

By: King of Parker

H.B. No. 626

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 certified copy of a document providing proof
16 that the 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 a form of identification that matches a name on the
11 statewide computerized voter registration list maintained by the
12 secretary of state and contains the voter's photograph [~~to an~~
13 ~~election officer at the polling place~~].

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

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

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

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

27 SECTION 4. Section 63.006(a), Election Code, is amended to

1 read as follows:

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

8 SECTION 5. Section 63.007(a), Election Code, is amended to
9 read as follows:

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

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

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

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

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

27 SECTION 6. Section 63.008(a), Election Code, is amended to

1 read as follows:

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

11 SECTION 7. Sections 63.011(a) and (b), Election Code, are
12 amended to read as follows:

13 (a) A person to whom Section 63.001(g), 63.008(b), or
14 63.009(a) applies may cast a provisional ballot if the person
15 executes an affidavit stating that the person:

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

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

19 (b) A form for the affidavit shall be printed on an envelope
20 in which the provisional ballot voted by the person may be placed
21 and must include a space for entering the identification number of
22 the provisional ballot voted by the person and a space for an
23 election officer to indicate whether the person presented proof of
24 identification as required by Section 63.001(b). The affidavit
25 form may include space for disclosure of any necessary information
26 to enable the person to register to vote under Chapter 13. The
27 secretary of state shall prescribe the form of the affidavit under

1 this section.

2 SECTION 8. Section 65.054(b), Election Code, is amended to
3 read as follows:

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

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

8 (2) the voter presents proof of identification as
9 required by Section 63.001(b):

10 (A) at the time the ballot is cast; or

11 (B) in the period prescribed under Section
12 65.0541.

13 SECTION 9. Subchapter B, Chapter 65, Election Code, is
14 amended by adding Section 65.0541 to read as follows:

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

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

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

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

27 (c) The office of the voter registrar shall be open on a

1 Saturday that falls within the five-day period described by
2 Subsection (a) for a voter to present identification as provided
3 under this section.

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

6 SECTION 10. Section 63.0101, Election Code, is repealed.

7 SECTION 11. The change in law made by this Act to Section
8 13.002, Election Code, applies only to an application for voter
9 registration that is submitted on or after the effective date of
10 this Act.

11 SECTION 12. This Act takes effect September 1, 2007.