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H.B. No. 1706

A BILL TO BE ENTITLED

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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. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location notice that a provisional ballot will be provided to a person who executes the appropriate affidavit and a list of the acceptable forms of photographic and nonphotographic identification. The notice and list must be printed:

(1) in English, Spanish, and any other language appropriate to the precinct in which the polling place is located; and

(2) using a font that is at least 24 point.

SECTION 2. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present to an election officer at the polling place the voter's voter registration certificate and either:

(1) one form of identification listed in Section 63.0101(a); or

1 (2) two different forms of identification listed in
2 Section 63.0101(b) [~~to an election officer at the polling place~~].

3 (c) On presentation of the documentation required by
4 Subsection (b) [~~a registration certificate~~], an election officer
5 shall determine whether the voter's name on the registration
6 certificate is on the list of registered voters for the precinct.

7 (d) If the voter's name is on the precinct list of
8 registered voters and the voter's identity can be verified from the
9 proof presented, the voter shall be accepted for voting.

10 (f) After determining whether to accept a voter, an election
11 officer shall return the voter's documentation [~~registration~~
12 ~~certificate~~] to the voter.

13 (g) If the requirements for identification prescribed by
14 Subsection (b)(1) or (2) are not met, the voter shall be accepted
15 for provisional voting only under Section 63.011.

16 SECTION 3. Chapter 63, Election Code, is amended by adding
17 Section 63.0012 to read as follows:

18 Sec. 63.0012. USE OF ADDRESS ON IDENTIFICATION. (a) This
19 section applies only to a voter who:

20 (1) presents a registration certificate;

21 (2) is on the list of registered voters for the
22 precinct; and

23 (3) confirms the address on the list of registered
24 voters is current under Section 63.0011.

25 (b) In verifying the identity of a voter described by
26 Subsection (a) under Section 63.001, an election officer may not
27 consider whether the voter's address on a form described by Section

1 63.001(b)(1) or (2) matches the voter's address on the registration
2 certificate or the list of registered voters.

3 SECTION 4. Section 63.006(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter
6 registration certificate indicating that the voter is currently
7 registered in the precinct in which the voter is offering to vote,
8 but whose name is not on the precinct list of registered voters,
9 shall be accepted for voting if the voter's identity can be verified
10 from the proof presented.

11 SECTION 5. Section 63.007(a), Election Code, is amended to
12 read as follows:

13 (a) A voter who, when offering to vote, presents a voter
14 registration certificate indicating that the voter is currently
15 registered in a different precinct from the one in which the voter
16 is offering to vote, and whose name is not on the precinct list of
17 registered voters, shall be accepted for voting if the voter's
18 identity can be verified from the proof presented and the voter
19 executes an affidavit stating that the voter:

20 (1) is a resident of the precinct in which the voter is
21 offering to vote or is otherwise entitled by law to vote in that
22 precinct;

23 (2) was a resident of the precinct in which the voter
24 is offering to vote at the time that information on the voter's
25 residence address was last provided to the voter registrar;

26 (3) did not deliberately provide false information to
27 secure registration in a precinct in which the voter does not

1 reside; and

2 (4) is voting only once in the election.

3 SECTION 6. Section 63.008(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who does not present a voter registration
6 certificate when offering to vote, but whose name is on the list of
7 registered voters for the precinct in which the voter is offering to
8 vote, shall be accepted for voting if the voter executes an
9 affidavit stating that the voter does not have the voter's voter
10 registration certificate in the voter's possession at the polling
11 place at the time of offering to vote and the voter's identity can
12 be verified from the proof presented [~~voter presents proof of~~
13 ~~identification in a form described by Section 63.0101~~].

14 SECTION 7. Section 63.0101, Election Code, is amended to
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

17 (a) The following documentation is an acceptable form [~~as proof~~] of
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card
20 issued to the person by the Department of Public Safety or the
21 equivalent agency of another state that has not expired or that
22 expired no earlier than two years before the date of presentation
23 [~~or a similar document issued to the person by an agency of another~~
24 ~~state, regardless of whether the license or card has expired~~];

25 (2) a United States military identification card that
26 contains the person's photograph [~~form of identification~~
27 ~~containing the person's photograph that establishes the person's~~

1 identity];

2 (3) a valid employee identification card that contains
3 the person's photograph and is issued by an employer of the person
4 in the ordinary course of the employer's business [~~birth~~
5 ~~certificate or other document confirming birth that is admissible~~
6 ~~in a court of law and establishes the person's identity~~];

7 (4) a United States citizenship certificate [~~papers~~]
8 issued to the person that contains the person's photograph;

9 (5) a United States passport issued to the person;

10 (6) a student identification card issued by a public
11 or private institution of higher education that contains the
12 person's photograph [~~official mail addressed to the person by name~~
13 ~~from a governmental entity~~];

14 (7) a license to carry a concealed handgun issued to
15 the person by the Department of Public Safety;

16 (8) an identification card issued by a state agency of
17 this state that contains the person's photograph; or

18 (9) an identification card that contains the person's
19 photograph and is issued by a county elections administrator or a
20 county clerk.

