

BILL ANALYSIS

C.S.H.B. 1706
By: Denny
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, to vote a regular ballot, voters are only required to present their voter registration certificates to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on election day, it leaves a potential loophole for fraud. Individuals are not required to show identification to register to vote. Because of this, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for the "fake" individuals. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. CSHB 1706 modifies provisions requiring a voter to present proof of identification when offering to vote.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is not expressly granted to any state officer, department, agency, or institution; however, SECTION 8 (Sec. 65.0541, Election Code) of this bill requires the Secretary of State to prescribe procedures as necessary to implement that section.

ANALYSIS

C.S.H.B. 1706 amends the Election Code by adding that on offering to vote, a voter must present either one form of photo identification or two different forms of non-photo identification. If the voter's identity can be verified from the proof presented, and the voter complies with existing provisions relating to eligibility to vote, the bill requires that the voter be accepted for voting.

The bill requires that a person who fails to show either photo identification or two forms of non-photo identification is accepted to vote a provisional ballot only, if the person completes the provisional ballot affidavit. The bill authorizes such a voter to present proof of identification to the voter registrar not later than the fifth day after the date of the election. The bill requires the secretary of state to prescribe procedures as necessary to implement this provision.

The bill adds proof of identification to the existing qualifications required for a provisional ballot to be accepted by the early voting ballot board and requires that a space for an election officer to indicate whether a person presented identification be added to the provisional ballot affidavit.

C.S.H.B. 1706 modifies the list of acceptable forms of identification for the purposes of voting. The bill provides that the following are acceptable forms of photo identification:

- driver's license or personal identification card issued by the Department of Public Safety (DPS) that has not expired or expired within two years of the date of presentation;
- U.S. military identification card containing the person's photograph;
- valid employee identification card containing the person's photograph;
- U.S. citizenship certificate that contains the person's photograph;
- U.S. passport issued to the person;
- student identification card issued by a public or private institution of higher education located in Texas that contains the person's photograph; or
- license to carry a concealed handgun issued by DPS.

The bill provides that the following are acceptable forms of non-photo identification:

- copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;
 - official mail addressed to the person by name from a governmental entity;
 - certified copy of a birth certificate or other acceptable document confirming birth;
 - U.S. citizenship papers;
 - original or certified copy of a person's marriage license or divorce decree;
 - court records of a person's adoption or name or sex change;
 - identification card issued by a governmental entity for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
 - temporary driving permit issued to the person by DPS;
 - pilot's license issued to the person by an authorized federal agency;
 - library card, containing the person's name, issued by a public library located in this state;
- or
- hunting or fishing license issued to the person by the Parks and Wildlife Department.

The bill removes: driver's license or photo identification card issued by another state; any form of identification containing a person's photograph that establishes the person's identity; and any other form of identification prescribed by the secretary of state, from the list of acceptable identification.

C.S.H.B. 1706 amends the Transportation Code by prohibiting DPS from collecting a fee for a personal identification certificate if the person applying for the certificate executes an affidavit stating that the person is financially unable to pay the required fee. In order for the fee to be waived, the bill also requires the person to:

- be a registered voter and present a valid registration certificate; or
- be eligible for registration and submit a registration application.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original by adding the provisions authorizing a voter to present proof of identification to the voter registrar not later than the fifth day after the date of the election and requiring the secretary of state to prescribe procedures to implement this provision.

The substitute modifies the original by adding proof of identification to the existing qualifications required for a provisional ballot to be accepted by the early voting ballot board. The substitute also modifies the original by requiring that a space for an election officer to indicate whether a person presented identification be added to the provisional ballot affidavit.

The substitute clarifies that the provision relating to provisional voting for failure to show identification applies only to voters who fail to show photo identification or two forms of non-photo identification, not to voters who fail to show a valid voter registration certificate. The substitute also requires, rather than authorizes, that these voters be accepted for provisional voting only.