

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4013

(BY DELEGATES LANE, ANDERSON, BLAIR, HAMRICK,
AMBLER, D. EVANS, BORDER, MCCUSKEY,
HOUSEHOLDER, IRELAND AND ZATEZALO)

[Introduced February 1, 2016;

referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §3-1-34 and §3-1-41 of the Code of West Virginia, 1931, as
2 amended; to amend said code by adding thereto a new section, designated §3-1-51, and
3 to amend and reenact §17B-2-1 of said code, all relating to voting procedures; requiring a
4 person desiring to vote to present documentation identifying the voter to one of the poll
5 clerks; setting forth the requirements for that documentation; identifying acceptable
6 documentation; providing alternative procedures for casting a ballot where acceptable
7 identification is lacking; exempting from disclosure the address of individuals in the
8 Address Confidentiality Program; directing the Secretary of State to educate voters about
9 the identification requirement and develop a program to help ensure that all eligible voters
10 obtain identification; providing for casting of provisional ballot by a person without
11 adequate proof of identification; providing certain exemptions from the requirement to
12 present a photo identification card; modifying provisional ballot procedures; providing for
13 issuance of identification cards at no charge; and establishing procedures for persons over
14 a certain age and lacking certain documents to acquire driver's licenses and photo
15 identification cards.

Be it enacted by the Legislature of West Virginia:

1 That §3-1-34 and §3-1-41 of the Code of West Virginia, 1931, as amended, be amended
2 and reenacted; that said code be amended by adding thereto a new section, designated §3-1-51;
3 and that §17B-2-1 of said code be amended and reenacted, all to read as follows:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

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

1 (a) ~~Any~~ A person desiring to vote in an election shall, upon entering the election room,
2 clearly state his or her name and residence to one of the poll clerks who shall thereupon announce

3 the same in a clear and distinct tone of voice. For elections after January 1, 2018, the person
4 desiring to vote shall present to one of the poll clerks an identifying document meeting the
5 requirements of subdivision (1) of this subsection; and, the poll clerk shall inspect and confirm
6 that the name on the identifying document conforms to the name in the individual's voter
7 registration record and that the image displayed is truly an image of the person presenting the
8 document. If that person is found to be duly registered as a voter at that precinct, he or she shall
9 sign his or her name in the designated location provided at the precinct. If that person is physically
10 or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll
11 clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be
12 indicated immediately under the affixation. No ballot may be given to the person until he or she
13 signs his or her name on the designated location or his or her signature is affixed thereon.

14 (1) A valid identifying document must:

15 (A) Have been issued either by the State of West Virginia, or one of its subsidiaries, or by
16 the United States Government; and

17 (B) Must contain the name and a photograph of the person desiring to vote; and

18 (C) Must either be currently valid or have expired no more than six months before the date
19 of the primary or general election in which the person desires to vote.

20 (2) A person desiring to vote may produce any of the following documents:

21 (A) A valid West Virginia driver's license or valid West Virginia identification card issued
22 by the West Virginia Division of Motor Vehicles;

23 (B) A valid driver's license issued by a state other than the State of West Virginia;

24 (C) A valid United States passport or passport card;

25 (D) A valid employee identification card with a photograph of the eligible voter issued by
26 any branch, department, agency, or entity of the United States Government or of the State of
27 West Virginia, or by any county, municipality, board, authority, or other political subdivision of
28 West Virginia;

29 (E) A valid student identification card with a photograph of the eligible voter issued by an
30 institution of higher education in West Virginia, or a valid high school identification card issued by
31 a West Virginia high school;

32 (F) A valid military identification card issued by the United States with a photograph of the
33 person desiring to vote;

34 (G) A valid concealed carry (pistol/revolver) permit issued by the Sheriff of the County with
35 a photograph of the person desiring to vote; or

36 (H) A valid Medicare card or Social Security Card: *Provided*, That it is not necessary for
37 such to contain a photograph.