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

23 (1) a copy of a current utility bill, bank statement,
24 government check, paycheck, or other government document that shows
25 the name and address of the voter;

26 (2) official mail addressed to the person by name from
27 a governmental entity;

1 (3) a certified copy of a birth certificate or other
2 document confirming birth that is admissible in a court of law and
3 establishes the person's identity;

4 (4) United States citizenship papers issued to the
5 person;

6 (5) an original or certified copy of the person's
7 marriage license or divorce decree;

8 (6) court records of the person's adoption, name
9 change, or sex change;

10 (7) an identification card issued to the person by a
11 governmental entity of this state or the United States for the
12 purpose of obtaining public benefits, including veteran's
13 benefits, Medicaid, or Medicare;

14 (8) a temporary driving permit issued to the person by
15 the Department of Public Safety;

16 (9) a pilot's license issued to the person by the
17 Federal Aviation Administration or another authorized agency of the
18 United States;

19 (10) a library card that contains the person's name
20 issued to the person by a public library located in this state; or

21 (11) a hunting or fishing license issued to a person by
22 the Parks and Wildlife Department [~~or~~

23 ~~(8) any other form of identification prescribed by~~
24 ~~the secretary of state].~~

25 (c) The commissioners court of a county may authorize the
26 county elections administrator or the county clerk, as applicable,
27 to issue photo identification cards that may be used as proof of a

1 voter's identification under Subsection (a).

2 SECTION 8. Sections 63.011(a) and (b), Election Code, are
3 amended to read as follows:

4 (a) A person to whom Section 63.001(g), 63.008(b), or
5 63.009(a) applies may cast a provisional ballot if the person
6 executes an affidavit stating that the person:

7 (1) is a registered voter in the precinct in which the
8 person seeks to vote; and

9 (2) is eligible to vote in the election.

10 (b) A form for the affidavit shall be printed on an envelope
11 in which the provisional ballot voted by the person may be placed
12 and must include a space for entering the identification number of
13 the provisional ballot voted by the person and a space for an
14 election officer to indicate whether the person presented proof of
15 identification as required by Section 63.001(b)(1) or (2). The
16 affidavit form may include space for disclosure of any necessary
17 information to enable the person to register to vote under Chapter
18 13. The secretary of state shall prescribe the form of the
19 affidavit under this section.

20 SECTION 9. Section 65.054(b), Election Code, is amended to
21 read as follows:

22 (b) A provisional ballot may be accepted only if:

23 (1) the board determines that, from the information in
24 the affidavit or contained in public records, the person is
25 eligible to vote in the election; and

26 (2) the voter presents proof of identification as
27 required by Section 63.001(b)(1) or (2):

1 (A) at the time the ballot was cast; or
2 (B) in the period prescribed under Section
3 65.0541.

4 SECTION 10. Subchapter B, Chapter 65, Election Code, is
5 amended by adding Section 65.0541 to read as follows:

6 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
7 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
8 voting under Section 63.011 because the voter does not present
9 proof of identification as required by Section 63.001(b)(1) or (2)
10 may submit proof of identification to the voter registrar by
11 personal delivery or by mail for examination by the early voting
12 ballot board not later than the fifth day after the date of the
13 election.

14 (b) The early voting ballot board shall accept a provisional
15 ballot under Section 65.054 if the voter:

16 (1) presents proof of identification in the manner
17 required by this section; and

18 (2) is otherwise eligible to vote in the election.

19 (c) The office of the voter registrar shall be open on a
20 Saturday that falls within the five-day period described by
21 Subsection (a) for a voter to present identification as provided
22 under this section.

23 (d) The secretary of state shall prescribe procedures as
24 necessary to implement this section.

25 SECTION 11. Section 521.422, Transportation Code, is
26 amended by amending Subsection (a) and adding Subsection (d) to
27 read as follows:

1 (a) Except as provided by Subsection (d), the [The] fee for
2 a personal identification certificate is:

3 (1) \$15 for a person under 60 years of age;

4 (2) \$5 for a person 60 years of age or older; and

5 (3) \$20 for a person subject to the registration
6 requirements under Chapter 62, Code of Criminal Procedure.

7 (d) The department may not collect a fee for a personal
8 identification certificate issued to a person who executes an
9 affidavit stating that the person is financially unable to pay the
10 required fee and:

11 (1) who is a registered voter in this state and
12 presents a valid voter registration certificate; or

13 (2) who is eligible for registration under Section
14 13.001, Election Code, and submits a registration application to
15 the department.

16 SECTION 12. The changes in law made by this Act take effect
17 only if:

18 (1) the United States District Court for the District
19 of Columbia issues a declaratory judgment under 42 U.S.C. Section
20 1973c that this Act does not have the purpose and will not have the
21 effect of denying or abridging the right to vote on account of race
22 or color or in contravention of the guarantees set forth in 42
23 U.S.C. Section 1973b(f)(2); or

24 (2) the secretary of state submits this Act to the
25 United States Attorney General under 42 U.S.C. Section 1973c and
26 the attorney general does not interpose an objection within the
27 time provided by that section.

1 SECTION 13. This Act takes effect September 1, 2005.