

By: Riddle

H.B. No. 101

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedures for registering to vote and accepting a  
3 voter at a polling place.

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

5 SECTION 1. Section 13.002, Election Code, is amended by  
6 amending Subsection (c) and adding Subsection (e) to read as  
7 follows:

8 (c) A registration application must include:

9 (1) the applicant's first name, middle name, if any,  
10 last name, and former name, if any;

11 (2) the month, day, and year of the applicant's birth;

12 (3) a statement that the applicant is a United States  
13 citizen;

14 (4) a statement that the applicant is a resident of the  
15 county;

16 (5) a statement that the applicant has not been  
17 determined mentally incompetent by a final judgment of a court;

18 (6) a statement that the applicant has not been  
19 finally convicted of a felony or that the applicant is a felon  
20 eligible for registration under Section 13.001;

21 (7) the applicant's residence address or, if the  
22 residence has no address, the address at which the applicant  
23 receives mail and a concise description of the location of the  
24 applicant's residence;

1 (8) the following information:

2 (A) the applicant's Texas driver's license number  
3 or the number of a personal identification card issued by the  
4 Department of Public Safety or a statement by the applicant that the  
5 applicant has not been issued a driver's license or personal  
6 identification card; or

7 (B) if the applicant has not been issued a number  
8 described by Paragraph (A), the last four digits of the applicant's  
9 social security number or a statement by the applicant that the  
10 applicant has not been issued a social security number;

11 (9) if the application is made by an agent, a statement  
12 of the agent's relationship to the applicant; ~~and~~

13 (10) the city and county in which the applicant  
14 formerly resided; and

15 (11) a copy of a document providing proof that the  
16 applicant is a United States citizen.

17 (e) The following documentation is acceptable as proof of  
18 citizenship under Subsection (c)(11):

19 (1) a birth certificate or other document confirming  
20 birth that is admissible in a court of law;

21 (2) United States citizenship papers issued to the  
22 applicant; or

23 (3) an unexpired United States passport issued to the  
24 applicant.

25 SECTION 2. Section 13.121(a), Election Code, is amended to  
26 read as follows:

27 (a) The officially prescribed application form for

1 registration by mail must be in the form of [~~a~~] business reply mail  
2 [~~postcard~~], unless another form or system is used under Subsection  
3 (b), with postage paid by the state. The secretary of state shall  
4 design the form to enhance the legibility of its contents.

5 SECTION 3. Section 63.001, Election Code, is amended by  
6 amending Subsections (b), (c), (d), and (f) and adding Subsection  
7 (g) to read as follows:

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

11 (1) one form of identification listed in Section  
12 63.0101(a); or

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

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

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

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

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

1 SECTION 4. Chapter 63, Election Code, is amended by adding  
2 Section 63.0012 to read as follows:

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

5 (1) presents a registration certificate;

6 (2) is on the list of registered voters for the  
7 precinct; and

8 (3) confirms that the address on the list of  
9 registered voters is current under Section 63.0011.

10 (b) In verifying the identity of a voter described by  
11 Subsection (a) under Section 63.001, an election officer may not  
12 consider whether the voter's address on a form described by Section  
13 63.001(b)(1) or (2) matches the voter's address on the registration  
14 certificate or the list of registered voters.

15 SECTION 5. Section 63.006(a), Election Code, is amended to  
16 read as follows:

17 (a) A voter who, when offering to vote, presents a voter  
18 registration certificate indicating that the voter is currently  
19 registered in the precinct in which the voter is offering to vote,  
20 but whose name is not on the precinct list of registered voters,  
21 shall be accepted for voting if the voter's identity can be verified  
22 from the proof presented.