38 (3) In lieu of providing identifying documents, as required by this section, a registered voter
39 may be accompanied at the polling place by an adult known to the registered voter for at least six
40 months, who can sign an affidavit on a form provided to clerks and poll workers by the office of
41 the secretary of state, which states under oath or affirmation that the adult has known the
42 registered voter for at least six months, and that in fact the registered voter is the same person
43 who is present for the purpose of voting, and with that affidavit the adult shall present at least one
44 identifying document with his or her name, address, and photograph. A poll worker may sign an
45 affidavit for a voter known to the poll worker at least six months without presenting an identifying
46 document, and may take the oath or affirmation of an adult providing an affidavit at the polling
47 place if so authorized by the clerk conducting voting procedures at the polling place.

48 (4) If the person desiring to vote is unable to furnish an identifying document which
49 contains his or her name and a photograph, or, if the poll clerk determines that the proof of
50 identification presented by the voter does not qualify as proof of identification under the above
51 listed criteria, the person desiring to vote shall be allowed to cast a provisional ballot after
52 executing an affidavit affirming his or her identity pursuant to paragraph (B) of this subdivision.

53 (A) The provisional ballot is entitled to be counted once the election authority verifies the
54 identity of the individual by comparing that individual's signature to the current signature on file

55 with the election authority and determines that the individual was otherwise eligible to cast a ballot
56 at the polling place where the ballot was cast.

57 (B) The affidavit to be used for voting shall be substantially in the following form:

58 “State of West Virginia

59 County of

60 I do solemnly swear (or affirm) that my name is; that I
61 reside at.....; and that I am the person listed in the precinct register under this name
62 and at this address.

63 I understand that knowingly providing false information is a violation of law and subjects
64 me to possible criminal prosecution.

65

66 Signature of voter

67 Subscribed and affirmed before me this day of, 20....

68

69 Name of Election Official

70

71 Signature of Election Official”.

72 (5) A voter who votes in person at a precinct polling place that is located in a building
73 which is part of a state licensed care facility where the voter is a resident is not required to provide
74 proof of identification as a condition before voting in an election.

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

77 “State of West Virginia

78 County of

79 I....., residing at, do hereby swear or affirm that
80 because of my religious beliefs, I object to having my photograph taken and that I do not possess

81 a form of identification that meets the requirements of the election laws of this state showing my
82 photograph.

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

85 I hereby swear or affirm, under the penalties for providing false information, that I am the
86 identical person whom I represent myself to be and that to the best of my knowledge and belief
87 the information above is true and correct.

88

89 Signature of voter

90 Subscribed and affirmed before me this day of, 20....

91

92 Name of Election Official

93

94 Signature of Election Official”.

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

98 (8) If a voter participating in the Address Confidentiality Program established by section
99 one hundred three, article twenty-eight-a, chapter forty-eight of this code, executes a voter identity
100 affidavit, the program participant’s residential or mailing address is subject to the confidentiality
101 provisions of section one hundred eight, article twenty-eight-a, chapter forty-eight of this code and
102 shall be used only for those statutory and administrative purposes authorized by this section.

103 (9) Prior to the next primary or general election following the effective date of this section,
104 the Secretary of State shall educate voters about the identification requirement and develop a
105 program to help ensure that all eligible voters are able to obtain an identifying document.

106 (b) The clerk of the county commission is authorized, upon verification that the precinct at
107 which a handicapped person is registered to vote is not handicap accessible, to transfer that
108 person's registration to the nearest polling place in the county which is handicap accessible. A
109 request by a handicapped person for a transfer of registration must be received by the county
110 clerk no later than thirty days prior to the date of the election. ~~Any~~ A handicapped person who has
111 not made a request for a transfer of registration at least thirty days prior to the date of the election
112 may vote a provisional ballot at a handicap accessible polling place in the county of his or her
113 registration. If during the canvass the county commission determines that the person had been
114 registered in a precinct that is not handicap accessible, the voted ballot, if otherwise valid, shall
115 be counted. The handicapped person may vote in the precinct to which the registration was
116 transferred only as long as the disability exists or the precinct from which the handicapped person
117 was transferred remains inaccessible to the handicapped. To ensure confidentiality of the
118 transferred ballot, the county clerk processing the ballot shall provide the voter with an unmarked
119 envelope and an outer envelope designated "provisional ballot/handicapped voter". After
120 validation of the ballot at the canvass, the outer envelope shall be destroyed and the handicapped
121 voter's ballot shall be placed with other approved provisional ballots prior to removal of the ballot
122 from the unmarked envelope.

