

## **BILL ANALYSIS**

H.B. 218  
By: Brown, Betty  
Elections  
Committee Report (Unamended)

### **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. H.B. 218 modifies provisions requiring a voter to present proof of identification when offering to vote.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 218 amends the Election Code by adding that on offering to vote, a voter must present to an election officer at the polling place, either one form of acceptable photo identification or two different forms of identification which are not required to contain a photo. 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 provides that a person who fails to show either photo identification or two forms of identification which are not required to contain a photo maybe accepted to vote a provisional ballot only under Section 63.011 of the Election Code.

H.B. 218 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 no earlier than two years before the date of presentation;
- \* U.S. military identification card that contains the person's photograph;
- \* Valid employee identification card containing the person's photograph and is issued by an employer of the person in the ordinary course of the employer's business;
- \* U.S. citizenship certificate issued to the person 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 to the person by DPS.

The bill provides that the following are acceptable forms of identification which are not required to contain a photo:

- \* 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 document confirming birth that is admissible in a court of law and establishes the person's identity;
- \* U.S. citizenship papers issued to the person;
- \* original or certified copy of a person's marriage license or divorce decree;
- \* court records of a person's adoption, name or sex change;
- \* identification card issued by a governmental entity of this state or the United States 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 the Federal Aviation Administration or another authorized agency of the United States;
- \* Library card, containing the person's name, issued to the person 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 personal 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.

H.B. 218 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 requires that the person:

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

**EFFECTIVE DATE**

September 1, 2007.