23 SECTION 6. Section 63.007(a), Election Code, is amended to  
24 read as follows:

25 (a) A voter who, when offering to vote, presents a voter  
26 registration certificate indicating that the voter is currently  
27 registered in a different precinct from the one in which the voter

1 is offering to vote, and whose name is not on the precinct list of  
2 registered voters, shall be accepted for voting if the voter's  
3 identity can be verified from the proof presented and the voter  
4 executes an affidavit stating that the voter:

5 (1) is a resident of the precinct in which the voter is  
6 offering to vote or is otherwise entitled by law to vote in that  
7 precinct;

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

11 (3) did not deliberately provide false information to  
12 secure registration in a precinct in which the voter does not  
13 reside; and

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

15 SECTION 7. Section 63.008(a), Election Code, is amended to  
16 read as follows:

17 (a) A voter who does not present a voter registration  
18 certificate when offering to vote, but whose name is on the list of  
19 registered voters for the precinct in which the voter is offering to  
20 vote, shall be accepted for voting if the voter executes an  
21 affidavit stating that the voter does not have the voter's voter  
22 registration certificate in the voter's possession at the polling  
23 place at the time of offering to vote and the voter's identity can  
24 be verified from the proof presented [~~voter presents proof of~~  
25 ~~identification in a form described by Section 63.0101~~].

26 SECTION 8. Section 63.0101, Election Code, is amended to  
27 read as follows:

1           Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

4           (1) a driver's license or personal identification card  
5    issued to the person by the Department of Public Safety or the  
6    equivalent agency of another state that has not expired or that  
7    expired no earlier than two years before the date of presentation  
8    ~~[or a similar document issued to the person by an agency of another~~  
9    ~~state, regardless of whether the license or card has expired];~~

10          (2) a United States military identification card that  
11    contains the person's photograph [~~form of identification~~  
12    ~~containing the person's photograph that establishes the person's~~  
13    ~~identity];~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10          (c) The commissioners court of a county may authorize the  
11 county elections administrator or the county clerk, as applicable,  
12 to issue photo identification cards that may be used as proof of a  
13 voter's identification under Subsection (a).

14          SECTION 9. Sections 63.011(a) and (b), Election Code, are  
15 amended to read as follows:

16          (a) A person to whom Section 63.001(g), 63.008(b), or  
17 63.009(a) applies may cast a provisional ballot if the person  
18 executes an affidavit stating that the person:

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

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

22          (b) A form for the affidavit shall be printed on an envelope  
23 in which the provisional ballot voted by the person may be placed  
24 and must include a space for entering the identification number of  
25 the provisional ballot voted by the person and a space for an  
26 election officer to indicate whether the person presented proof of  
27 identification as required by Section 63.001(b)(1) or (2). The



1 affidavit form may include space for disclosure of any necessary  
2 information to enable the person to register to vote under Chapter  
3 13. The secretary of state shall prescribe the form of the  
4 affidavit under this section.

5 SECTION 10. Section 65.054(b), Election Code, is amended to  
6 read as follows:

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

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

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

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

14 (B) in the period prescribed under Section  
15 65.0541.

16 SECTION 11. Subchapter B, Chapter 65, Election Code, is  
17 amended by adding Section 65.0541 to read as follows:

18 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
19 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
20 voting under Section 63.011 because the voter does not present  
21 proof of identification as required by Section 63.001(b)(1) or (2)  
22 may submit proof of identification to the voter registrar by  
23 personal delivery or by mail for examination by the early voting  
24 ballot board not later than the fifth day after the date of the  
25 election.

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

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

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

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

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

10           SECTION 12. Section 521.422, Transportation Code, is  
11 amended by amending Subsection (a) and adding Subsection (d) to  
12 read as follows:

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

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

16                   (2) \$5 for a person 60 years of age or older; and

17                   (3) \$20 for a person subject to the registration  
18 requirements under Chapter 62, Code of Criminal Procedure.

19           (d) The department may not collect a fee for a personal  
20 identification certificate issued to a person who executes an  
21 affidavit stating that the person is financially unable to pay the  
22 required fee and:

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

25                   (2) who is eligible for registration under Section  
26 13.001, Election Code, and submits a registration application to  
27 the department.

1           SECTION 13. The change in law made by this Act to Section  
2 13.002, Election Code, applies only to an application for voter  
3 registration that is submitted on or after the effective date of  
4 this Act.

5           SECTION 14. This Act takes effect September 1, 2007.