

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

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TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 1. VOTER REGISTRATION
ARTICLE 7. VOTING

2 CCR 20107 (2006)

§ 20107. Standards for Proof of Residency or Identity When Proof Is Required by Help America Vote Act

(a) This section shall apply in all instances where voters and new registrants are required by the federal Help America Vote Act of 2002 (Pub. L. 107-252, 116 Stat. 1666, 42 U.S.C. 15483) to prove residency or present documents to establish identity.

(b) This section shall be liberally construed to permit voters and new registrants to cast a regular ballot. Any doubt as to the sufficiency of proof or a document presented shall be resolved in favor of permitting the voter or new registrant to cast a regular ballot.

(c) If a voter or new registrant does not present proof or a document that complies with this section, then the voter or new registrant shall be advised by the poll worker or other election official with whom the voter or new registrant is conferring that he or she may vote a provisional ballot and the voter or new registrant shall be permitted to do so.

(d) For purposes of this regulation, proof of residency or identity, shall consist of presenting an original or copy of any of the documents described below in either paragraph (1) or (2).

(1) Current and valid photo identification provided by a third party in the ordinary course of business that includes the name and photograph of the individual presenting it. Examples of photo identification include, but are not limited to, the following documents:

- (A) driver's license or identification card of any state;
- (B) passport;
- (C) employee identification card;
- (D) identification card provided by a commercial establishment;
- (E) credit or debit card;
- (F) military identification card;
- (G) student identification card;
- (H) health club identification card;
- (I) insurance plan identification card; or
- (J) public housing identification card.

(2) Any of the following documents, provided that the document includes the name and address of the individual presenting it, and is dated since the date of the last general election, unless the document is intended to be of a permanent nature such as a pardon or discharge or unless the date requirements of paragraph (F) apply, including:

- (A) utility bill;
- (B) bank statement;
- (C) government check;
- (D) government paycheck;
- (E) document issued by a governmental agency;
- (F) sample ballot or other official elections document issued by a governmental, agency dated for the election in which the individual is providing it as proof, of residency or identity;
- (G) voter notification card issued by a governmental agency;
- (H) public housing identification card issued by a governmental agency;
- (I) lease or rental statement or agreement issued by a governmental agency;
- (J) student identification card issued by a governmental agency;
- (K) tuition statement or bill issued by a governmental agency;
- (L) insurance plan card or drug discount card issued by a governmental agency;
- (M) discharge certificates, pardons, or other official documents issued to the individual by a governmental agency in connection with the resolution of a criminal case, indictment, sentence, or other matter;
- (N) public transportation authority senior citizen and disabled discount cards issued by a governmental agency;
- (O) identification documents issued by governmental disability agencies;
- (P) identification documents issued by government homeless shelters and other government temporary or transitional facilities;
- (Q) drug prescription issued by a government doctor or other governmental health care provider;
- (R) property tax statement issued by a governmental agency;
- (S) vehicle registration issued by a governmental agency; or
- (T) vehicle certificate of ownership issued by a governmental agency.

AUTHORITY:

Note: Authority cited: *Section 12172.5, Government Code*; and *Section 2124, Elections Code*. Reference: *Section 14310, Elections Code*; and Section 303, Pub. L. No. 107-252, 116 Stat. 1666 (2002) [42 U.S.C. 15483].

HISTORY:

1. New section filed 1-18-96 as an emergency; operative 1-16-96 pursuant to *Government Code section 11349.3* (Register 96, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-96 or emergency language will be repealed by operation of law on the following day.

2. Repealed by operation of *Government Code section 11346.1(g)* (Register 96, No. 39).
3. New section filed 9-27-96; operative 9-27-96 pursuant to *Government Code section 11343.4(d)* (Register 96, No. 39).
4. Amendment of subsection (b) and new subsection (d) filed 1-20-98 as an emergency; operative 1-20-98 (Register 98, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-20-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-20-98 order, including amendment of section heading, transmitted to OAL 5-15-98 and filed 6-23-98 (Register 98, No. 26).
6. Amendment of section heading, repealer and new section and amendment of Note filed 2-5-2004 as an emergency; operative 2-5-2004 (Register 2004, No. 6). A Certificate of Compliance must be transmitted to OAL by 6-4-2004 or emergency language will be repealed by operation of law on the following day.
7. Amendment of section heading, repealer and new section and amendment of Note refiled 6-1-2004 as an emergency, including further amendment of subsection (a); operative 6-1-2004 (Register 2004, No. 23). A Certificate of Compliance must be transmitted to OAL by 9-29-2004 or emergency language will be repealed by operation of law on the following day.
8. Amendment of section heading, repealer and new section and amendment of Note refiled 9-29-2004 as an emergency; operative 9-29-2004 (Register 2004, No. 40). A Certificate of Compliance must be transmitted to OAL by 1-27-2005 or emergency language will be repealed by operation of law on the following day.
9. Amendment of section heading, repealer and new section and amendment of Note refiled 1-26-2005 as an emergency; operative 1-27-2005 (Register 2005, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-27-2005 or emergency language will be repealed by operation of law on the following day.
10. Amendment of section heading, repealer and new section and amendment of Note refiled 5-27-2005 as an emergency; operative 5-27-2005 (Register 2005, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-26-2005 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 5-27-2005 order, including amendment of section, transmitted to OAL 9-23-2005 and filed 11-7-2005 (Register 2005, No. 45).