123 (c) When the voter's signature is properly marked and the voter has presented a valid
124 identifying document, the two poll clerks shall sign their names in the places indicated on the back
125 of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the
126 election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the
127 ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with
128 other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another
129 official ballot, signed by the clerks on the reverse side. The voter shall thereupon retire alone to
130 the booth or compartment prepared within the election room for voting purposes and there
131 prepare his or her ballot. In voting for candidates in general and special elections, the voter shall
132 comply with the rules and procedures prescribed in section five, article six of this chapter.

133 (d) It is the duty of a poll clerk, in the presence of the other poll clerk, to indicate by a check
134 mark, or by other means, inserted in the appropriate place on the registration record of each voter
135 the fact that the voter voted in the election. In primary elections the clerk shall also insert ~~thereon~~
136 on the registration record of each voter a distinguishing initial or initials of the political party for
137 whose candidates the voter voted. If a person is challenged at the polls, the challenge shall be
138 indicated by the poll clerks on the registration record, together with the name of the challenger.
139 The subsequent removal of the challenge shall be recorded on the registration record by the clerk
140 of the county commission.

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

145 (A) Declare his or her choice of candidates to an Election Commissioner of each political
146 party who, in the presence of the voter and in the presence of each other, shall prepare the ballot
147 for voting in the manner ~~hereinbefore~~ provided in this section and, on request, shall read to the
148 voter the names of the candidates selected on the ballot;

149 (B) Require the Election Commissioners to indicate to him or her the relative position of
150 the names of the candidates on the ballot, ~~whereupon~~ the voter shall then retire to one of the
151 booths or compartments to prepare his or her ballot in the manner ~~hereinbefore~~ provided in this
152 section;

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

156 (D) If he or she is handicapped, vote from an automobile outside the polling place or
157 precinct by the absentee balloting method provided in subsection (e), section five, article three of
158 this chapter in the presence of an Election Commissioner of each political party if all of the
159 following conditions are met:

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

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

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

166 (3) ~~Any~~ A voter who requests assistance in voting but who is believed not to be qualified
167 for assistance under the provisions of this section shall nevertheless be permitted to vote a
168 provisional ballot with the assistance of any person herein authorized to render assistance.

169 (4) ~~Any~~ One or more of the Election Commissioners or poll clerks in the precinct may
170 challenge the ballot on the ground that the voter ~~thereof~~ received assistance in voting it when in
171 his, her or their opinion the person who received assistance in voting is not so illiterate, blind,
172 disabled or of such advanced age as to have been unable to vote without assistance. The
173 Election Commissioner or poll clerk or commissioners or poll clerks making the challenge shall
174 enter the challenge and ~~reason therefor~~ the reason for such challenge on the form and in the
175 manner prescribed or authorized by article three of this chapter.

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

177 (A) May not in any manner request or seek to persuade or induce the voter to vote ~~any~~ a
178 particular ticket or for ~~any~~ a particular candidate or for or against any public question and must
179 not keep or make any memorandum or entry of anything occurring within the voting booth or
180 compartment and must not, directly or indirectly, reveal to any person the name of ~~any~~ a candidate
181 voted for by the voter, ~~or~~ which ticket he or she had voted or how he or she had voted on any
182 public question or anything occurring within the voting booth, ~~or~~ compartment, or voting machine
183 booth except when required ~~pursuant to~~ by law to give testimony as to the matter in a judicial
184 proceeding; and

185 (B) Shall sign a written oath or affirmation before assisting the voter on a form prescribed
186 by the Secretary of State stating that he or she will not override the actual preference of the voter
187 being assisted, attempt to influence the voter's choice or mislead the voter into voting for someone
188 other than the candidate of voter's choice. The person assisting the voter shall also swear or
189 affirm that he or she believes that the voter is voting free of intimidation or manipulation. *Provided,*
190 ~~That~~ No person providing assistance to a voter is required to sign an oath or affirmation where
191 the reason for requesting assistance is the voter's inability to vote without assistance because of
192 blindness as defined in section three, article fifteen, chapter five of this code and the inability to
193 vote without assistance because of blindness is certified in writing by a physician of the voter's
194 choice and is on file in the office of the clerk of the county commission.

