

By: Reynolds

H.B. No. 41

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requirements to vote, including presenting proof of
3 identification.

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

5 SECTION 1. Section 15.022(a), Election Code, as effective
6 September 1, 2021, is amended to read as follows:

7 (a) The registrar shall make the appropriate corrections in
8 the registration records, including, if necessary, deleting a
9 voter's name from the suspense list:

10 (1) after receipt of a notice of a change in
11 registration information under Section 15.021;

12 (2) after receipt of a voter's reply to a notice of
13 investigation given under Section 16.033;

14 (3) after receipt of any affidavits executed under
15 Section 63.007 [~~63.006~~], following an election;

16 (4) after receipt of a voter's statement of residence
17 executed under Section 63.0011;

18 (5) before the effective date of the abolishment of a
19 county election precinct or a change in its boundary;

20 (6) after receipt of United States Postal Service
21 information indicating an address reclassification;

22 (7) after receipt of a voter's response under Section
23 15.053;

24 (8) after receipt of a registration application or

1 change of address under Chapter 20; or

2 (9) after notification of a data entry error of which
3 the voter registrar is made aware under Section 63.0051.

4 SECTION 2. Sections 31.012(a), (b), and (b-1), Election
5 Code, are amended to read as follows:

6 (a) The secretary of state and the voter registrar of each
7 county that maintains a website shall provide notice ~~[of the~~
8 ~~identification requirements for voting prescribed by Chapter 63~~
9 ~~and]~~ that straight ticket voting has been eliminated pursuant to
10 H.B. 25, Acts of the 85th Legislature, Regular Session, 2017, on
11 each entity's respective website in each language in which voter
12 registration and election materials are available. The secretary
13 of state shall prescribe the wording of the notice to be included on
14 the websites.

15 (b) ~~[The secretary of state shall conduct a statewide effort~~
16 ~~to educate voters regarding the identification requirements for~~
17 ~~voting prescribed by Chapter 63.~~

18 ~~[(b-1)]~~ As soon as practicable after September 1, 2020, the
19 secretary of state shall distribute electronically to each county
20 election administrator and the county chair of each political party
21 notice that straight ticket voting has been eliminated pursuant to
22 H.B. 25, Acts of the 85th Legislature, Regular Session, 2017.

23 SECTION 3. Section 32.114(a), Election Code, as effective
24 September 1, 2021, is amended to read as follows:

25 (a) The county clerk shall provide one or more sessions of
26 training using the standardized training program and materials
27 developed and provided by the secretary of state under Section

1 32.111 for the election judges and clerks appointed to serve in
2 elections ordered by the governor or a county authority. Each
3 election judge shall complete the training program. The training
4 program must include specific procedures related to the early
5 voting ballot board and the central counting station, as
6 applicable. [~~Each election clerk shall complete the part of the~~
7 ~~training program relating to the acceptance and handling of the~~
8 ~~identification presented by a voter to an election officer under~~
9 ~~Section 63.001.~~]

10 SECTION 4. Sections 63.001(b), (c), (d), (e), and (f),
11 Election Code, are amended to read as follows:

12 (b) On [~~Except as provided by Subsection (h), on~~] offering
13 to vote, a voter must present the voter's voter registration
14 certificate to an election officer at the polling place[+]

15 [~~(1) one form of photo identification listed in~~
16 ~~Section 63.0101(a), or~~

17 [~~(2) one form of identification listed in Section~~
18 ~~63.0101(b) accompanied by the declaration described by Subsection~~
19 ~~(i)].~~

20 (c) On presentation of a registration certificate [~~the~~
21 ~~documentation required under Subsection (b)]], an election officer
22 shall determine whether the voter's name on the registration
23 certificate [~~documentation~~] is on the list of registered voters for
24 the precinct. [~~If in making a determination under this subsection~~
25 ~~the election officer determines under standards adopted by the~~
26 ~~secretary of state that the voter's name on the documentation is~~
27 ~~substantially similar to but does not match exactly with the name on~~~~

1 ~~the list, the voter shall be accepted for voting under Subsection~~
2 ~~(d) if the voter submits an affidavit stating that the voter is the~~
3 ~~person on the list of registered voters.]~~

