

AN ACT

relating to the use of electronically readable information from a driver's license or personal identification card in an election.

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

SECTION 1. Chapter 63, Election Code, is amended by adding Section 63.0102 to read as follows:

Sec. 63.0102. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) An election officer may access electronically readable information on a driver's license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting.

(b) The secretary of state shall prescribe any necessary procedures to implement this section.

SECTION 2. Section 521.126(d), Transportation Code, is amended to read as follows:

(d) The prohibition provided by Subsection (b) does not apply to a person who accesses, uses, compiles, or maintains a database of the information for a law enforcement or governmental purpose, including:

(1) an officer or employee of the department carrying out ~~[who accesses or uses the information for]~~ law enforcement or government purposes;

(2) a peace officer, as defined by Article 2.12, Code of Criminal Procedure, acting in the officer's official capacity;

1 (3) a license deputy, as defined by Section 12.702,
2 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or
3 other similar item through use of a point-of-sale system under
4 Section 12.703, Parks and Wildlife Code; ~~or~~

5 (4) a person acting as authorized by Section 109.61,
6 Alcoholic Beverage Code; or

7 (5) a person establishing the identity of a voter
8 under Chapter 63, Election Code.

9 SECTION 3. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 178 was passed by the House on April 12, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 178 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 178 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor