

By: Riddle

H.B. No. 16

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a)

The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The

secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state, in cooperation with appropriate

1 nonprofit organizations as determined by the secretary of state and
2 with each party whose nominee for governor in the most recent
3 gubernatorial general election received 20 percent or more of the
4 total number of votes received by all candidates for governor in the
5 election, shall establish a statewide effort to educate voters
6 regarding the identification requirements for voting prescribed by
7 Chapter 63. The secretary of state may use any available funds,
8 including federal funds, for the purposes of this section.

9 SECTION 3. Effective September 1, 2011, Section 32.111,
10 Election Code, is amended by adding Subsection (c) to read as
11 follows:

12 (c) The training standards adopted under Subsection (a)
13 must include provisions on the acceptance and handling of the
14 identification presented by a voter to an election officer under
15 Section 63.001.

16 SECTION 4. Effective September 1, 2011, Section 32.114(a),
17 Election Code, is amended to read as follows:

18 (a) The county clerk shall provide one or more sessions of
19 training using the standardized training program and materials
20 developed and provided by the secretary of state under Section
21 32.111 for the election judges and clerks appointed to serve in
22 elections ordered by the governor or a county authority. Each
23 election judge shall complete the training program. Each election
24 clerk shall complete the part of the training program relating to
25 the acceptance and handling of the identification presented by a
26 voter to an election officer under Section 63.001.

27 SECTION 5. Chapter 62, Election Code, is amended by adding

1 Section 62.016 to read as follows:

2 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
3 POLLING PLACES. The presiding judge shall post in a prominent place
4 on the outside of each polling location a list of the acceptable
5 forms of photographic and nonphotographic identification. The
6 notice and list must be printed using a font that is at least
7 24-point.

8 SECTION 6. Section 63.001, Election Code, is amended by
9 amending Subsections (b), (c), (d), and (f) and adding Subsection
10 (g) to read as follows:

11 (b) On offering to vote, a voter must present to an election
12 officer at the polling place either:

13 (1) one form of identification listed in Section
14 63.0101(a); or

15 (2) two different forms of identification listed in
16 Section 63.0101(b) [the voter's voter registration certificate to
17 an election officer at the polling place].

18 (c) On presentation of the documentation required by
19 Subsection (b) [a registration certificate], an election officer
20 shall determine whether the voter's name on the registration
21 certificate is on the list of registered voters for the precinct.

22 (d) If the voter's name is on the precinct list of
23 registered voters and the voter's identity can be verified from the
24 documentation presented under Subsection (b), the voter shall be
25 accepted for voting.

26 (f) After determining whether to accept a voter, an election
27 officer shall return the voter's documentation [~~registration~~

1 ~~certificate]~~ to the voter.

2 (g) If the requirements for identification prescribed by
3 Subsection (b) are not met, the voter may be accepted for
4 provisional voting only under Section 63.011. An election officer
5 shall inform a voter who is not accepted for voting under this
6 section of the voter's right to cast a provisional ballot under
7 Section 63.011.

8 SECTION 7. Section 63.0011(a), Election Code, is amended to
9 read as follows:

10 (a) Before a voter may be accepted for voting, an election
11 officer shall ask the voter if the voter's residence address on the
12 precinct list of registered voters is current and whether the voter
13 has changed residence within the county. If the voter's address is
14 omitted from the precinct list under Section 18.005(c), the officer
15 shall ask the voter if the voter's residence as listed on
16 identification presented by the voter under Section 63.001(b) [~~the~~
17 ~~voter's voter registration certificate]~~ is current and whether the
18 voter has changed residence within the county.

19 SECTION 8. Section 63.006(a), Election Code, is amended to
20 read as follows:

21 (a) A voter who, when offering to vote, presents a voter
22 registration certificate indicating that the voter is currently
23 registered in the precinct in which the voter is offering to vote,
24 but whose name is not on the precinct list of registered voters,
25 shall be accepted for voting if the voter's identity can be verified
26 from the documentation presented under Section 63.001(b).

