

1-1 By: Brown of Kaufman, et al. (Senate Sponsor-Fraser) H.B. No. 218
1-2 (In the Senate - Received from the House April 25, 2007;
1-3 April 26, 2007, read first time and referred to Committee on State
1-4 Affairs; May 1, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 3; May 1, 2007, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 218 By: Fraser

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requiring a voter to present proof of identification.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 32.111, Election Code, is amended by
1-13 adding Subsection (c) to read as follows:

1-14 (c) The training standards adopted under Subsection (a)
1-15 must include provisions on the acceptance and handling of the
1-16 identification presented by a voter to an election officer under
1-17 Section 63.001.

1-18 SECTION 2. Section 32.114(a), Election Code, is amended to
1-19 read as follows:

1-20 (a) The county clerk shall provide one or more sessions of
1-21 training using the standardized training program and materials
1-22 developed and provided by the secretary of state under Section
1-23 32.111 for the election judges and clerks appointed to serve in
1-24 elections ordered by the governor or a county authority. Each
1-25 election judge shall complete the training program. Each election
1-26 clerk shall complete the part of the training program relating to
1-27 the acceptance and handling of the identification presented by a
1-28 voter to an election officer under Section 63.001.

1-29 SECTION 3. Chapter 62, Election Code, is amended by adding
1-30 Section 62.016 to read as follows:

1-31 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
1-32 POLLING PLACES. The presiding judge shall post in a prominent place
1-33 on the outside of each polling location a list of the acceptable
1-34 forms of photographic and nonphotographic identification. The
1-35 notice and list must be printed using a font that is at least
1-36 24-point.

1-37 SECTION 4. Section 63.001, Election Code, is amended by
1-38 amending Subsections (b), (c), (d), and (f) and adding Subsection
1-39 (g) to read as follows:

1-40 (b) On offering to vote, a voter must present to an election
1-41 officer at the polling place the voter's voter registration
1-42 certificate and either:

1-43 (1) one form of identification listed in Section
1-44 63.0101(a); or

1-45 (2) two different forms of identification listed in
1-46 Section 63.0101(b) [to an election officer at the polling place].

1-47 (c) On presentation of the documentation required by
1-48 Subsection (b) [a registration certificate], an election officer
1-49 shall determine whether the voter's name on the registration
1-50 certificate is on the list of registered voters for the precinct.

1-51 (d) If the voter's name is on the precinct list of
1-52 registered voters and the voter's identity can be verified from the
1-53 documentation presented under Subsection (b), the voter shall be
1-54 accepted for voting.

1-55 (f) After determining whether to accept a voter, an election
1-56 officer shall return the voter's documentation [~~registration~~
1-57 ~~certificate~~] to the voter.

1-58 (g) If the requirements for identification prescribed by
1-59 Subsection (b) are not met, the voter may be accepted for
1-60 provisional voting only under Section 63.011. An election officer
1-61 shall inform a voter who is not accepted for voting under this
1-62 section of the voter's right to cast a provisional ballot under
1-63 Section 63.011.

2-1 SECTION 5. Section 63.006(a), Election Code, is amended to
2-2 read as follows:

2-3 (a) A voter who, when offering to vote, presents a voter
2-4 registration certificate indicating that the voter is currently
2-5 registered in the precinct in which the voter is offering to vote,
2-6 but whose name is not on the precinct list of registered voters,
2-7 shall be accepted for voting if the voter's identity can be verified
2-8 from the documentation presented under Section 63.001(b).

2-9 SECTION 6. Section 63.007(a), Election Code, is amended to
2-10 read as follows:

2-11 (a) A voter who, when offering to vote, presents a voter
2-12 registration certificate indicating that the voter is currently
2-13 registered in a different precinct from the one in which the voter
2-14 is offering to vote, and whose name is not on the precinct list of
2-15 registered voters, shall be accepted for voting if the voter's
2-16 identity can be verified from the documentation presented under
2-17 Section 63.001(b) and the voter executes an affidavit stating that
2-18 the voter:

2-19 (1) is a resident of the precinct in which the voter is
2-20 offering to vote or is otherwise entitled by law to vote in that
2-21 precinct;

2-22 (2) was a resident of the precinct in which the voter
2-23 is offering to vote at the time that information on the voter's
2-24 residence address was last provided to the voter registrar;

2-25 (3) did not deliberately provide false information to
2-26 secure registration in a precinct in which the voter does not
2-27 reside; and

2-28 (4) is voting only once in the election.

2-29 SECTION 7. Section 63.008(a), Election Code, is amended to
2-30 read as follows:

2-31 (a) A voter who does not present a voter registration
2-32 certificate when offering to vote, but whose name is on the list of
2-33 registered voters for the precinct in which the voter is offering to
2-34 vote, shall be accepted for voting if the voter executes an
2-35 affidavit stating that the voter does not have the voter's voter
2-36 registration certificate in the voter's possession at the polling
2-37 place at the time of offering to vote and the voter's identity can
2-38 be verified from the documentation presented under Section
2-39 63.001(b) [voter presents proof of identification in a form
2-40 described by Section 63.0101].

