

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 5

BY SENATORS GAUNCH, FERNS, KARNES, LEONHARDT,

TRUMP, CARMICHAEL, BLAIR, SYPOLT AND TAKUBO

[Introduced January 13, 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 requirements for that documentation; identifying acceptable
 6 documentation; exempting from disclosure the address of individuals in the Address
 7 Confidentiality Program; directing Secretary of State to educate voters about the
 8 identification requirement and develop a program to help ensure that all eligible voters
 9 obtain identification; providing for casting of provisional ballot by a person without
 10 adequate proof of identification; providing certain exemptions from requirement to present
 11 a photo identification card; modifying provisional ballot procedures; and providing for
 12 issuance of identification cards at no charge.

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. The person desiring to vote shall present to one of
 4 the poll clerks an identifying document meeting the requirements of subdivision (1) of this
 5 subsection. The poll clerk shall inspect and confirm that the name on the identifying document

6 conforms to the name in the individual's voter registration record and that the image displayed is
7 truly an image of the person presenting the document. If that person is found to be duly registered
8 as a voter at that precinct, he or she shall sign his or her name in the designated location provided
9 at the precinct. If that person is physically or otherwise unable to sign his or her name, his or her
10 mark shall be affixed by one of the poll clerks in the presence of the other and the name of the
11 poll clerk affixing the voter's mark shall be indicated immediately under the affixation. No ballot
12 may be given to the person until he or she signs his or her name on the designated location or
13 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 a
30 state institution of higher education in West Virginia, as defined in section two, article one, chapter
31 eighteen-b of this code; or

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

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

39 (A) The provisional ballot is entitled to be counted once the election authority verifies the
40 identity of the individual by comparing that individual's signature to the current signature on file
41 with the election authority and determines that the individual was otherwise eligible to cast a ballot
42 at the polling place where the ballot was cast.

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

44 "State of West Virginia

45 County of

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

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

51

52 Signature of voter

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

54

55 Name of Election Official

56

57 Signature of Election Official".

58 (4) A voter who votes in person at a precinct polling place that is located at a state licensed
59 care facility where the voter is a resident is not required to provide proof of identification as a
60 condition before voting in an election.

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

63 “State of West Virginia
64 County of

65 I....., residing at, do hereby swear or affirm that
66 because of my religious beliefs, I object to having my photograph taken and that I do not possess
67 a form of identification that meets the requirements of the election laws of this state showing my
68 photograph.

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

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

74
75 Signature of voter

76 Subscribed and affirmed before me this day of,
77 20....

78 Name of Election Official
79
80 Signature of Election Official”.

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

84 (7) If a voter participating in the Address Confidentiality Program established by section
85 one hundred three, article twenty-eight-a, chapter forty-eight of this code, executes a voter identity
86 affidavit, the program participant's residential or mailing address is subject to the confidentiality
87 provisions of section one hundred eight, article twenty-eight (a), chapter forty-eight of this code
88 and shall be used only for those statutory and administrative purposes authorized by this section.

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

92 (b) The clerk of the county commission is authorized, upon verification that the precinct at
93 which a handicapped person is registered to vote is not handicap accessible, to transfer that
94 person's registration to the nearest polling place in the county which is handicap accessible. A
95 request by a handicapped person for a transfer of registration must be received by the county
96 clerk no later than thirty days prior to the date of the election. ~~Any~~ A handicapped person who has
97 not made a request for a transfer of registration at least thirty days prior to the date of the election
98 may vote a provisional ballot at a handicap accessible polling place in the county of his or her
99 registration. If during the canvass the county commission determines that the person had been
100 registered in a precinct that is not handicap accessible, the voted ballot, if otherwise valid, shall
101 be counted. The handicapped person may vote in the precinct to which the registration was
102 transferred only as long as the disability exists or the precinct from which the handicapped person
103 was transferred remains inaccessible to the handicapped. To ensure confidentiality of the
104 transferred ballot, the county clerk processing the ballot shall provide the voter with an unmarked
105 envelope and an outer envelope designated "provisional ballot/handicapped voter". After
106 validation of the ballot at the canvass, the outer envelope shall be destroyed and the handicapped
107 voter's ballot shall be placed with other approved provisional ballots prior to removal of the ballot
108 from the unmarked envelope.

109 (c) When the voter's signature is properly marked and the voter has presented a valid

110 identifying document, the two poll clerks shall sign their names in the places indicated on the back
111 of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the
112 election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the
113 ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with
114 other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another
115 official ballot, signed by the clerks on the reverse side. The voter shall thereupon retire alone to
116 the booth or compartment prepared within the election room for voting purposes and there
117 prepare his or her ballot. In voting for candidates in general and special elections, the voter shall
118 comply with the rules and procedures prescribed in section five, article six of this chapter.

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

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

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

135 (B) Require the Election Commissioners to indicate to him or her the relative position of

136 the names of the candidates on the ballot, ~~whereupon~~ the voter shall then retire to one of the
137 booths or compartments to prepare his or her ballot in the manner ~~hereinbefore~~ provided in this
138 section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

210 (i) Any Election Commissioner or poll clerk who authorizes or provides unchallenged
211 assistance to a voter when the voter is known to the Election Commissioner or poll clerk not to
212 require assistance in voting, is guilty of a felony and, upon conviction thereof, shall be fined not
213 more than \$5,000 or imprisoned in a state correctional facility for a period of not less than one

214 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 thirty-four
8 of this 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.

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 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) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
90 conviction, shall be fined not more than \$500 and, upon a second or subsequent conviction, shall
91 be fined not more than \$500 or confined in jail not more than six months, or both fined and
92 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 and, additionally, 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.

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