27 SECTION 9. Section 63.007(a), Election Code, is amended to

1 read as follows:

2 (a) A voter who, when offering to vote, presents
3 documentation required under Section 63.001(b) that indicates [~~a~~
4 ~~voter registration certificate indicating that~~] the voter is
5 currently registered in a different precinct from the one in which
6 the voter is offering to vote, and whose name is not on the precinct
7 list of registered voters, shall be accepted for voting if the
8 voter's identity can be verified from the documentation and the
9 voter executes an affidavit stating that the voter:

10 (1) is a resident of the precinct in which the voter is
11 offering to vote or is otherwise entitled by law to vote in that
12 precinct;

13 (2) was a resident of the precinct in which the voter
14 is offering to vote at the time that information on the voter's
15 residence address was last provided to the voter registrar;

16 (3) did not deliberately provide false information to
17 secure registration in a precinct in which the voter does not
18 reside; and

19 (4) is voting only once in the election.

20 SECTION 10. Section 63.0101, Election Code, is amended to
21 read as follows:

22 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

23 (a) The following documentation is an acceptable form [~~as proof~~] of
24 photo identification under this chapter:

25 (1) a driver's license or personal identification card
26 issued to the person by the Department of Public Safety or the
27 equivalent agency of another state that has not expired or that

1 expired no earlier than two years before the date of presentation
2 ~~[or a similar document issued to the person by an agency of another~~
3 ~~state, regardless of whether the license or card has expired];~~

4 (2) a United States military identification card that
5 contains the person's photograph ~~[form of identification~~
6 ~~containing the person's photograph that establishes the person's~~
7 ~~identity];~~

8 (3) a valid employee identification card that contains
9 the person's photograph and is issued by an employer of the person
10 in the ordinary course of the employer's business ~~[birth~~
11 ~~certificate or other document confirming birth that is admissible~~
12 ~~in a court of law and establishes the person's identity];~~

13 (4) a United States citizenship certificate ~~[papers]~~
14 issued to the person that contains the person's photograph;

15 (5) a United States passport issued to the person;

16 (6) a student identification card issued by a public
17 or private institution of higher education that contains the
18 person's photograph ~~[official mail addressed to the person by name~~
19 ~~from a governmental entity];~~

20 (7) a license to carry a concealed handgun issued to
21 the person by the Department of Public Safety;

22 (8) an identification card issued by a state agency of
23 this state that contains the person's photograph; or

24 (9) a valid identification card that contains the
25 person's photograph and is issued by:

26 (A) an agency or institution of the federal
27 government; or

1 (B) an agency, institution, or political
2 subdivision of this state.

3 (b) The following documentation is acceptable as proof of
4 identification under this chapter:

5 (1) the voter's voter registration certificate or a
6 copy of a current utility bill, bank statement, government check,
7 paycheck, or other government document that shows the name and
8 address of the voter;

9 (2) official mail addressed to the person by name from
10 a governmental entity;

11 (3) a certified copy of a birth certificate or other
12 document confirming birth that is admissible in a court of law and
13 establishes the person's identity;

14 (4) United States citizenship papers issued to the
15 person;

16 (5) an original or certified copy of the person's
17 marriage license or divorce decree;

18 (6) court records of the person's adoption, name
19 change, or sex change;

20 (7) an identification card issued to the person by a
21 governmental entity of this state or the United States for the
22 purpose of obtaining public benefits, including veteran's
23 benefits, Medicaid, or Medicare;

24 (8) a temporary driving permit issued to the person by
25 the Department of Public Safety;

26 (9) a pilot's license issued to the person by the
27 Federal Aviation Administration or another authorized agency of the

1 United States;

2 (10) a library card that contains the person's name
3 issued to the person by a public library located in this state; or

4 (11) a hunting or fishing license issued to a person by
5 the Parks and Wildlife Department [~~or~~

6 ~~(8) any other form of identification prescribed by~~
7 ~~the secretary of state].~~

8 (c) The commissioners court of a county may authorize the
9 county elections administrator or the county clerk, as applicable,
10 to issue photo identification cards that may be used as proof of a
11 voter's identification under Subsection (a).