2-41 SECTION 8. Section 63.0101, Election Code, is amended to
2-42 read as follows:

2-43 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
2-44 (a) The following documentation is an acceptable form [~~as proof~~] of
2-45 photo identification under this chapter:

2-46 (1) a driver's license or personal identification card
2-47 issued to the person by the Department of Public Safety that has not
2-48 expired or that expired no earlier than two years before the date of
2-49 presentation [~~or a similar document issued to the person by an~~
2-50 ~~agency of another state, regardless of whether the license or card~~
2-51 ~~has expired]~~;

2-52 (2) a United States military identification card that
2-53 contains the person's photograph [~~form of identification~~
2-54 ~~containing the person's photograph that establishes the person's~~
2-55 ~~identity]~~;

2-56 (3) a valid employee identification card that contains
2-57 the person's photograph and is issued by an employer of the person
2-58 in the ordinary course of the employer's business [~~birth~~
2-59 ~~certificate or other document confirming birth that is admissible~~
2-60 ~~in a court of law and establishes the person's identity]~~;

2-61 (4) a United States citizenship certificate [~~papers~~]
2-62 issued to the person that contains the person's photograph;

2-63 (5) a United States passport issued to the person;

2-64 (6) a student identification card issued by a public
2-65 or private institution of higher education located in Texas that
2-66 contains the person's photograph [~~official mail addressed to the~~
2-67 ~~person by name from a governmental entity]~~;

2-68 (7) a license to carry a concealed handgun issued to
2-69 the person by the Department of Public Safety; or

3-1 (8) a valid identification card that contains the
 3-2 person's photograph and is issued by:

3-3 (A) an agency or institution of the federal
 3-4 government; or

3-5 (B) an agency, institution, or political
 3-6 subdivision of this state.

3-7 (b) The following documentation is acceptable as proof of
 3-8 identification under this chapter:

3-9 (1) a copy of a current utility bill, bank statement,
 3-10 government check, paycheck, or other government document that shows
 3-11 the name and address of the voter;

3-12 (2) official mail addressed to the person by name from
 3-13 a governmental entity;

3-14 (3) a certified copy of a birth certificate or other
 3-15 document confirming birth that is admissible in a court of law and
 3-16 establishes the person's identity;

3-17 (4) United States citizenship papers issued to the
 3-18 person;

3-19 (5) an original or certified copy of the person's
 3-20 marriage license or divorce decree;

3-21 (6) court records of the person's adoption, name
 3-22 change, or sex change;

3-23 (7) an identification card issued to the person by a
 3-24 governmental entity of this state or the United States for the
 3-25 purpose of obtaining public benefits, including veteran's
 3-26 benefits, Medicaid, or Medicare;

3-27 (8) a temporary driving permit issued to the person by
 3-28 the Department of Public Safety;

3-29 (9) a pilot's license issued to the person by the
 3-30 Federal Aviation Administration or another authorized agency of the
 3-31 United States;

3-32 (10) a library card that contains the person's name
 3-33 issued to the person by a public library located in this state; or

3-34 (11) a hunting or fishing license issued to a person by
 3-35 the Parks and Wildlife Department ~~or~~

3-36 ~~[(8) any other form of identification prescribed by~~
 3-37 ~~the secretary of state].~~

3-38 SECTION 9. Section 63.011(a), Election Code, is amended to
 3-39 read as follows:

3-40 (a) A person to whom Section 63.001(g), 63.008(b), or
 3-41 63.009(a) applies may cast a provisional ballot if the person
 3-42 executes an affidavit stating that the person:

3-43 (1) is a registered voter in the precinct in which the
 3-44 person seeks to vote; and

3-45 (2) is eligible to vote in the election.

3-46 SECTION 10. Section 521.422, Transportation Code, is
 3-47 amended by amending Subsection (a) and adding Subsection (d) to
 3-48 read as follows:

3-49 (a) Except as provided by Subsection (d), the ~~The~~ fee for
 3-50 a personal identification certificate is:

3-51 (1) \$15 for a person under 60 years of age;

3-52 (2) \$5 for a person 60 years of age or older; and

3-53 (3) \$20 for a person subject to the registration
 3-54 requirements under Chapter 62, Code of Criminal Procedure.

3-55 (d) The department may not collect a fee for a personal
 3-56 identification certificate issued to a person who states that the
 3-57 person is obtaining the personal identification certificate for the
 3-58 sole purpose of satisfying Section 63.001(b)(1), Election Code,
 3-59 and:

3-60 (1) who is a registered voter in this state and
 3-61 presents a valid voter registration certificate; or

3-62 (2) who is eligible for registration under Section
 3-63 13.001, Election Code, and submits a registration application to
 3-64 the department.

3-65 SECTION 11. As soon as practicable after the effective
 3-66 date of this Act:

3-67 (1) the secretary of state shall adopt the training
 3-68 standards and develop the training materials required to implement
 3-69 the change in law made by this Act to Section 32.111, Election Code;

4-1 and

4-2 (2) the county clerk of each county shall provide a
4-3 session of training under Section 32.114, Election Code, using the
4-4 standards adopted and materials developed to implement the change
4-5 in law made by this Act to Section 32.111, Election Code.

4-6 SECTION 12. The voter registrar of each county shall
4-7 provide notice of the identification requirements for voting
4-8 contained in this Act with each voter registration certificate
4-9 issued under Section 13.142, Election Code, or renewal registration
4-10 certificate issued under Section 14.001, Election Code. The
4-11 secretary of state shall prescribe the wording of the notice to be
4-12 included on the certificate under this section.

4-13 SECTION 13. The secretary of state and the voter registrar
4-14 of each county that maintains a website shall provide notice of the
4-15 change in identification requirements for voting contained in this
4-16 Act on each entity's respective websites. The secretary of state
4-17 shall prescribe the wording of the notice to be included on the
4-18 website.

4-19 SECTION 14. (a) Except as provided by Subsection (b), this
4-20 Act takes effect January 1, 2008.

4-21 (b) The changes in law made by SECTIONS 1, 2, 11, 12 and 13
4-22 take effect September 1, 2007.

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