

SENATE FILE NO. SF0134

Voter identification.

Sponsored by: Senator(s) Driskill, Perkins and Peterson
and Representative(s) Baker, Hunt and
Winters

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. 22-3-118(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 current, valid photo identification
15 showing an unexpired expiration date and which was issued
16 by the United States or the state of Wyoming; ~~or~~ and

17
18 (d) Voters who are unable to provide the required
19 proof under the applicable provisions of subsections (b)
20 and (c) of this section shall be offered provisional
21 ballots in accordance with W.S. 22-15-105 and permitted
22 until the close of business on the day following the
23 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. 22-3-118 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. 22-3-118 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. 22-3-118, 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. 22-3-118 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 22-3-118.

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 information
18 presented shall be considered by the canvassing board in
19 determining the voter's eligibility to register at the
20 election or to vote and whether to open and count his
21 provisional ballot. The provisional ballot shall be counted
22 only after the voter has, by presenting documentation
23 required under this code to the county clerk, or proof of
24 the requirements of subsection (e) of this section,

1 established he had previously registered and is a qualified
2 elector or he was eligible to register at the election and
3 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. 22-3-118, 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 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 act, the county clerk shall find that
21 the voter's provisional ballot is invalid.

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

24

1 (a) Except as otherwise provided in this section,
2 every applicant for an identification card shall pay ten
3 dollars (\$10.00) to the department. The state treasurer
4 shall credit identification card fees to the highway fund.
5 Identification cards issued as a result of the cancellation
6 of a license under W.S. 31-7-122(a)(i) shall be issued
7 without payment of any fee.

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

13
14 (i) Does not have a valid Wyoming driver's
15 license;

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

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

23
24 **Section 2.** W.S. 22-3-118(a) is repealed.

1

2 **Section 3.** This act is effective July 1, 2013.

3

4 (END)