

By: Riddle

H.B. No. 47

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 (h) 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 by a final judgment of a court exercising probate
18 jurisdiction to be:

19 (A) totally mentally incapacitated; or

20 (B) partially mentally incapacitated without the
21 right to vote;

22 (6) a statement that the applicant has not been
23 finally convicted of a felony or that the applicant is a felon
24 eligible for registration under Section 13.001;

1 (7) the applicant's residence address or, if the
2 residence has no address, the address at which the applicant
3 receives mail and a concise description of the location of the
4 applicant's residence;

5 (8) the following information:

6 (A) the applicant's Texas driver's license number
7 or the number of a personal identification card issued by the
8 Department of Public Safety or a statement by the applicant that the
9 applicant has not been issued a driver's license or personal
10 identification card; or

11 (B) if the applicant has not been issued a number
12 described by Paragraph (A), the last four digits of the applicant's
13 social security number or a statement by the applicant that the
14 applicant has not been issued a social security number;

15 (9) if the application is made by an agent, a statement
16 of the agent's relationship to the applicant; ~~and~~

17 (10) the city and county in which the applicant
18 formerly resided; and

19 (11) a copy of a document providing proof that the
20 applicant is a United States citizen.

21 (h) The following documentation is acceptable as proof of
22 citizenship under Subsection (c)(11):

23 (1) a birth certificate or other document confirming
24 birth that is admissible in a court of law;

25 (2) United States citizenship papers issued to the
26 applicant; or

27 (3) an unexpired United States passport issued to the

1 applicant.

2 SECTION 2. Section 13.121(a), Election Code, is amended to
3 read as follows:

4 (a) The officially prescribed application form for
5 registration by mail must be in the form of [~~a~~] business reply mail
6 [~~postcard~~], unless another form or system is used under Subsection
7 (b), with postage paid by the state. The secretary of state shall
8 design the form to enhance the legibility of its contents.

9 SECTION 3. Section 63.001, Election Code, is amended by
10 amending Subsections (b), (c), (d), and (f) and adding Subsection
11 (g) to read as follows:

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

15 (1) one form of identification listed in Section
16 63.0101(a); or

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

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

23 (d) If the voter's name is on the precinct list of
24 registered voters and the voter's identity can be verified from the
25 documentation presented under Subsection (b), the voter shall be
26 accepted for voting.

27 (f) After determining whether to accept a voter, an election

1 officer shall return the voter's documentation [~~registration~~
2 ~~certificate~~] to the voter.

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

6 SECTION 4. Chapter 63, Election Code, is amended by adding
7 Section 63.0012 to read as follows:

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

10 (1) presents a registration certificate;

11 (2) is on the list of registered voters for the
12 precinct; and

13 (3) confirms that the address on the list of
14 registered voters is current under Section 63.0011.

15 (b) In verifying the identity of a voter described by
16 Subsection (a) under Section 63.001, an election officer may not
17 consider whether the voter's address on a form described by Section
18 63.001(b)(1) or (2) matches the voter's address on the registration
19 certificate or the list of registered voters.

20 SECTION 5. Section 63.006(a), Election Code, is amended to
21 read as follows:

22 (a) A voter who, when offering to vote, presents a voter
23 registration certificate indicating that the voter is currently
24 registered in the precinct in which the voter is offering to vote,
25 but whose name is not on the precinct list of registered voters,
26 shall be accepted for voting if the voter's identity can be verified
27 from the documentation presented under Section 63.001(b).

