

By: Dominguez

H.B. No. 138

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. Section 13.002(i), Election Code, as effective September 1, 2021, is amended to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have ~~[a form of]~~ identification required by Section 63.001(b) in a form described by [acceptable under] Section 63.0101.

SECTION 2. Sections 63.001(b) and (i), Election Code, are amended to read as follows:

(b) Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place:

1 (1) one form of photo identification listed in Section
2 [63.0101\(a\)](#); [~~or~~]

3 (2) one form of identification listed in Section
4 [63.0101\(b\)](#) (1), (2), or (3) accompanied by the declaration described
5 by Subsection (i);

6 (3) two forms of identification listed under Section
7 [63.0101\(b\)](#), including one form that contains the voter's current
8 address; or

9 (4) two forms of identification listed under Section
10 [63.0101\(b\)](#) (4) accompanied by the declaration described by
11 Subsection (i).

12 (i) If the requirement for identification prescribed by
13 Subsection (b)(1) or (3) is not met, an election officer shall
14 notify the voter that the voter may be accepted for voting if the
15 voter meets the requirement for identification prescribed by
16 Subsection (b)(2) or (4) and executes a declaration declaring the
17 voter has a reasonable impediment to meeting the requirement for
18 identification prescribed by Subsection (b)(1) or (3). A person is
19 subject to prosecution for perjury under Chapter [37](#), Penal Code, or
20 Section [63.0013](#) for a false statement or false information on the
21 declaration. The secretary of state shall prescribe the form of the
22 declaration. The form shall include:

23 (1) a notice that a person is subject to prosecution
24 for perjury under Chapter [37](#), Penal Code, or Section [63.0013](#) for a
25 false statement or false information on the declaration;

26 (2) a statement that the voter swears or affirms that
27 the information contained in the declaration is true, that the

1 person described in the declaration is the same person appearing at
2 the polling place to sign the declaration, and that the voter faces
3 a reasonable impediment to procuring the identification prescribed
4 by Subsection (b)(1) or (3);

5 (3) a place for the voter to indicate one of the
6 following impediments:

7 (A) lack of transportation;

8 (B) lack of birth certificate or other documents
9 needed to obtain the identification prescribed by Subsection
10 (b)(1);

11 (C) work schedule;

12 (D) lost or stolen identification;

13 (E) disability or illness;

14 (F) family responsibilities; and

15 (G) the identification prescribed by Subsection
16 (b)(1) or (3) has been applied for but not received;

17 (4) a place for the voter to sign and date the
18 declaration;

19 (5) a place for the election judge to sign and date the
20 declaration;

21 (6) a place to note the polling place at which the
22 declaration is signed; and

23 (7) a place for the election judge to note which form
24 of identification prescribed by Subsection (b)(2) or (4) the voter
25 presented.

26 SECTION 3. Sections [63.0101](#)(a) and (b), Election Code, are
27 amended to read as follows:

1 (a) The following documentation is an acceptable form of
2 photo identification under this chapter:

3 (1) a driver's license, election identification
4 certificate, or personal identification card issued to the voter
5 [~~person~~] by the Department of Public Safety that has not expired or
6 that expired no earlier than four years before the date of
7 presentation;

8 (2) a United States military identification card that
9 contains the voter's [~~person's~~] photograph that has not expired or
10 that expired no earlier than four years before the date of
11 presentation;

12 (3) a United States citizenship certificate issued to
13 the voter [~~person~~] that contains the voter's [~~person's~~] photograph;

14 (4) a United States passport book or card issued to the
15 voter [~~person~~] that has not expired or that expired no earlier than
16 four years before the date of presentation; [~~or~~]

17 (5) a license to carry a handgun issued to the voter
18 [~~person~~] by the Department of Public Safety that has not expired or
19 that expired no earlier than four years before the date of
20 presentation;

21 (6) an official Native American tribal document that:

22 (A) contains the voter's photograph and address;

23 and

24 (B) is issued by a tribe that is federally
25 recognized and located in this state; or

26 (7) any other official government document issued to
27 the voter and containing the voter's name, address, and photograph.

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

3 (1) a government document that shows the name and
4 address of the voter, including the voter's voter registration
5 certificate;

6 (2) one of the following documents that shows the name
7 and address of the voter:

8 (A) a copy of a current utility bill;

9 (B) a bank or credit union statement;

10 (C) a government check; or

11 (D) a paycheck or pension plan statement; ~~[or]~~

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

15 (4) two of the following documents issued or delivered
16 to the voter, one of which must contain the name and address of the
17 voter:

18 (A) a Medicare, Medicaid, or Department of
19 Veterans Affairs identification card or other health insurance
20 identification card;

21 (B) a Department of Defense identification card;

22 (C) a social security identification card;

23 (D) a label on a prescription drug container;

24 (E) an identity bracelet issued by a hospital or
25 long-term care facility;

26 (F) a credit or debit card;

27 (G) an identification card issued by an employer;

- 1 (H) a student identification card issued by a
2 public or private high school or institution of higher education;
3 (I) a library card;
4 (J) a Texas Department of Criminal Justice
5 document indicating release or parole;
6 (K) a fishing or hunting license;
7 (L) a lease or mortgage for real property;
8 (M) a motor vehicle title;
9 (N) an insurance certificate, policy
10 declaration, or other document demonstrating proof of insurance;
11 (O) a letter from a public or private school or
12 institution of higher education;
13 (P) a personal check;
14 (Q) an official Native American tribal document
15 that is issued by a tribe that is federally recognized and located
16 in this state;
17 (R) a blood donor card;
18 (S) a public transportation card;
19 (T) a property tax assessment;
20 (U) a form prescribed by the Internal Revenue
21 Service;
22 (V) a letter from a public conservator,
23 court-appointed guardian, or trustee;
24 (W) a letter of confirmation of residence, letter
25 of stay, admission form, or statement of benefits from:
26 (i) a student residence;
27 (ii) a nursing home or other long-term care

1 facility or a retirement center;
2 (iii) a shelter; or
3 (iv) a soup kitchen;
4 (X) a document listed in Subdivision (1), (2), or
5 (3); or
6 (Y) another government document containing the
7 voter's name.

8 SECTION 4. Section 63.011(b), Election Code, is amended to
9 read as follows:

10 (b) A form for an affidavit required by this section must be
11 printed on an envelope in which the provisional ballot voted by the
12 person may be placed and must include:

13 (1) a space for entering the identification number of
14 the provisional ballot voted by the person; and

15 (2) a space for an election officer to indicate
16 whether the person presented [~~a form of~~] identification required by
17 Section 63.001(b) in a form described by Section 63.0101.

18 SECTION 5. Section 65.0541(a), Election Code, is amended to
19 read as follows:

20 (a) A voter who is accepted for provisional voting under
21 Section 63.011 because the voter does not meet the identification
22 requirements of Section 63.001(b) may, not later than the sixth day
23 after the date of the election:

24 (1) present [~~a form of~~] identification required by
25 Section 63.001(b) in a form described by Section 63.0101 to the
26 voter registrar for examination; or

27 (2) execute an affidavit described by Section

1 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

2 SECTION 6. Section 86.006(a-1), Election Code, is amended
3 to read as follows:

4 (a-1) The voter may deliver a marked ballot in person to the
5 early voting clerk's office only while the polls are open on
6 election day. A voter who delivers a marked ballot in person must
7 present identification required by Section 63.001(b) in a [an
8 ~~acceptable]~~ form ~~[of identification]~~ described by Section 63.0101.

9 SECTION 7. This Act takes effect on the 91st day after the
10 last day of the legislative session.