

By: Berman

H.B. No. 979

A BILL TO BE ENTITLED

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

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location notice that a provisional ballot will be provided to a person who executes the appropriate affidavit and a list of the acceptable forms of photographic and nonphotographic identification. The notice and list must be printed:

(1) in English, Spanish, and any other language appropriate to the precinct in which the polling place is located; and

(2) using a font that is at least 24 point.

SECTION 2. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

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

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

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

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

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

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

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

16           SECTION 3. Chapter 63, Election Code, is amended by adding  
17 Section 63.0012 to read as follows:

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

20                   (1) presents a registration certificate;  
21                   (2) is on the list of registered voters for the  
22 precinct; and

23                   (3) confirms the address on the list of registered  
24 voters is current under Section 63.0011.

25           (b) In verifying the identity of a voter described by  
26 Subsection (a) under Section 63.001, an election officer may not  
27 consider whether the voter's address on a form described by Section

1 63.001(b)(1) or (2) matches the voter's address on the registration  
2 certificate or the list of registered voters.

3 SECTION 4. Section 63.006(a), Election Code, is amended to  
4 read as follows:

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

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

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

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

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

26 (3) did not deliberately provide false information to  
27 secure registration in a precinct in which the voter does not

1 reside; and

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

3 SECTION 6. Section 63.008(a), Election Code, is amended to  
4 read as follows:

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

14 SECTION 7. Section 63.0101, Election Code, is amended to  
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

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

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

1 identity];

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (c) The commissioners court of a county may authorize the  
27 county elections administrator or the county clerk, as applicable,

1 to issue photo identification cards that may be used as proof of a  
2 voter's identification under Subsection (a).

3 SECTION 8. Sections 63.011(a) and (b), Election Code, are  
4 amended to read as follows:

5 (a) A person to whom Section 63.001(g), 63.008(b), or  
6 63.009(a) applies may cast a provisional ballot if the person  
7 executes an affidavit stating that the person:

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

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

11 (b) A form for the affidavit shall be printed on an envelope  
12 in which the provisional ballot voted by the person may be placed  
13 and must include a space for entering the identification number of  
14 the provisional ballot voted by the person and a space for an  
15 election officer to indicate whether the person presented proof of  
16 identification as required by Section 63.001(b)(1) or (2). The  
17 affidavit form may include space for disclosure of any necessary  
18 information to enable the person to register to vote under Chapter  
19 13. The secretary of state shall prescribe the form of the  
20 affidavit under this section.

21 SECTION 9. Section 65.054(b), Election Code, is amended to  
22 read as follows:

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

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

27 (2) the voter presents proof of identification as

1 required by Section 63.001(b)(1) or (2):

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

3 (B) in the period prescribed under Section  
4 65.0541.

5 SECTION 10. Subchapter B, Chapter 65, Election Code, is  
6 amended by adding Section 65.0541 to read as follows:

7 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
8 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
9 voting under Section 63.011 because the voter does not present  
10 proof of identification as required by Section 63.001(b)(1) or (2)  
11 may submit proof of identification to the voter registrar by  
12 personal delivery or by mail for examination by the early voting  
13 ballot board not later than the fifth day after the date of the  
14 election.

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

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

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

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

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

26 SECTION 11. Section 521.422, Transportation Code, is  
27 amended by amending Subsection (a) and adding Subsection (d) to



1 read as follows:

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

- 4 (1) \$15 for a person under 60 years of age;  
5 (2) \$5 for a person 60 years of age or older; and  
6 (3) \$20 for a person subject to the registration  
7 requirements under Chapter 62, Code of Criminal Procedure.

8 (d) The department may not collect a fee for a personal  
9 identification certificate issued to a person who executes an  
10 affidavit stating that the person is financially unable to pay the  
11 required fee and:

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

14 (2) who is eligible for registration under Section  
15 13.001, Election Code, and submits a registration application to  
16 the department.

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