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October 11, 2024

### New California Law Prohibits Localities From Imposing Their Own Voter ID Requirements



California Governor Gavin Newsom signed [Senate Bill 1174](#) into law on September 29, 2024. SB 1174 prohibits local governments from requiring voters to present identification when casting their ballots at the polls.

#### **SB 1174 Passed in Response to Huntington Beach Voter ID Measure**

SB 1174, authored by state Senator Dave Min (D-Irvine), was introduced following disagreements between the state of California and the city of Huntington Beach regarding control of election procedures. Prior to the enactment of SB 1174, California's statewide election law allowed individuals to cast their vote without identification. Cal. Elec. Code § 14216.[\[1\]](#) There was, however, ambiguity regarding whether cities and counties had the power to impose stricter requirements, especially given the autonomy that localities have in administering elections.

In October 2023, the Huntington Beach City Council took advantage of this ambiguity and [voted to place](#) a measure on the March 2024 ballot, known as Measure A, seeking voter approval for a city charter amendment revising the city's election processes. The [text of Measure A](#) granted the city broad discretion to require identification at polling places to determine voter eligibility, without defining what would constitute a valid form of identification or providing any other details regarding the measure's requirements or implementation.

Huntington Beach voters approved the measure by a 53% to 47% margin. In April 2024, the state of California [filed suit](#) against the city of Huntington Beach, seeking to enjoin implementation of Measure A. The state argued that existing California election law established uniform procedures for determining voter eligibility at polling places that did not include voter identification and that preempted any contradictory city or county laws. The state [further argued](#) that "[i]mposing unnecessary obstacles to voter participation disproportionately burdens low-income voters, voters of color, young or elderly voters, and people with disabilities." A private citizen has also challenged Measure A on similar grounds. See *Bixby v. Estanislau*, 30-2023-01366664-CU-WM-CJC.

## Measure A Enforcement, Despite SB 1174, Could Result in Cumbersome Parallel Elections

On its face, SB 1174 applies to all California local governments—including charter cities like Huntington Beach. And SB 1174 was specifically intended to invalidate Measure A. However, Huntington Beach’s city attorney has said that as a charter city, state law cannot interfere with the city’s right to control city elections. *See* Cal. Const., Art. XI, Section 5(b)(3) (“It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: . . . conduct of city elections.”). Thus, Huntington Beach has vowed to defend Measure A.

Although the text of Measure A indicates that the identification requirements will apply to “municipal elections,” the measure’s opponents have pointed out that it may be applied to any election for any officer occurring at voting locations within the city, since municipal elections are usually on the same ballot as other races.

Indeed, as a practical matter, if Measure A survives legal challenges and SB 1174 also goes into effect, Huntington Beach election administrators and voters could be in for a cumbersome experience. To abide by both Measure A and SB 1174, Huntington Beach may have to run parallel elections involving one ballot for city-wide races and one ballot for all other races, only requiring voter IDs for the city-wide elections. It is not clear how election administrators could ensure that the ID requirement would only apply to the city-wide ballot, given that in many cases—*e.g.*, the November 2024 election—city and non-city elections occur on the same day.

### Will Other States Follow California’s Lead?

California is one of 14 states that does not require voters to show a form of identification at the polls. Like in California, the ability of local governments to impose stricter voting requirements is unclear in many of these states and creates tension between state and local election laws. For example, New Mexico allows voters to cast their ballots without physical identification (*see* N.M. Stat. Ann. §§ 1-1-24, 1-12-7.1, 1-12-10, 1-12-4.1), but the city of Rio Rancho enacted an ordinance that requires voters to present photo identification at polling places. Rio Rancho Muni. Code § 30.31.

California is the first state to pass a law that explicitly prohibits localities from imposing voter ID requirements. However, given the growing disagreements between certain local governments and statewide officials regarding several election-related matters (including [disputes with local officials over election certification](#)), other states may follow California’s lead in enacting legislation similar to SB 1174.

### Endnote

[1] California requires voters to have a valid California driver’s license or identification card number in order to register to vote. *See* Cal. Elec. Code § 2196.

### Authors

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