not present valid photo identification at each election occurring  
13 since the previous state general election, and forward the report  
14 to the Speaker of the House of Delegates, and the President of the  
15 Senate.

16 **CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.**

17 **ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

18 **§17B-2-1. Drivers must be licensed; types of licenses; licensees**  
19 **need not obtain local government license; motorcycle**  
20 **driver license; identification cards.**

21 (a) (1) No person, except those hereinafter expressly exempted,  
22 may drive any motor vehicle upon a street or highway in this state  
23 or upon any subdivision street used by the public generally unless

1 the person has a valid driver's license issued pursuant to this  
2 code for the type or class of vehicle being driven.

3 (2) Any person licensed to operate a motor vehicle pursuant to  
4 this code may exercise the privilege thereby granted in the manner  
5 provided in this code and, except as otherwise provided by law, is  
6 not required to obtain any other license to exercise the privilege  
7 by any county, municipality or local board or body having authority  
8 to adopt local police regulations.

9 (b) The division, upon issuing a driver's license, shall  
10 indicate on the license the type or general class or classes of  
11 vehicles the licensee may operate in accordance with this code,  
12 federal law or rule. Licenses shall be issued in different colors  
13 for those drivers under age eighteen, those drivers age eighteen to  
14 twenty-one and adult drivers. The commissioner is authorized to  
15 select and assign colors to the licenses of the various age groups.

16 (c) The following drivers licenses classifications are hereby  
17 established:

18 (1) A Class A, B or C license shall be issued to those persons  
19 eighteen years of age or older with two years of driving experience  
20 who have qualified for the commercial driver's license established  
21 by chapter seventeen-e of this code and the federal Motor Carrier  
22 Safety and Improvement Act of 1999 and subsequent rules, and have  
23 paid the required fee.

24 (2) A Class D license shall be issued to those persons

1 eighteen years and older with one year of driving experience who  
2 operate motor vehicles other than those types of vehicles which  
3 require the operator to be licensed under the provisions of chapter  
4 seventeen-e of this code and federal law and rule and whose primary  
5 function or employment is the transportation of persons or property  
6 for compensation or wages and have paid the required fee. For the  
7 purpose of regulating the operation of motor vehicles, wherever the  
8 term "chauffeur's license" is used in this code, it shall be  
9 construed to mean the Class A, B, C or D license described in this  
10 section or chapter seventeen-e of this code or federal law or rule:  
11 *Provided*, That anyone not required to be licensed under the  
12 provisions of chapter seventeen-e of this code and federal law or  
13 rule and who operates a motor vehicle registered or required to be  
14 registered as a Class A motor vehicle, as that term is defined in  
15 section one, article ten, chapter seventeen-a of this code, with a  
16 gross vehicle weight rating of less than eight thousand one pounds,  
17 is not required to obtain a Class D license.

18 (3) A Class E license shall be issued to those persons who  
19 have qualified for a driver's license under the provisions of this  
20 chapter and who are not required to obtain a Class A, B, C or D  
21 license and who have paid the required fee. The Class E license  
22 may be endorsed under the provisions of section seven-b of this  
23 article for motorcycle operation. The Class E or (G) license for  
24 any person under the age of eighteen may also be endorsed with the

1 appropriate graduated driver license level in accordance with the  
2 provisions of section three-a of this article.

3 (4) A Class F license shall be issued to those persons who  
4 successfully complete the motorcycle examination procedure provided  
5 by this chapter and have paid the required fee, but who do not  
6 possess a Class A, B, C, D or E driver's license.

7 (5) A Class G driver's license or instruction permit shall be  
8 issued to a person using bioptic telescopic lenses who has  
9 successfully completed an approved driver training program and  
10 complied with all other requirements of article two-b of this  
11 chapter.

12 (d) All licenses issued under this section may contain  
13 information designating the licensee as a diabetic, organ donor, as  
14 deaf or hard-of-hearing, or as having any other handicap or  
15 disability, or that the licensee is an honorably discharged veteran  
16 of any branch of the Armed Forces of the United States according to  
17 criteria established by the division, if the licensee requests this  
18 information on the license. An honorably discharged veteran may be  
19 issued a replacement license without charge if the request is made  
20 before the expiration date of the current license and the only  
21 purpose for receiving the replacement license is to get the  
22 veterans designation placed on the license.

23 (e) No person, except those hereinafter expressly exempted,  
24 may drive any motorcycle upon a street or highway in this state or

1 upon any subdivision street used by the public generally unless the  
2 person has a valid motorcycle license, a valid license which has  
3 been endorsed under section seven-b of this article for motorcycle  
4 operation or a valid motorcycle instruction permit.

5 (f) (1) An identification card may be issued to any person  
6 who:

7 (A) Is a resident of this state in accordance with the  
8 provisions of section one-a, article three, chapter seventeen-a of  
9 this code;

10 (B) Has reached the age of two years. The division may also  
11 issue an identification card to a person under the age of two years  
12 for good cause shown;

13 (C) Has paid the required fee of two dollars and fifty cents  
14 per year: *Provided*, That ~~the fee is not required~~ no fees or  
15 charges, including renewal fees, are required if the applicant is

16 (i) Sixty-five years or older; or

17 (ii) Is legally blind; or

18 (iii) Will be at least eighteen years of age at the next  
19 general, municipal, or special election and intends to use this  
20 identification card as a form of identification for voting; and

21 (D) Presents a birth certificate or other proof of age and  
22 identity acceptable to the division with a completed application on  
23 a form furnished by the division.

24 (2) The identification card shall contain the same information

1 as a driver's license except that the identification card shall be  
2 clearly marked as an identification card. The division may issue  
3 an identification card with less information to persons under the  
4 age of sixteen. An identification card may be renewed annually on  
5 application and payment of the fee required by this section.

6 (A) Every identification card issued to a person who has  
7 attained his or her twenty-first birthday expires on the licensee's  
8 birthday in those years in which the licensee's age is evenly  
9 divisible by five. Except as provided in paragraph (B) of this  
10 subdivision, no identification card may be issued for less than  
11 three years or for more than seven years and expires on the  
12 licensee's birthday in those years in which the licensee's age is  
13 evenly divisible by five.

14 (B) Every identification card issued to a person who has not  
15 attained his or her twenty-first birthday expires thirty days after  
16 the licensee's twenty-first birthday.

17 (C) Every identification card issued to persons under the age  
18 of sixteen shall be issued for a period of two years and shall  
19 expire on the last day of the month in which the applicant's  
20 birthday occurs.

21 (3) The division may issue an identification card to an  
22 applicant whose privilege to operate a motor vehicle has been  
23 refused, canceled, suspended or revoked under the provisions of  
24 this code.

1           (g) Any person violating the provisions of this section is  
2 guilty of a misdemeanor and, upon conviction, shall be fined not  
3 more than \$500 ; and upon a second or subsequent conviction, shall  
4 be fined not more than \$500 or confined in jail not more than six  
5 months, or both fined and confined.

NOTE: The purpose of this bill is to require voters to provide a photo identification when voting, to provide for the execution of an affidavit by voters without photo identification. The bill also provides for complimentary photo identification cards to be issued to any voter who requests one.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.