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HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 95
Committee: State Government
Date: January 27, 2011
Staff: Kristi Kielhorn (2-5290)
Members: Representative Schulte

Voter Identification Requirement

House File 95 requires voters to show photo identification on Election Day in order to vote.

Summary of Action

Passed House State Government 15-8
Passed House 60-40
Died in Senate State Government Committee

Section by Section Analysis

Sections 1 through 3—Canvass Dates, Election-Day and In-Person Absentee Registration

These sections change the canvass dates to be the Tuesday following the primary election (instead of the Monday or Tuesday). These sections also maintain current requirements for election-day registrants to provide proof of identification and proof of residence. Changes documents that can be used to prove identity for election-day registrants to be the same as photo ID documents required from other in-person voters. Section 11 of this bill establishes the acceptable photo ID requirements. Also establishes that the documentation election-day registrants can use to show proof of residence is the voter's proof of identification or a residential lease, property tax statement, utility bill, bank statement, paycheck, government check or other government document.

Section 4—Removal of Proving Identity and Residency by Attestation of another Registrant

This section removes the paragraph that allowed a person to establish identity and residency (for election-day and in-person absentee registration) upon the written attestation of another who is registered in that precinct.

Section 5—Conforming Language on Oath Requirements/Satellite Absentee Voting

This section removes references to the paragraph removed in section 3. It also states that anyone who needs to register and shows up wishing to vote at the commissioner's office, a satellite absentee voting

station, or whose ballot is delivered to a health care facility pursuant to section 53.22 will be required to provide (the new definition of) identification and proof of residence.

Section 6—Removal of Oath Language

Removes the attestation language form required of a person attesting to the identity and residency of an election-day or in-person absentee registrant.

Sections 7 & 8—Registration by Mail

Adds the word “additional” to describe the additional identification requirements that currently and will continue to apply to voters whose identification numbers cannot be verified as required by the Help America Vote Act (HAVA). The change is necessary because these voters would have to show proof of identity compliant with this bill, but may also have to show something else to be compliant with HAVA.

Sections 9 through 11—Changes to Voter Registration Records

Removes language from various NRVA notices telling voters they may be required to show identification before voting. (Because all voters will be required to show identification).

Section 12—Proof of Identity Defined

Removes the section stating that a precinct election official must require any person whose name does not appear on the election register as an active voter to show identification and provides that precinct election officials require all voters to show proof of identification before voting.

All IDs must contain an expiration date and either:

- Not be expired or
- Expired after the date of the most recent general election. (Example: if my ID expired on 12.1.10, I would be able to use it at the November 2012 elections because it expired after the most recent general).

Permissible types of ID will mirror exactly the Indiana law (as upheld by the Supreme Court of the United States) and include:

- A document issued by the United States Government
 - Military ID, Passport, Congressional ID, Federal Employee ID, Tribal ID. Keep in mind, these only work if they also contain an expiration date.
- A document issued by the state of Iowa
 - Driver’s License, Non-operator’s card, Employee ID badge. Again, these only work if they also contain an expiration date.

If a voter has no identification, or improper identification, the precinct official must challenge the voter and voter can only vote with a provisional ballot.

Section 13—Presentation of a Photo Id

Provides that voters who present acceptable proof of identification may receive a regular ballot.

Section 14—Photo Id Required

Conforming amendment to ensure all in-person voters at the polls are required to provide photo ID.

Section 15—Failure to Present Id & Voter Challenge

Adds failure to provide photo ID as a reason a voter may be challenged.

Section 16—Failure to Present Id & Provisional Ballot

Adds failure to provide photo ID as a reason for casting a provisional ballot.

Section 17—Presentation of Provisional Ballot

Adds required language that must be provided to voters casting provisional ballots due to an inability or the refusal to provide photo ID. The statement must inform a voter who is casting a provisional ballot because they are unwilling or unable to show a photo ID that the voter has the right to come to the county auditor's office to execute an affidavit of indigence or religious objection.

Section 18—Verification of Provisional Ballot

To have their provisional ballot counted, a voter that was unable or refused to provide photo ID on election day must come to the county auditor's office by noon on the Monday following the election and either provide photo ID or sign an affidavit indicating the voter is unable to obtain photo ID due to indigence or a religious objection to being photographed. If a voter does this and there are no other valid challenges to the voter's right to vote, the absentee and special voters precinct board is required to count the provisional ballot.

Sections 19 through 21—Canvass Dates

These sections make other conforming changes to move the canvass dates to the Tuesday after each election.

Section 22—In Person Voting Before Election Day

Requires voters casting ballots in-person before election day at the county auditor's office to provide photo ID. Section 53.11 which provides for voting at satellite voting locations refers back to the voting procedures in this section so this amendment makes photo ID required of all in-person absentee voters.

Section 23—Voters at Health Care Facilities

Requires voters in health care facilities and hospitals to provide photo ID. Also provides that voters in health care facilities and hospitals that do not have photo ID and cannot obtain a photo ID due to confinement in the facility shall have the right to sign an affidavit to that effect at the time the absentee ballot is delivered to the voter by the absentee and special voters precinct board.

Section 24—Free Certified Birth Certificates for Voting Purposes

Provides for free certified copies of birth certificates if obtained for the purpose of getting a photo ID in order to vote.

Section 25—Canvass Dates

This section makes another conforming change to move canvass dates to the Tuesday after elections.

Sections 26 & 27—Free Photo Id for Voting Purposes

Provides for free state-issued photo ID for voting purposes. For purposes of obtaining proof of identification for voting—certified copies of birth certificates will be free at county recorder's offices and at the Iowa Department of Public Health if the requester executes the affidavit.

Sections 28 & 29—Canvass Dates

These sections make other conforming changes to move the canvass dates to the Tuesday after each election.

Section 30—Effective Date

This section makes the new procedures effective January 12, 2012.