



**Center for Election Confidence
Model Voter Identification Legislation**

Legislative Findings

Whereas, the right to vote is an important right and responsibility at the basis of citizenship and our form of government and all eligible voters should be able to cast a ballot without fear that their ballot will be offset by a fraudulent vote;

Whereas, requiring voters to present photo identification at the polling place before voting will help to protect against fraudulent voting and increase the public's confidence in the accuracy of the election results;

Whereas, presenting photo identification under the procedures set forth in this Act does not place an undue burden on the important right to vote; and

Whereas, this Act and the procedures set forth herein have mitigated any burdens that these requirements places upon eligible voters;

Therefore, the legislature of [State] passes this Act to protect the integrity of its elections and ensure that all eligible voters are able to vote without being disenfranchised by fraudulent votes.

Section 1 – Short Title

This Act shall be known as the [State] Voter Identification and Election Integrity Act.

Section 2 – Purpose

To require photographic identification to be presented to establish a citizen's identity as an eligible, registered voter before the citizen votes; to protect the integrity of the state's elections; to enable all eligible, registered voters to obtain the required photographic identification without cost; to confirm the person appearing to vote is the citizen identified on the poll list.

Section 3 – Definitions

(A) Domicile/Residency: A citizen's domicile or residency for the purpose of voting is determined pursuant to the provisions of Section []. The address listed on the Identification or

Proof of Address is not determinative of a citizen's domicile or residency for the purpose of voting.

(B) Identification: Identification acceptable for proving a citizen's identity under this chapter shall be:

- (1) A [state] driver's license or other form of identification containing a photograph issued by the [state department that regulates driver's licenses];
- (2) A valid identification card issued by a branch, department, agency, or entity of [state], any other state, or the United States, authorized by law to issue personal identification, provided that such identification contains a photograph of the elector;
- (3) U.S. passport;
- (4) Military identification containing a photograph issued by the U.S. government;
- (5) A valid employee identification card containing a photograph of the elector and issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (6) A valid tribal identification card containing a photograph of the elector; and
- (7) [State] voter identification card containing a photograph of the voter issued pursuant to Section 6.

(C) Poll Book: The Poll Book is the printed or electronic list of currently registered voters furnished to each polling location by the county or state board of elections. If practicable, the Poll Book should be electronic. The Poll Book must contain each voter's name and address and a space for the voter to sign his name next to his printed name. If the Poll Book is electronic, separate sheets of paper containing only the voters' names and a place for signature must be printed if the Poll Book technology does not allow for electronic signatures. Such separate sheets of paper are considered a part of the Poll Book. The Poll Book, including any supplemental sheets of paper, shall be stored and transported with the ballots.

(D) Proof of Address: The documents sufficient to prove a voter's current address shall be:

- (1) Any Identification listed in subsection (B), if such Identification contains the voter's current address of domicile or residency;
- (2) A copy of a utility bill, dated within the 60 days prior to the election, addressed to the voter;
- (3) A bank statement, dated within the 60 days prior to the election, addressed to the voter;
- (4) A government check or government check stub made out to the voter;
- (5) A paycheck or paycheck stub made out to the voter;
- (6) A filed copy of the voter's most recent IRS or state tax form, such a Form 1040, Form W-2, or equivalent state form; or
- (7) Another current government document that shows the voter's name and address.

If a voter does not have a current or permanent residence, that voter may provide an address at which the person may be contacted and complete an affidavit under penalty of perjury and affirm that the voter does not have a place of residence. The voter shall list the location or locations in which the voter is usually located on the affidavit. This affidavit shall serve as proof of address for those voters lacking a current or permanent residence.

(E) Voter: Voter means a person whose name is contained on the active roster of voters maintained by the state board of elections, whose name has not been removed from the roster, and who meets the qualifications for registering to vote under Section [].

Section 4 – Proof of Right to Vote

(A) When a person presents himself to vote and prior to the issuance of a ballot at such polling place, he shall produce a valid and current Identification and verbally state his name and current address to the poll worker. If the voter is registering to vote at the polling place or this is the first time the voter has voted after registering to vote by mail or on the internet, the voter shall also produce a Proof of Address.

(B) After presentation of the required Identification described in subsection (A), a poll worker must place a check mark next to the voter's name in the margin of the page next to his name upon the Poll Book, or if the Poll Book is electronic, make an equivalent digital mark in the Poll Book to indicate that the voter has presented himself at the polling place.

(C) A poll worker shall compare the photograph contained on the required Identification with the person presenting himself to vote. The poll worker shall verify that the photograph is that of the person seeking to vote.

(D) A poll worker shall verify that the verbally stated address is the same as the address contained for the person in the Poll Book. If the address is different, the voter may update it by providing his new address in writing, accompanied by his signature. If the voter presents a Proof of Address, a poll worker shall verify that the address on the Proof of Address presented by the person is the same as the address contained for the person in the Poll Book

(E) Before a ballot is delivered to a voter, the voter shall sign his name next to his printed name on the Poll Book. If the Poll Book is electronic and the technology used for the electronic Poll Book allows digital signatures, the voter may sign his name electronically. If a poll worker disputes that the signature on the Poll Book is by the same person as the signature on the voter's driver's license, registration notification, or other identification, the poll worker may challenge the voter's eligibility to vote under Section [] [the procedures on challenged voters]. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the Poll Book by mark with the assistance of a poll worker.

Section 5 – Failure to Produce Identification; Challenged Voters; Provisional Ballots.

