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H.B. No. 218

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. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

1           (9) a statement instructing a voter who is using the  
2 form to make a change in current registration information to enter  
3 the voter's name and the changed information in the appropriate  
4 spaces on the form;

5           (10) a statement that if the applicant declines to  
6 register to vote, that fact will remain confidential and will be  
7 used only for voter registration purposes;

8           (11) a statement that if the applicant does register  
9 to vote, information regarding the agency or office to which the  
10 application is submitted will remain confidential and will be used  
11 only for voter registration purposes;

12           (12) a space or box for indicating whether the  
13 applicant is interested in working as an election judge;

14           (13) a statement warning that a conviction for making  
15 a false statement may result in imprisonment for up to the maximum  
16 amount of time provided by law, a fine of up to the maximum amount  
17 provided by law, or both the imprisonment and the fine; ~~and~~

18           (14) a space or box for indicating whether the  
19 applicant served in the active military, naval, or air service, was  
20 discharged or released from the service under conditions other than  
21 dishonorable, and incurred or aggravated a disability in the line  
22 of duty in that service;

23           (15) a space or box for indicating whether the  
24 applicant is a widow or widower of a person who served in the active  
25 military, naval, or air service; and

26           (16) [~~14~~] any other voter registration information  
27 required by federal law or considered appropriate and required by

1 the secretary of state.

2 SECTION 2. Section 15.001(a), Election Code, is amended to  
3 read as follows:

4 (a) Each voter registration certificate issued must  
5 contain:

6 (1) the voter's name in the form indicated by the  
7 voter, subject to applicable requirements prescribed by Section  
8 13.002 and by rule of the secretary of state;

9 (2) the voter's residence address or, if the residence  
10 has no address, the address at which the voter receives mail and a  
11 concise description of the location of the voter's residence;

12 (3) the month, day, and year of the voter's birth;

13 (4) the number of the county election precinct in  
14 which the voter resides;

15 (5) the voter's effective date of registration if an  
16 initial certificate;

17 (6) the voter's registration number;

18 (7) an indication of the period for which the  
19 certificate is issued;

20 (8) a statement explaining the circumstances under  
21 which the voter will receive a new certificate;

22 (9) a space for stamping the voter's political party  
23 affiliation;

24 (10) a statement that voting with the certificate by a  
25 person other than the person in whose name the certificate is issued  
26 is a felony;

27 (11) a space for the voter's signature;

1           (12) a statement that the voter must sign the  
2 certificate personally, if able to sign, immediately on receipt;

3           (13) a space for the voter to correct the information  
4 on the certificate followed by a signature line;

5           (14) the statement: "If any information on this  
6 certificate changes or is incorrect, correct the information in the  
7 space provided, sign below, and return this certificate to the  
8 voter registrar."; ~~and~~

9           (15) the registrar's mailing address and telephone  
10 number;

11           (16) an indication that the voter is a  
12 "service-disabled veteran," if the voter stated on the voter's  
13 registration application that the voter served in the active  
14 military, naval, or air service, was discharged or released from  
15 the service under conditions other than dishonorable, and incurred  
16 or aggravated a disability in the line of duty in that service; and

17           (17) an indication that the voter is a "military widow  
18 or widower," if the voter stated on the voter's registration  
19 application that the voter is a widow or widower of a person who  
20 served in the active military, naval, or air service.

21           SECTION 3. Section 32.111, Election Code, is amended by  
22 adding Subsection (c) to read as follows:

23           (c) The training standards adopted under Subsection (a)  
24 must include provisions on the acceptance and handling of the  
25 identification presented by a voter to an election officer under  
26 Section 63.001.

27           SECTION 4. Section 32.114(a), Election Code, is amended to

1 read as follows:

2 (a) The county clerk shall provide one or more sessions of  
3 training using the standardized training program and materials  
4 developed and provided by the secretary of state under Section  
5 32.111 for the election judges and clerks appointed to serve in  
6 elections ordered by the governor or a county authority. Each  
7 election judge shall complete the training program. Each election  
8 clerk shall complete the part of the training program relating to  
9 the acceptance and handling of the identification presented by a  
10 voter to an election officer under Section 63.001.

11 SECTION 5. As soon as practicable after the effective date  
12 of this Act:

13 (1) the secretary of state shall adopt the training  
14 standards and develop the training materials required to implement  
15 the change in law made by this Act to Section 32.111, Election Code;  
16 and

17 (2) the county clerk of each county shall provide a  
18 session of training under Section 32.114, Election Code, using the  
19 standards adopted and materials developed to implement the change  
20 in law made by this Act to Section 32.111, Election Code.

