

## HOUSE BILL NO. HB0153

Voter identification.

Sponsored by: Representative(s) Harshman, Hallinan,  
 Illoway, Miller and Petersen and Senator(s)  
 Landen, Larson, Perkins and Ross

A BILL

for

1 AN ACT relating to elections; providing for display of  
 2 proof of identification at polling places; providing  
 3 exceptions; providing for challenge of voters; providing  
 4 for waiver of fees for state issued identification cards;  
 5 and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 22-1-102(a)(xxxix), 22-3-118(b),  
 10 (c)(intro), (i), (d) and by creating a new subsection (g),  
 11 22-13-104(a) and by creating a new subsection (d),  
 12 22-15-104(a) by creating a new paragraph (vi), 22-15-105(d)  
 13 and by creating new subsections (e) and (f) and 31-8-104  
 14 are amended to read:

15

16       **22-1-102. Definitions.**

1

2 (a) The definitions contained in this chapter apply  
3 to words and phrases used in this Election Code and govern  
4 the construction of those words and phrases unless they are  
5 specifically modified by the context in which they appear.  
6 As used in this Election Code:

7

8 (xxxix) "Acceptable identification" means one  
9 (1) of the identification documents or other proof of  
10 identity as specified by rule of the secretary of state as  
11 adequate proof of the identity of a voter that satisfies  
12 the requirements of W.S. 22-3-18(b)(i);

13

14 **22-3-118. Proof of identity.**

15

16 (b) Except as provided in subsection (g) of this  
17 section, prior to voting, when a voter ~~has registered by~~  
18 ~~mail and~~ is voting in person ~~in his first Wyoming federal~~  
19 ~~election,~~ he shall provide:

20

21 (i) A current, valid photo identification  
22 showing an unexpired expiration date and which was issued  
23 by the United States or the state of Wyoming; ~~or and~~

24

1           (ii) If voting in his first Wyoming federal  
2 election, a copy of a current utility bill, bank statement,  
3 paycheck, government check or other government document  
4 which shows his name and address.

5  
6           (c) Except as provided in this subsection, a voter  
7 who has registered by means other than mail and is voting  
8 by absentee ballot is not required to provide proof of  
9 identification when mailing his ballot. However, when a  
10 voter has registered by mail and he is voting by mail in  
11 his first Wyoming federal election, he shall submit with  
12 his absentee ballot:

13  
14           (i) A copy of a current, valid photo  
15 identification showing an unexpired expiration date and  
16 which was issued by the United States or the state of  
17 Wyoming; ~~or~~ and

18  
19           (d) Voters who are unable to provide the required  
20 proof under the applicable provisions of subsections (b)  
21 and (c) of this section shall be offered provisional  
22 ballots in accordance with W.S. 22-15-105 and permitted  
23 until the close of business on the day following the  
24 election to present documentation as provided in W.S.

1 22-15-105 to the county clerk establishing their  
2 eligibility to vote in the precinct.

3

4 (g) A voter who votes in person at a precinct polling  
5 place that is located at a state licensed care facility  
6 where the voter resides is not required to provide proof of  
7 identification before voting.

8

9 **22-13-104. Procedure before elector permitted to**  
10 **vote.**

11

12 (a) Before a qualified elector is permitted to vote  
13 an election judge shall ask to see proof of identity as  
14 required in W.S. 22-2-118 and record the applicable  
15 information as listed in W.S. 22-1-102(a)(xxiii) by his  
16 name on the poll list.

17

18 (d) If a voter is unable or declines to present the  
19 proof of identity as required by W.S. 22-2-118 or an  
20 election judge determines that the proof of identity  
21 presented by the voter does not qualify as proof of  
22 identity under W.S. 22-2-118, the election judge shall  
23 challenge the voter as provided in chapter 15 of this act.

24

1           **22-15-104. Grounds for challenge.**

2

3           (a) A person offering to vote may be challenged for  
4 the following reasons:

5

6                   (vi) Is unable or declines to present the proof  
7 of identity as required by W.S. 22-2-118 or an election  
8 judge determines that the proof of identity presented by  
9 the voter does not qualify as proof of identity under W.S.  
10 22-2-118.

11

12           **22-15-105. Challenged person may vote; generally.**

13

14           (d) A challenged voter may present information and  
15 documentation of his eligibility to register at the  
16 election or to vote to the county clerk until the close of  
17 business on the day following the election. Any  
18 information presented shall be considered by the canvassing  
19 board in determining the voter's eligibility to register at  
20 the election or to vote and whether to open and count his  
21 provisional ballot. The provisional ballot shall be  
22 counted only after the voter has, by presenting  
23 documentation required under this code to the county clerk,  
24 or proof of the requirements of subsection (e) of this

1 section, established he had previously registered and is a  
2 qualified elector or he was eligible to register at the  
3 election and is a qualified elector.

4  
5 (e) If a voter is challenged under W.S.  
6 22-15-104(a)(vi) and does not provide the proof of identity  
7 required under W.S. 22-2-118, the county clerk shall  
8 determine that the voter is not disqualified for failure to  
9 provide such proof if the county clerk determines that the  
10 voter is indigent and:

11  
12 (i) Unable to obtain proof of identification  
13 without the payment of a fee; or

14  
15 (ii) Has a religious objection to being  
16 photographed.

17  
18 (f) If a challenged voter fails by the deadline  
19 provided in subsection (d) of this section to meet the  
20 requirements of this article, the county clerk shall find  
21 that the voter's provisional ballot is invalid.

22  
23 **31-8-104. Fees.**

24

1       (a) Except as provided in subsection (b) of this  
2 section, every applicant for an identification card shall  
3 pay ten dollars (\$10.00) to the department. The state  
4 treasurer shall credit identification card fees to the  
5 highway fund.

6  
7       (b) The department shall not impose a fee for the  
8 issuance of any original, renewal of or duplicate  
9 identification card under this article to an individual  
10 who:

11  
12       (i) Does not have a valid Wyoming driver's  
13 license;

14  
15       (ii) Will be at least eighteen (18) years of age  
16 at the next election; and

17  
18       (iii) Is unable to obtain for the purpose of  
19 voting any other proof of identity that satisfies the  
20 requirements of W.S. 22-3-118(b)(i).

21  
22       **Section 2.** W.S. 22-3-118(a) is repealed.

23

1       **Section 3.** This act is effective July 1, 2009.

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(END)