12 SECTION 11. Sections 63.011(a) and (b), Election Code, are
13 amended to read as follows:

14 (a) A person to whom Section 63.001(g) [~~63.008(b) or~~
15 ~~63.009(a)~~] applies may cast a provisional ballot if the person
16 executes an affidavit stating that the person:

17 (1) is a registered voter in the precinct in which the
18 person seeks to vote; and

19 (2) is eligible to vote in the election.

20 (b) A form for an affidavit required by this section shall
21 be printed on an envelope in which the provisional ballot voted by
22 the person may be placed and must include a space for entering the
23 identification number of the provisional ballot voted by the person
24 and a space for an election officer to indicate whether the person
25 presented proof of identification as required by Section
26 63.001(b)(1) or (2). The affidavit form may include space for
27 disclosure of any necessary information to enable the person to

1 register to vote under Chapter 13. The secretary of state shall
2 prescribe the form of the affidavit under this section.

3 SECTION 12. Section 65.054(b), Election Code, is amended to
4 read as follows:

5 (b) A provisional ballot may be accepted only if:

6 (1) the board determines that, from the information in
7 the affidavit or contained in public records, the person is
8 eligible to vote in the election and has not previously voted in
9 that election; and

10 (2) the voter presents proof of identification as
11 required by Section 63.001(b)(1) or (2):

12 (A) at the time the ballot was cast; or

13 (B) in the period prescribed under Section
14 65.0541.

15 SECTION 13. Subchapter B, Chapter 65, Election Code, is
16 amended by adding Section 65.0541 to read as follows:

17 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
18 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
19 voting under Section 63.011 because the voter does not present
20 proof of identification as required by Section 63.001(b)(1) or (2)
21 may submit proof of identification to the voter registrar by
22 personal delivery or by mail for examination by the early voting
23 ballot board not later than the fifth day after the date of the
24 election.

25 (b) The early voting ballot board shall accept a provisional
26 ballot under Section 65.054 if the voter:

27 (1) presents proof of identification in the manner

1 required by this section; and

2 (2) is otherwise eligible to vote in the election.

3 (c) The office of the voter registrar shall be open on a
4 Saturday that falls within the five-day period described by
5 Subsection (a) for a voter to present identification as provided
6 under this section.

7 (d) The secretary of state shall prescribe procedures as
8 necessary to implement this section.

9 SECTION 14. Section 521.422, Transportation Code, is
10 amended by amending Subsection (a) and adding Subsection (d) to
11 read as follows:

12 (a) Except as provided by Subsection (d), the [The] fee for
13 a personal identification certificate is:

14 (1) \$15 for a person under 60 years of age;

15 (2) \$5 for a person 60 years of age or older; and

16 (3) \$20 for a person subject to the registration
17 requirements under Chapter 62, Code of Criminal Procedure.

18 (d) The department may not collect a fee for a personal
19 identification certificate issued to a person who states that the
20 person is obtaining the personal identification certificate for the
21 sole purpose of satisfying Section 63.001(b)(1), Election Code,
22 and:

23 (1) who is a registered voter in this state and
24 presents a valid voter registration certificate; or

25 (2) who is eligible for registration under Section
26 13.001, Election Code, and submits a registration application to
27 the department.

1 SECTION 15. Sections 63.008 and 63.009, Election Code, are
2 repealed.

3 SECTION 16. (a) As soon as practicable after September 1,
4 2011:

5 (1) the secretary of state shall adopt the training
6 standards and develop the training materials required to implement
7 the change in law made by this Act to Section 32.111, Election Code;
8 and

9 (2) the county clerk of each county shall provide a
10 session of training under Section 32.114, Election Code, using the
11 standards adopted and materials developed to implement the change
12 in law made by this Act to Section 32.111, Election Code.

13 (b) This section takes effect September 1, 2011.

14 SECTION 17. Except as otherwise provided by this Act, this
15 Act takes effect January 1, 2012.