195 (6) In accordance with instructions issued by the Secretary of State, the clerk of the county
196 commission shall provide a form entitled "list of assisted voters", ~~the form of which list shall~~
197 ~~likewise be on a form as~~ prescribed by the Secretary of State. The commissioners shall enter the
198 name of each voter receiving assistance in voting the ballot, together with the poll slip number of
199 that voter and the signature of the person or the commissioner from each party who assisted the
200 voter. If no voter has been assisted in voting, the commissioners shall ~~likewise~~ make and
201 subscribe to an oath of that fact on the list.

202 (f) After preparing the ballot, the voter shall fold the ballot so that the face is not exposed
203 and ~~so that~~ the names of the poll clerks ~~thereon~~ on it are seen. The voter shall announce his or
204 her name and present his or her ballot to one of the commissioners who shall hand the same to
205 another commissioner, of a different political party, who shall deposit it in the ballot box if the ballot
206 is the official one and properly signed. The commissioner of election may inspect every ballot
207 before it is deposited in the ballot box to ascertain whether it is single; but without unfolding or
208 unrolling it so as to disclose its content. When the voter has voted, he or she shall retire
209 immediately from the election room and beyond the sixty-foot limit ~~thereof and may~~ and not return
210 except by permission of the commissioners.

211 (g) Following the election, the oaths or affirmations required by this section from those
212 assisting voters, together with the “list of assisted voters”, shall be returned by the Election
213 Commissioners to the clerk of the county commission along with the election supplies, records
214 and returns. The clerk of the county commission shall make the oaths, affirmations and list
215 available for public inspection and shall preserve them for a period of twenty-two months or until
216 disposition is authorized or directed by the Secretary of State or court of record. ~~Provided, That~~
217 The clerk may use these records to update the voter registration records in accordance with
218 subsection (d), section eighteen, article two of this chapter.

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

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

**§3-1-41. Challenged and provisional voter procedures; counting of provisional voters’
ballots; ballots of election officials.**

1 (a) It is the duty of the members of the receiving board, jointly or severally, to challenge
2 the right of any person requesting a ballot to vote in any election:

3 (1) If the person’s registration record is not available at the time of the election;

4 (2) If the signature written by the person in the poll book does not correspond with the
5 signature purported to be his or hers on the registration record;

6 (3) If the registration record of the person indicates any other legal disqualification; or

7 (4) If the person fails to present a valid identifying document pursuant to section 34 of this
8 article; or

9 ~~(4)~~(5) If any other valid challenge exists against the voter pursuant to section ten, article
10 three of this chapter.

11 (b) Any person challenged shall nevertheless be permitted to vote in the election. He or
12 she shall be furnished an official ballot not endorsed by the poll clerks. In lieu of the
13 endorsements, the poll clerks shall complete and sign an appropriate form indicating the
14 challenge, the reason thereof and the name or names of the challengers. The form shall be
15 securely attached to the voter's ballot and deposited together with the ballot in a separate box or
16 envelope marked "provisional ballots".

17 (c) At the time that an individual casts a provisional ballot, the poll clerk shall give the
18 individual written information stating that an individual who casts a provisional ballot will be able
19 to ascertain under the free access system established in this section whether the vote was
20 counted and, if the vote was not counted, the reason that the vote was not counted.

21 (d) Before an individual casts a provisional ballot, the poll clerk shall provide the individual
22 written instructions, supplied by the board of ballot commissioners, stating that if the voter is
23 casting a ballot in the incorrect precinct, the ballot cast may not be counted for that election:
24 *Provided*, That if the voter is found to be in the incorrect precinct, then the poll worker shall attempt
25 to ascertain the appropriate precinct for the voter to cast a ballot and immediately give the voter
26 the information if ascertainable.

27 (e) Provisional ballots may not be counted by the election officials. The county
28 commission shall, on its own motion, at the time of canvassing of the election returns, sit in
29 session to determine the validity of any challenges according to the provisions of this chapter. If
30 the county commission determines that the challenges are unfounded, each provisional ballot of
31 each challenged voter, if otherwise valid, shall be counted and tallied together with the regular
32 ballots cast in the election. The county commission, as the board of canvassers, shall protect the

33 privacy of each provisional ballot cast. The county commission shall disregard technical errors,
34 omissions or oversights if it can reasonably be ascertained that the challenged voter was entitled
35 to vote.

