

By: Martinez

H.B. No. 169

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the acceptance of a provisional ballot after a natural
3 disaster.

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

5 SECTION 1. Section 65.054(b), Election Code, is amended to
6 read as follows:

7 (b) A provisional ballot shall be accepted if the board
8 determines that:

9 (1) from the information in the affidavit or contained
10 in public records, the person is eligible to vote in the election
11 and has not previously voted in that election;

12 (2) the person:

13 (A) meets the identification requirements of
14 Section 63.001(b) at the time the ballot was cast or in the period
15 prescribed under Section 65.0541;

16 (B) notwithstanding Chapter 110, Civil Practice
17 and Remedies Code, executes an affidavit under penalty of perjury
18 that states the voter has a religious objection to being
19 photographed and the voter has consistently refused to be
20 photographed for any governmental purpose from the time the voter
21 has held this belief; or

22 (C) executes an affidavit under penalty of
23 perjury that states the voter does not have any identification
24 meeting the requirements of Section 63.001(b) as a result of a

1 natural disaster that was declared by the president of the United
2 States or the governor, occurred not earlier than the 60th day [45
3 ~~days~~] before the date the ballot was cast, and caused the
4 destruction of or inability to access the voter's identification;
5 and

6 (3) the voter has not been challenged and voted a
7 provisional ballot solely because the voter did not meet the
8 requirements for identification prescribed by Section 63.001(b).

9 SECTION 2. This Act takes effect on the 91st day after the
10 last day of the legislative session.