

1-1 By: Denny (Senate Sponsor - Averitt) H.B. No. 178  
1-2 (In the Senate - Received from the House April 13, 2005;  
1-3 April 14, 2005, read first time and referred to Committee on State  
1-4 Affairs; May 20, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 178 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the use of electronically readable information from a  
1-11 driver's license or personal identification card in an election.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 63, Election Code, is amended by adding  
1-14 Section 63.0102 to read as follows:

1-15 Sec. 63.0102. USE OF CERTAIN ELECTRONICALLY READABLE  
1-16 INFORMATION. (a) An election officer may access electronically  
1-17 readable information on a driver's license or personal  
1-18 identification card for proof of identification when determining  
1-19 whether a voter shall be accepted for voting.

1-20 (b) The secretary of state shall prescribe any necessary  
1-21 procedures to implement this section.

1-22 SECTION 2. Section 521.126(d), Transportation Code, is  
1-23 amended to read as follows:

1-24 (d) The prohibition provided by Subsection (b) does not  
1-25 apply to a person who accesses, uses, compiles, or maintains a  
1-26 database of the information for a law enforcement or governmental  
1-27 purpose, including:

1-28 (1) an officer or employee of the department carrying  
1-29 out ~~who accesses or uses the information for~~ law enforcement or  
1-30 government purposes;

1-31 (2) a peace officer, as defined by Article 2.12, Code  
1-32 of Criminal Procedure, acting in the officer's official capacity;

1-33 (3) a license deputy, as defined by Section 12.702,  
1-34 Parks and Wildlife Code, issuing a license, stamp, tag, permit, or  
1-35 other similar item through use of a point-of-sale system under  
1-36 Section 12.703, Parks and Wildlife Code; ~~or~~

1-37 (4) a person acting as authorized by Section 109.61,  
1-38 Alcoholic Beverage Code; or

1-39 (5) a person establishing the identity of a voter  
1-40 under Chapter 63, Election Code.

1-41 SECTION 3. This Act takes effect September 1, 2005.

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