36 (f) Any person duly appointed as an Election Commissioner or clerk under the provisions
37 of section twenty-eight of this article who serves in that capacity in a precinct other than the
38 precinct in which the person is legally entitled to vote may cast a provisional ballot in the precinct
39 in which the person is serving as a commissioner or clerk. The ballot is not invalid for the sole
40 reason of having been cast in a precinct other than the precinct in which the person is legally
41 entitled to vote. The county commission shall record the provisional ballot on the voter's
42 permanent registration record: *Provided*, That the county commission may count only the votes
43 for the offices that the voter was legally authorized to vote for in his or her own precinct.

44 (g) The Secretary of State shall establish a free access system, which may include a toll-
45 free telephone number or an Internet website, that may be accessed by any individual who casts
46 a provisional ballot to discover whether his or her vote was counted and, if not, the reason that
47 the vote was not counted.

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

1 (a) The clerk of the county commission shall cause a letter to be mailed by first class mail
2 to each voter who executed a voter identity affidavit pursuant to section thirty-four of this article.
3 The letter shall be mailed within sixty days after the election. The clerk shall mark the envelope
4 with instructions to the United States Post Office not to forward the letter and to provide address
5 correction information. The letter shall notify the addressee that a person who did not present
6 valid photo identification voted using his or her name and address and instruct the addressee to
7 contact the clerk immediately if he or she did not vote. The letter shall also inform the addressee
8 of the procedure for obtaining a nondriver's picture identification card for voting purposes.

9 (b) The clerk of the county commission shall cause letters mailed pursuant to subsection
10 (a) of this section that are returned as undeliverable by the United States Post Office to be referred

11 to the Secretary of State. The clerk shall also prepare and forward to the Secretary of State a list
12 of all persons who were mailed letters under subsection (a) of this section and who notified the
13 clerk that they did not vote. Upon receipt of notice from a person who receives a letter mailed
14 pursuant to subsection (a) of this section that the person did not vote, or upon receipt of a referral
15 from the clerk, the Secretary of State shall cause an investigation to be made to determine
16 whether fraudulent voting occurred. The Secretary of State shall submit a report to the Joint
17 Committee on the Judiciary and the Joint Committee on Finance and Administration detailing the
18 results of all investigations of voter identity affidavits, including, but not limited to, the number of
19 investigations, the number of ballots cast, and the number and results of any determinations made
20 regarding fraudulent voting.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

1 (a) (1) No person, except those hereinafter expressly exempted, may drive ~~any~~ a motor
2 vehicle upon a street or highway in this state or upon ~~any~~ a subdivision street used by the public
3 generally unless the person has a valid driver's license issued pursuant to this code for the type
4 or class of vehicle being driven.

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

9 (b) The division, upon issuing a driver's license, shall indicate on the license the type or
10 general class or classes of vehicles the licensee may operate in accordance with this code, federal
11 law or rule. Licenses shall be issued in different colors for those drivers under age eighteen,

12 those drivers age eighteen to twenty-one and adult drivers. The commissioner is authorized to
13 select and assign colors to the licenses of the various age groups.

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

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

19 (2) A Class D license shall be issued to those persons eighteen years and older with one
20 year of driving experience who operate motor vehicles other than those types of vehicles which
21 require the operator to be licensed under the provisions of chapter seventeen-e of this code and
22 federal law and rule and whose primary function or employment is the transportation of persons
23 or property for compensation or wages and have paid the required fee. For the purpose of
24 regulating the operation of motor vehicles, wherever the term "chauffeur's license" is used in this
25 code, it ~~shall be construed to mean~~ means the Class A, B, C or D license described in this section
26 or chapter seventeen-e of this code or federal law or rule: *Provided*, That anyone not required to
27 be licensed under the provisions of chapter seventeen-e of this code and federal law or rule and
28 who operates a motor vehicle registered or required to be registered as a Class A motor vehicle,
29 as that term is defined in section one, article ten, chapter seventeen-a of this code, with a gross
30 vehicle weight rating of less than eight thousand one pounds, is not required to obtain a Class D
31 license.

32 (3) A Class E license shall be issued to ~~those~~ persons who have qualified for a driver's
33 license under the provisions of this chapter and who are not required to obtain a Class A, B, C or
34 D license and who have paid the required fee. The Class E license may be endorsed under the
35 provisions of section seven-b of this article for motorcycle operation. The Class E or ~~(G)~~ G license
36 for ~~any~~ a person under the age of eighteen may also be endorsed with the appropriate graduated
37 driver license level in accordance with the provisions of section three-a of this article.

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

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

44 (d) All licenses issued under this section may contain information designating the licensee
45 as a diabetic, organ donor, as deaf or hard-of-hearing, ~~or~~ as having any other handicap or
46 disability or that the licensee is an honorably discharged veteran of any branch of the Armed
47 Forces of the United States, according to criteria established by the division, if the licensee
48 requests this information on the license. An honorably discharged veteran may be issued a
49 replacement license without charge if the request is made before the expiration date of the current
50 license and the only purpose for receiving the replacement license is to get the veterans
51 designation placed on the license.

52 (e) No person, except those hereinafter expressly exempted, may drive ~~any~~ a motorcycle
53 ~~upon~~ on a street or highway in this state or ~~upon any~~ on a subdivision street used by the public
54 generally unless the person has a valid motorcycle license, a valid license which has been
55 endorsed under section seven-b of this article for motorcycle operation or a valid motorcycle
56 instruction permit.

57 (f) (1) An identification card may be issued to ~~any~~ a person who:

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

60 (B) Has reached the age of two years ~~The division may also issue an identification card to~~
61 ~~a person under the age of two years, for good cause shown; or, for good cause shown, under the~~
62 age of two.

63 (C) Has paid the required fee of \$2.50 per year: *Provided*, That ~~the fee is not~~ no fees or
64 charges, including renewal fees, are required if the applicant:

65 (i) Is sixty-five years or older; or

66 (ii) Is legally blind; and or

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

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

71 (2) The identification card shall contain the same information as a driver's license except
72 that the identification card shall be clearly marked as an identification card. The division may
73 issue an identification card with less information to persons under the age of sixteen. An
74 identification card may be renewed annually on application and payment of the fee required by
75 this section.

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

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

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

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

89 (g) For any person over the age of fifty years who wishes to obtain a driver's license or
90 identification card under the provisions of this section:

91 (1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is
92 not required if the issuing jurisdiction does not require one; and

93 (2) If documents are lacking to prove all changes of name in the history of any such
94 applicant, applicants renewing a driver's license or identification card under the provisions of this
95 section may complete a Name Variance Approval Document as instituted by the division, so long
96 as they can provide:

97 (A) Proof of identity;

98 (B) Proof of residency; and

99 (C) A valid Social Security number.

100 (3) The division may waive any documents necessary to prove a match between names,
101 so long as the division determines the person is not attempting to:

102 (A) Change his or her identity;

103 (B) Assume another person's identity; or

104 (C) Commit a fraud.

105 (h) A person over the age of seventy years, or, is on Social Security disability, who wishes
106 to obtain or renew a driver's license or identification card under the provisions of this section, may
107 not be required to furnish a copy of a birth certificate if they can provide:

108 (1) Proof of identity;

109 (2) Proof of residency;

110 (3) A valid Social Security number; and

111 (4) One of the following identifying items:

112 (A) A form of military identification, including a DD214 or equivalent;

113 (B) An US passport, whether valid or expired;

114 (C) School records, including a yearbook;

115 (D) A religious document, that in the judgment of the Division is sufficient and authentic to
116 reflect that the person was born in the United States; or

117 (E) An expired driver's license, employment identification card, or other reliable
118 identification card with a recognizable photograph of the person.

119 ~~(g)~~ (i) Any person violating the provisions of this section is guilty of a misdemeanor and,
120 upon conviction, shall be fined not more than \$500 and, upon a second or subsequent conviction,
121 shall be fined not more than \$500 or confined in jail not more than six months, or both fined and
122 confined.

NOTE: The purpose of this bill is to require voters to provide a photo identification when voting, to identify the requirements for those photo identifications, to set forth certain qualifying identification documents, to provide for provisional ballots to be cast by voters who do not possess the required photo identification, to allow for certain exemptions for those who live in nursing care facilities where precincts are located and those with religious objections to having their photograph taken, to update provisional ballot procedures, to provide for complimentary photo identification cards to a voter upon request and representation that the photo identification card is requested for the purpose of voting and, additionally, to establish procedures for persons over a certain age and lacking certain documents to acquire driver's licenses and photo identification cards.

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