1 SECTION 6. Section 63.007(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 a different precinct from the one in which the voter
6 is offering to vote, and whose name is not on the precinct list of
7 registered voters, shall be accepted for voting if the voter's
8 identity can be verified from the documentation presented under
9 Section 63.001(b) and the voter executes an affidavit stating that
10 the voter:

11 (1) is a resident of the precinct in which the voter is
12 offering to vote or is otherwise entitled by law to vote in that
13 precinct;

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

17 (3) did not deliberately provide false information to
18 secure registration in a precinct in which the voter does not
19 reside; and

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

21 SECTION 7. Section 63.008(a), Election Code, is amended to
22 read as follows:

23 (a) A voter who does not present a voter registration
24 certificate when offering to vote, but whose name is on the list of
25 registered voters for the precinct in which the voter is offering to
26 vote, shall be accepted for voting if the voter executes an
27 affidavit stating that the voter does not have the voter's voter

1 registration certificate in the voter's possession at the polling
2 place at the time of offering to vote and the voter's identity can
3 be verified from the identification presented under Section
4 63.001(b) [~~voter presents proof of identification in a form~~
5 ~~described by Section 63.0101~~].

6 SECTION 8. Section 63.0101, Election Code, is amended to
7 read as follows:

8 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

11 (1) a driver's license or personal identification card
12 issued to the person by the Department of Public Safety or the
13 equivalent agency of another state that has not expired or that
14 expired no earlier than two years before the date of presentation
15 [~~or a similar document issued to the person by an agency of another~~
16 ~~state, regardless of whether the license or card has expired~~];

17 (2) a United States military identification card that
18 contains the person's photograph [~~form of identification~~
19 ~~containing the person's photograph that establishes the person's~~
20 ~~identity~~];

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (6) court records of the person's adoption, name

1 change, or sex change;

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

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

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

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

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

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

17 (c) The commissioners court of a county may authorize the
18 county elections administrator or the county clerk, as applicable,
19 to issue photo identification cards that may be used as proof of a
20 voter's identification under Subsection (a).

21 SECTION 9. Sections 63.011(a) and (b), Election Code, are
22 amended to read as follows:

23 (a) A person to whom Section 63.001(g), 63.008(b), or
24 63.009(a) applies may cast a provisional ballot if the person
25 executes an affidavit stating that the person:

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

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

2 (b) A form for an affidavit required by this section shall
3 be printed on an envelope in which the provisional ballot voted by
4 the person may be placed and must include a space for entering the
5 identification number of the provisional ballot voted by the person
6 and a space for an election officer to indicate whether the person
7 presented proof of identification as required by Section
8 63.001(b)(1) or (2). The affidavit form may include space for
9 disclosure of any necessary information to enable the person to
10 register to vote under Chapter 13. The secretary of state shall
11 prescribe the form of the affidavit under this section.

12 SECTION 10. Section 65.054(b), Election Code, is amended to
13 read as follows:

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

15 (1) the board determines that, from the information in
16 the affidavit or contained in public records, the person is
17 eligible to vote in the election and has not previously voted in
18 that election; and

19 (2) the voter presents proof of identification as
20 required by Section 63.001(b)(1) or (2):

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

22 (B) in the period prescribed under Section
23 65.0541.

24 SECTION 11. Subchapter B, Chapter 65, Election Code, is
25 amended by adding Section 65.0541 to read as follows:

26 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
27 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional

1 voting under Section 63.011 because the voter does not present
2 proof of identification as required by Section 63.001(b)(1) or (2)
3 may submit proof of identification to the voter registrar by
4 personal delivery or by mail for examination by the early voting
5 ballot board not later than the fifth day after the date of the
6 election.

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

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

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

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

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

18 SECTION 12. Section 521.422, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (d) to
20 read as follows:

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

23 (1) \$15 for a person under 60 years of age;

24 (2) \$5 for a person 60 years of age or older; and

25 (3) \$20 for a person subject to the registration
26 requirements under Chapter 62, Code of Criminal Procedure.

27 (d) The department may not collect a fee for a personal

1 identification certificate issued to a person who executes an
2 affidavit stating that the person is financially unable to pay the
3 required fee and:

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

6 (2) who is eligible for registration under Section
7 13.001, Election Code, and submits a registration application to
8 the department.

9 SECTION 13. The change in law made by this Act to Section
10 13.002, Election Code, applies only to an application for voter
11 registration that is submitted on or after the effective date of
12 this Act.

13 SECTION 14. This Act takes effect September 1, 2009.