21 SECTION 6. Chapter 62, Election Code, is amended by adding  
22 Section 62.016 to read as follows:

23 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
24 POLLING PLACES. The presiding judge shall post in a prominent place  
25 on the outside of each polling location a list of the acceptable  
26 forms of photographic and nonphotographic identification. The  
27 notice and list must be printed using a font that is at least

1 24-point.

2 SECTION 7. Section 63.001, Election Code, is amended by  
3 amending Subsections (b), (c), (d), and (f) and adding Subsections  
4 (g), (h), (i), (j), and (k) to read as follows:

5 (b) On offering to vote, a voter must present to an election  
6 officer at the polling place the voter's voter registration  
7 certificate and, except as provided by Subsection (j) or (k)  
8 either:

9 (1) one form of identification listed in Section  
10 63.0101(a); or

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

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

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

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

23 (g) If the requirements for identification prescribed by  
24 Subsection (b) are not met, the voter may be accepted for  
25 provisional voting only under Section 63.011. An election officer  
26 shall inform a voter who is not accepted for voting under this  
27 section of the voter's right to cast a provisional ballot under

1 Section 63.011.

2 (h) The requirements for identification prescribed by  
3 Subsection (b)(1) or (2) do not apply to a voter who:

4 (1) presents the voter's voter registration  
5 certificate on offering to vote; and

6 (2) is 80 years of age or older as indicated by the  
7 date of birth on the voter's voter registration certificate.

8 (i) Notwithstanding Subsection (b), (c), (d), or (g), a  
9 voter shall be accepted for voting after presenting a voter  
10 registration certificate or one form of identification listed in  
11 Section 63.0101 if:

12 (1) the voter's name on the registration certificate  
13 or form of identification is on the list of registered voters for  
14 the precinct;

15 (2) the precinct is located in a county that the  
16 governor proclaimed to be in a state of disaster under Section  
17 418.014, Government Code, due to a weather-related event; and

18 (3) the date of the election is before the first  
19 anniversary of the date the state of disaster expires.

20 (j) A voter who presents a voter registration certificate  
21 indicating that the voter is a service-disabled veteran is not  
22 required to provide any identification in addition to the voter's  
23 voter registration certificate.

24 (k) A voter who presents a voter registration certificate  
25 indicating that the voter is a military widow or widower is not  
26 required to provide any identification in addition to the voter's  
27 voter registration certificate.

1 SECTION 8. Section 63.006(a), Election Code, is amended to  
2 read as follows:

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

9 SECTION 9. Section 63.007(a), Election Code, is amended to  
10 read as follows:

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

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

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

24 (3) did not deliberately provide false information to  
25 secure registration in a precinct in which the voter does not  
26 reside; and

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



1 SECTION 10. Section 63.008(a), Election Code, is amended to  
2 read as follows:

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

12 SECTION 11. Section 63.0101, Election Code, is amended to  
13 read as follows:

14 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

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

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

27 (3) a valid employee identification card that contains

1 the person's photograph and is issued by an employer of the person  
2 in the ordinary course of the employer's business [~~birth~~  
3 ~~certificate or other document confirming birth that is admissible~~  
4 ~~in a court of law and establishes the person's identity~~];

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

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

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

12 (7) a license to carry a concealed handgun issued to  
13 the person by the Department of Public Safety; or

14 (8) a valid identification card that contains the  
15 person's photograph and is issued by:

16 (A) an agency or institution of the federal  
17 government; or

18 (B) an agency, institution, or political  
19 subdivision of this state.

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

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

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

27 (3) a certified copy of a birth certificate or other

1 document confirming birth that is admissible in a court of law and  
2 establishes the person's identity;

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

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

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

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

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

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

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

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

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

24 SECTION 12. Section 63.011(a), Election Code, is amended to  
25 read as follows:

26 (a) A person to whom Section 63.001(g), 63.008(b), or  
27 63.009(a) applies may cast a provisional ballot if the person

1 executes an affidavit stating that the person:

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

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

5 SECTION 13. Section 521.422, Transportation Code, is  
6 amended by amending Subsection (a) and adding Subsection (d) to  
7 read as follows:

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

10 (1) \$15 for a person under 60 years of age;

11 (2) \$5 for a person 60 years of age or older; and

12 (3) \$20 for a person subject to the registration  
13 requirements under Chapter 62, Code of Criminal Procedure.

14 (d) The department may not collect a fee for a personal  
15 identification certificate issued to a person who states that the  
16 person is obtaining the personal identification certificate for the  
17 sole purpose of satisfying Section 63.001(b)(1), Election Code,  
18 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 14. The voter registrar of each county shall  
25 provide notice of the change in identification requirements for  
26 voting contained in this Act with each voter registration  
27 certificate or renewal registration certificate issued on or before

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1 September 1, 2008. The secretary of state shall prescribe the form  
2 of the notice required under this section.

3 SECTION 15. This Act takes effect September 1, 2007.