(A)(1) If the voter does not produce the Identification as required in Section 4 at the polling place, he may cast a provisional ballot that is counted only if the voter brings a valid and current Identification to the county board of elections by the business day prior to the certification of the election by the county board of canvassers.

(2) If the voter does not produce the Proof of Address if required in Section 4 at the polling place, he may cast a provisional ballot that is counted only if the voter brings a valid and current Proof of Address to the county board of elections by the business day prior to the certification of the election by the county board of canvassers.

(3) If the poll worker disputes that the photograph contained on the required Identification is the person presenting himself to vote, the voter may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section [] [the procedures on challenged voters].

(B) If a voter does not have a valid and current Identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the voter:

- (a) is the same individual who personally appeared at the polling place;
- (b) cast the provisional ballot on election day; and
- (c) has a religious objection to being photographed.

Upon completion of the affidavit, the voter may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of elections by the business day after the election. A determination of that provisional ballot must be made in accordance with Section [] [the procedures on provisional ballots].

(C)(1) If the voter casts a provisional ballot under Subsection (A), the poll worker or poll worker's designee shall take a photograph of the voter and immediately print and attach the photograph to the provisional ballot. The photograph shall be 2 inches by 2 inches, or larger, and be in color. The poll worker or designee shall delete the photograph from the camera in the presence of the voter. If the poll worker or designee is unable to take the voter's photograph due to equipment failure or other cause beyond the poll worker's or designee's reasonable control, the voter may complete a provisional ballot without a photograph.

(2) When a person presents Identification or Proof of Address pursuant to Subsection (A), the official to which the Identification or Proof of Address is presented shall verify that the person presenting such proof matches the photograph attached to the provisional ballot, and the provisional ballot shall be counted if the proof matches.

Section 6 – Voter Identification Card

(A) Each county board of elections shall provide at least one place in the county at which it shall accept applications for and issue [state] voter identification cards to registered voters. Each office of the [state] [state department that regulates driver's licenses] shall also accept applications for and issue [state] voter identification cards.

(B) A voter identification card shall be valid only for purposes of voter identification under Section 4 and available only to registered voters. No fee shall be charged or collected for the

application for or issuance of a voter identification card. No person shall be eligible for a voter identification card if such person has a valid unexpired driver's license or other valid identification card issued by the [state department that regulates driver's licenses].

(C) The voter identification card shall be captioned "[STATE] VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under state law, it is valid only as identification for voting purposes. The voter identification card shall be laminated, shall contain a digital color photograph of the applicant taken at the time of application, and shall include the following information:

- (1) Full legal name as it appears on the voter's voter registration;
- (2) Address of residence;
- (3) Birth date;
- (4) Date identification card was issued;
- (5) Sex;
- (6) Height;
- (7) Weight;
- (8) Eye color;
- (9) County where the voter resides; and
- (10) Such other information or identification as required by rule of the state board of elections.

(D) The application for a voter identification card shall elicit the information required under subsection (C) and such other information as may be required by rule of the state board of elections. The application shall be signed and sworn to by the applicant, and any falsification or fraud in the making of the application shall constitute a felony offense.

(E) Before issuing a voter identification card to a person, the person shall present, and the county board of elections or [state department that regulates driver's licenses] official shall verify, the following information:

- (1) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth;
- (2) Documentation showing the person's date of birth;
- (3) Evidence that the person is registered to vote in this state; and
- (4) Documentation showing the person's name and current residence address.

(F) If a voter does not produce one of required pieces of information under Subsection (E) because the voter does not have any document or evidence for that piece of information in his possession and he is unable to obtain a copy of any such document or evidence, he may complete an affidavit under the penalty of perjury and affirm that the voter:

- (a) is the same individual who personally appeared and applied to receive a voter identification card;
- (b) has made reasonable efforts to obtain all required information; and
- (c) suffers from a reasonable impediment that prevents him from obtaining and presenting the required information.

The person must state the nature of the reasonable impediment that prevents him from obtaining and presenting the required information. Reasonable impediments acceptable under this subsection include inability to produce the required information due to government error; destruction of records due to fire, natural disaster, or a similar event outside the voter's control; and prohibitive cost in obtaining the documentation. Upon completion of the affidavit, the county board of elections or [state department that regulates driver's licenses] official shall compare the signature on the affidavit with the signature on the voter's voter registration file. If the signature matches, the official shall issue a voter identification card.

(G) A [state] voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the state to surrender his or her card to the board of elections of the county of his or her new residence; and such person may after such surrender apply for and receive a new card if such person is otherwise eligible under this Section. It shall be the duty of a person who moves his or her residence outside the state or who ceases to be qualified to vote to surrender his or her card to the state or county board of elections.

(H) The state board of elections shall provide each county board of elections and [state department that regulates driver's licenses] office with the necessary equipment, forms, supplies, and training for the production of the state voter identification cards and shall maintain such equipment.

Section 7 - Implementation

(A) This Act shall be effective as of [date].

(B) The state board of elections, in conjunction with county boards of elections, shall conduct an educational campaign to instruct voters regarding the requirements of this Act and the ability of voters to apply for a voter identification card under Section 6. Such educational campaign shall begin at least three months before the first election after the effective date of the Act and shall continue until at least three statewide elections have been conducted under the requirements of the Act.

(C) The state board of elections shall adopt rules and regulations as necessary for the administration of this Act.

Note: This this model legislation was published when Center for Election Confidence was known as Lawyers Democracy Fund.