4 (d) If [~~, as determined under Subsection (c),~~] the voter's
5 name is on the precinct list of registered voters [~~and the voter's~~
6 ~~identity can be verified from the documentation presented under~~
7 ~~Subsection (b)], the voter shall be accepted for voting. [~~An~~
8 ~~election officer may not question the reasonableness of an~~
9 ~~impediment sworn to by a voter in a declaration described by~~
10 ~~Subsection (i).]~~~~

11 (e) On accepting a voter, an election officer shall indicate
12 beside the voter's name on the list of registered voters that the
13 voter is accepted for voting. [~~If the voter executes a declaration~~
14 ~~of reasonable impediment to meet the requirement for identification~~
15 ~~under Subsection (b), the election officer must affix the voter's~~
16 ~~voter registration number to the declaration either in numeric or~~
17 ~~bar code form.]~~

18 (f) After determining whether to accept a voter, an election
19 officer shall return the voter's registration certificate
20 [~~documentation~~] to the voter.

21 SECTION 5. Section 63.0011(a), Election Code, is amended to
22 read as follows:

23 (a) Before a voter may be accepted for voting, an election
24 officer shall ask the voter if the voter's residence address on the
25 precinct list of registered voters is current and whether the voter
26 has changed residence within the county. If the voter's address is
27 omitted from the precinct list under Section 18.005(c), the officer

1 shall ask the voter if the voter's residence as [~~if~~] listed [~~if~~] on
2 the voter's voter registration certificate [~~identification~~
3 ~~presented by the voter under Section 63.001(b)~~] is current and
4 whether the voter has changed residence within the county.

5 SECTION 6. Section 63.004(a), Election Code, is amended to
6 read as follows:

7 (a) The secretary of state may prescribe forms that combine
8 the poll list, the signature roster, or any other form used in
9 connection with the acceptance of voters at polling places with
10 each other or with the list of registered voters. The secretary
11 shall prescribe any special instructions necessary for using the
12 combination forms. [~~The combination forms must include space for~~
13 ~~an election officer to indicate whether a voter executed a~~
14 ~~declaration of reasonable impediment under Section 63.001(i).~~]

15 SECTION 7. Section 63.006, Election Code, is amended to
16 read as follows:

17 Sec. 63.006. VOTER WITH CORRECT CERTIFICATE [~~REQUIRED~~
18 ~~DOCUMENTATION~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
19 vote, presents a voter registration certificate indicating that the
20 voter is currently registered in the precinct in which the voter is
21 offering to vote, [~~the documentation required under Section~~
22 ~~63.001(b)~~] but whose name is not on the precinct list of registered
23 voters, shall be accepted for voting [~~if the voter also presents a~~
24 ~~voter registration certificate indicating that the voter is~~
25 ~~currently registered.~~

26 [~~(1) in the precinct in which the voter is offering to~~
27 ~~vote, or~~

1 ~~[(2) in a different precinct in the same county as the~~
2 ~~precinct in which the voter is offering to vote and the voter~~
3 ~~executes an affidavit stating that the voter:~~

4 ~~[(A) is a resident of the precinct in which the~~
5 ~~voter is offering to vote or is otherwise entitled by law to vote in~~
6 ~~that precinct;~~

7 ~~[(B) was a resident of the precinct in which the~~
8 ~~voter is offering to vote at the time the information on the voter's~~
9 ~~residence address was last provided to the voter registrar;~~

10 ~~[(C) did not deliberately provide false~~
11 ~~information to secure registration in a precinct in which the voter~~
12 ~~does not reside; and~~

13 ~~[(D) is voting only once in the election].~~

14 (b) After the voter is accepted, an election officer shall
15 [~~+~~

16 ~~[(1)]~~ indicate beside the voter's name on the poll list
17 that the voter was accepted under this section[~~, and~~

18 ~~[(2) enter the voter's name on the registration~~
19 ~~omissions list].~~

20 SECTION 8. Chapter 63, Election Code, is amended by adding
21 Sections 63.007 and 63.008 to read as follows:

22 Sec. 63.007. VOTER WITH INCORRECT CERTIFICATE WHO IS NOT ON
23 LIST. (a) A voter who, when offering to vote, presents a voter
24 registration certificate indicating that the voter is currently
25 registered in a different precinct from the one in which the voter
26 is offering to vote, and whose name is not on the precinct list of
27 registered voters, shall be accepted for voting if the voter

1 executes an affidavit stating that the voter:

2 (1) is a resident of the precinct in which the voter is
3 offering to vote or is otherwise entitled by law to vote in that
4 precinct;

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

8 (3) did not deliberately provide false information to
9 secure registration in a precinct in which the voter does not
10 reside; and

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

12 (b) After the voter is accepted, an election officer shall
13 indicate beside the voter's name on the poll list that the voter was
14 accepted under this section.

