

By: Denny, Pitts, Woolley, Nixon, Bohac,
et al.

H.B. No. 1706

Substitute the following for H.B. No. 1706:

By: Bohac

C.S.H.B. No. 1706

A BILL TO BE ENTITLED

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. 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

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

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

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

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

(g) If the requirements for identification prescribed by

1 Subsection (b)(1) or (2) are not met, the voter shall be accepted
2 for provisional voting only under Section 63.011.

3 SECTION 2. 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 3. 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 4. 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 5. 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 that has not
21 expired or that expired no earlier than two years before the date of
22 presentation [~~or a similar document issued to the person by an~~
23 ~~agency of another state, regardless of whether the license or card~~
24 ~~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 located in Texas that
12 contains the person's photograph [~~official mail addressed to the~~
13 ~~person by name from a governmental entity~~]; or

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~[(8) any other form of identification prescribed by~~
19 ~~the secretary of state].~~

20 SECTION 6. Sections 63.011(a) and (b), Election Code, are
21 amended to read as follows:

22 (a) A person to whom Section 63.001(g), 63.008(b), or
23 63.009(a) applies may cast a provisional ballot if the person
24 executes an affidavit stating that the person:

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

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

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

11 SECTION 7. Section 65.054(b), Election Code, is amended to
12 read as follows:

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

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

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

19 (A) at the time the ballot was cast; or

20 (B) in the period prescribed under Section
21 65.0541.

22 SECTION 8. Subchapter B, Chapter 65, Election Code, is
23 amended by adding Section 65.0541 to read as follows:

24 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
25 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
26 voting under Section 63.011 because the voter does not present
27 proof of identification as required by Section 63.001(b)(1) or (2)

1 may present proof of identification to the voter registrar for
2 examination by the early voting ballot board not later than the
3 fifth day after the date of the election.

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

6 SECTION 9. Section 521.422, Transportation Code, is amended
7 by amending Subsection (a) and adding Subsection (d) to read as
8 follows:

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

11 (1) \$15 for a person under 60 years of age;

12 (2) \$5 for a person 60 years of age or older; and

13 (3) \$20 for a person subject to the registration
14 requirements under Chapter 62, Code of Criminal Procedure.

15 (d) The department may not collect a fee for a personal
16 identification certificate issued to a person who executes an
17 affidavit stating that the person is financially unable to pay the
18 required fee and:

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

21 (2) who is eligible for registration under Section
22 13.001, Election Code, and submits a registration application to
23 the department.

24 SECTION 10. This Act takes effect September 1, 2005.