

By: Harper-Brown

H.B. No. 1726

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring a voter to present proof of identification  
3 and to the information required on an application for an early  
4 ballot to be voted by mail.

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

6 SECTION 1. Section 63.001, Election Code, is amended by  
7 amending Subsections (b), (c), (d), and (f) and adding Subsection  
8 (g) to read as follows:

9 (b) On offering to vote, a voter must present to an election  
10 officer at the polling place the voter's voter registration  
11 certificate and a Texas driver's license or personal identification  
12 card issued to the person by the Department of Public Safety [~~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

1 Subsection (b) are not met, the voter may be accepted for  
2 provisional voting only under Section 63.011.

3 SECTION 2. 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 3. 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 4. 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 5. Section 63.011(a), Election Code, is amended to  
15 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 SECTION 6. Section 84.002(a), Election Code, is amended to  
23 read as follows:

24 (a) An early voting ballot application must include:

25 (1) the applicant's name, telephone number, and the  
26 address at which the applicant is registered to vote;

27 (2) for an application for a ballot to be voted by mail

1 on the ground of absence from the county of residence, the address  
2 outside the applicant's county of residence to which the ballot is  
3 to be mailed;

4 (3) for an application for a ballot to be voted by mail  
5 on the ground of age or disability, the address of the hospital,  
6 nursing home or other long-term care facility, or retirement  
7 center, or of a person related to the applicant within the second  
8 degree by affinity or the third degree by consanguinity, as  
9 determined under Chapter 573, Government Code, if the applicant is  
10 living at that address and that address is different from the  
11 address at which the applicant is registered to vote;

12 (4) for an application for a ballot to be voted by mail  
13 on the ground of confinement in jail, the address of the jail or of a  
14 person related to the applicant within the degree described by  
15 Subdivision (3);

16 (5) for an application for a ballot to be voted by mail  
17 on any ground, an indication of each election for which the  
18 applicant is applying for a ballot; ~~and~~

19 (6) an indication of the ground of eligibility for  
20 early voting; and

21 (7) the applicant's Texas driver's license number or  
22 the number of a personal identification card issued to the  
23 applicant by the Department of Public Safety.

24 SECTION 7. Section 84.011(a), Election Code, is amended to  
25 read as follows:

26 (a) The officially prescribed application form for an early  
27 voting ballot must include:

1 (1) immediately preceding the signature space the  
2 statement: "I certify that the information given in this  
3 application is true, and I understand that giving false information  
4 in this application is a crime.";

5 (2) a statement informing the applicant of the  
6 offenses prescribed by Sections 84.003 and 84.004;

7 (3) spaces for entering an applicant's voter  
8 registration number and county election precinct of registration,  
9 with a statement informing the applicant that failure to furnish  
10 that information does not invalidate the application; and

11 (4) on an application for a ballot to be voted by mail:

12 (A) a space for an applicant applying on the  
13 ground of absence from the county of residence to indicate the date  
14 on or after which the applicant can receive mail at the address  
15 outside the county;

16 (B) a space for indicating the fact that an  
17 applicant whose application is signed by a witness cannot make the  
18 applicant's mark and a space for indicating the relationship or  
19 lack of relationship of the witness to the applicant;

20 (C) a space for entering an applicant's telephone  
21 number [~~with a statement informing the applicant that failure to~~  
22 ~~furnish that information does not invalidate the application~~];

23 (D) a space or box for an applicant applying on  
24 the ground of age or disability to indicate that the address to  
25 which the ballot is to be mailed is the address of a facility or  
26 relative described by Section 84.002(a)(3), if applicable;

27 (E) a space or box for an applicant applying on

1 the ground of confinement in jail to indicate that the address to  
2 which the ballot is to be mailed is the address of a relative  
3 described by Section 84.002(a)(4), if applicable;

4 (F) spaces for entering the signature, printed  
5 name, and residence address of any person assisting the applicant;

6 (G) a statement informing the applicant of the  
7 condition prescribed by Section 81.005; ~~and~~

8 (H) a statement informing the applicant of the  
9 requirement prescribed by Section 86.003(c); and

10 (I) a space for the applicant's Texas driver's  
11 license number or the number of a personal identification card  
12 issued to the applicant by the Department of Public Safety.

13 SECTION 8. Section 63.0101, Election Code, is repealed.

14 SECTION 9. This Act takes effect September 1, 2007.