15 Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A
16 voter who does not present a voter registration certificate when
17 offering to vote, but whose name is on the list of registered voters
18 for the precinct in which the voter is offering to vote, shall be
19 accepted for voting if the voter executes an affidavit stating that
20 the voter does not have the voter's voter registration certificate
21 in the voter's possession at the polling place at the time of
22 offering to vote and the voter presents proof of identification in a
23 form described by Section [63.0101](#).

24 (b) If the requirements prescribed by Subsection (a) are not
25 met, the voter may be accepted for provisional voting only under
26 Section [63.011](#).

27 SECTION 9. Section [63.009](#), Election Code, is amended to

1 read as follows:

2 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

3 (a) Except as provided by Subsection (b), a [A] voter who does not
4 present a voter registration certificate when offering to vote, and
5 whose name is not on the list of registered voters for the precinct
6 in which the voter is offering to vote, shall be accepted for
7 provisional voting if the voter executes an affidavit in accordance
8 with Section 63.011.

9 (b) If an election officer can determine from the voter
10 registrar that the person is a registered voter of the county and
11 the person presents proof of identification, the affidavits
12 required by Sections 63.007 and 63.008 are substituted for the
13 affidavit required by Section 63.011 in complying with that
14 section. After the voter is accepted under this subsection, an
15 election officer shall also indicate beside the voter's name on the
16 poll list that the voter was accepted under this section.

17 SECTION 10. Section 63.0101(a), Election Code, is amended
18 to read as follows:

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

21 (1) a driver's license~~[, election identification~~
22 ~~certificate,~~ or personal identification card issued to the person
23 by the Department of Public Safety or a similar document issued to
24 the person by an agency of another state, regardless of whether the
25 license or card [that] has [not] expired [or that expired no earlier
26 than four years before the date of presentation];

27 (2) a form of identification containing the person's

1 photograph that establishes the person's identity [~~United States~~
2 ~~military identification card that contains the person's photograph~~
3 ~~that has not expired or that expired no earlier than four years~~
4 ~~before the date of presentation~~];

5 (3) a birth certificate or other document confirming
6 birth that is admissible in a court of law and establishes the
7 person's identity;

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

10 (5) [~~(4)~~] a United States passport book or card issued
11 to the person [~~that has not expired or that expired no earlier than~~
12 ~~four years before the date of presentation~~];

13 (6) official mail addressed to the person by name from
14 a governmental entity;

15 (7) a copy of a current utility bill, bank statement,
16 government check, paycheck, or other government document that shows
17 the name and address of the voter; or

18 (8) any other form of identification prescribed by the
19 secretary of state [~~or~~

20 [~~(5) a license to carry a handgun issued to the person~~
21 ~~by the Department of Public Safety that has not expired or that~~
22 ~~expired no earlier than four years before the date of~~
23 ~~presentation~~].

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

26 (a) A person to whom Section 63.008(b) or 63.009(a)
27 [~~63.001(g) or 63.009~~] applies may cast a provisional ballot if the

1 person executes an affidavit stating that the person:

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

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

5 (b) A form for an affidavit required by this section must be
6 printed on an envelope in which the provisional ballot voted by the
7 person may be placed and must include[+]

8 [~~(1)~~] a space for entering the identification number
9 of the provisional ballot voted by the person[+ and

10 [~~(2)~~ a space for an election officer to indicate
11 whether the person presented a form of identification described by
12 Section [63.0101](#)].

13 SECTION 12. Section [64.012](#)(b), Election Code, is amended to
14 read as follows:

15 (b) An offense under this section is a felony of the third
16 [~~second~~] degree unless the person is convicted of an attempt. In
17 that case, the offense is a Class A misdemeanor [~~state jail felony~~].

18 SECTION 13. Section [65.054](#)(b), Election Code, is amended to
19 read as follows:

20 (b) A provisional ballot may [~~shall~~] be accepted only if the
21 board determines that, [+]

22 [~~(1)~~] from the information in the affidavit or
23 contained in public records, the person is eligible to vote in the
24 election and has not previously voted in that election[+]

25 [~~(2)~~ the person:

26 [~~(A)~~ meets the identification requirements of
27 Section [63.001](#)(b) at the time the ballot was cast or in the period

1 ~~prescribed under Section 65.0541;~~

2 ~~[(B) notwithstanding Chapter 110, Civil Practice~~
3 ~~and Remedies Code, executes an affidavit under penalty of perjury~~
4 ~~that states the voter has a religious objection to being~~
5 ~~photographed and the voter has consistently refused to be~~
6 ~~photographed for any governmental purpose from the time the voter~~
7 ~~has held this belief; or~~

8 ~~[(C) executes an affidavit under penalty of~~
9 ~~perjury that states the voter does not have any identification~~
10 ~~meeting the requirements of Section 63.001(b) as a result of a~~
11 ~~natural disaster that was declared by the president of the United~~
12 ~~States or the governor, occurred not earlier than 45 days before the~~
13 ~~date the ballot was cast, and caused the destruction of or inability~~
14 ~~to access the voter's identification; and~~

15 ~~[(3) the voter has not been challenged and voted a~~
16 ~~provisional ballot solely because the voter did not meet the~~
17 ~~requirements for identification prescribed by Section 63.001(b)].~~

18 SECTION 14. Section 66.0241, Election Code, is amended to
19 read as follows:

20 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
21 must contain:

22 (1) the precinct list of registered voters;
23 (2) the registration correction list;
24 (3) any statements of residence executed under Section
25 63.0011; and

26 (4) any affidavits executed under Section 63.007
27 [~~63.006~~] or 63.011.

1 SECTION 15. Section 272.011(b), Election Code, is amended
2 to read as follows:

3 (b) The secretary of state shall prepare the translation for
4 election materials required to be provided in a language other than
5 English or Spanish for the following state prescribed voter forms:

6 (1) voter registration application form required by
7 Section 13.002;

8 (2) the confirmation form required by Section 15.051;

9 (3) the voting instruction poster required by Section
10 62.011;

11 (4) ~~[the reasonable impediment declaration required
12 by Section 63.001(b)],~~

13 ~~[(5)]~~ the statement of residence form required by
14 Section 63.0011;

15 (5) ~~[(6)]~~ the provisional ballot affidavit required
16 by Section 63.011;

17 (6) ~~[(7)]~~ the application for a ballot by mail
18 required by Section 84.011;

19 (7) ~~[(8)]~~ the carrier envelope and voting
20 instructions required by Section 86.013; and

21 (8) ~~[(9)]~~ any other voter forms that the secretary of
22 state identifies as frequently used and for which state resources
23 are otherwise available.

24 SECTION 16. (a) The following provisions of the Election
25 Code are repealed:

26 (1) Section 13.002(i);

27 (2) Section 15.001(c);

- 1 (3) Section 15.005;
- 2 (4) Section 31.013;
- 3 (5) Section 32.111(c);
- 4 (6) Section 62.016;
- 5 (7) Sections 63.001(c-1), (g), (h), and (i);
- 6 (8) Section 63.0013;
- 7 (9) Sections 63.0101(b) and (c); and
- 8 (10) Section 65.0541.

9 (b) Sections 191.0046(e) and (f), Health and Safety Code,
10 are repealed.

11 (c) Chapter 521A, Transportation Code, is repealed.

12 SECTION 17. The changes in law made by this Act in amending
13 Section 64.012(b), Election Code, and repealing Section 63.0013,
14 Election Code, apply only to an offense committed on or after the
15 effective date of this Act. An offense committed before the
16 effective date of this Act is governed by the law in effect on the
17 date the offense was committed, and the former law is continued in
18 effect for that purpose. For purposes of this section, an offense
19 was committed before the effective date of this Act if any element
20 of the offense occurred before that date.

21 SECTION 18. This Act takes effect on the 91st day after the
22 last day of the legislative session.