

By: Brown of Kaufman

H.B. No. 125

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. Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a)

The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Not

earlier than 60 days or later than 30 days before each primary and general election, the secretary of state shall mail a notice describing in detail the identification requirements for voting prescribed by Chapter 63 to each voter who, in the last election:

(1) voted provisionally under Section 63.001(g); and

(2) did not submit proof of identification under Section 65.0541.

(b) The secretary of state by rule may create innovative

1 programs to educate the population of this state about the
2 requirements for voting prescribed by Chapter 63.

3 (c) The secretary of state and the voter registrar of each
4 county that maintains a website shall provide notice of the
5 identification requirements for voting prescribed by Chapter 63 on
6 each entity's respective website. The secretary of state shall
7 prescribe the wording of the notice to be included on the websites.

8 SECTION 3. Section 32.111, Election Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) The training standards adopted under Subsection (a)
11 must include provisions on the acceptance and handling of the
12 identification presented by a voter to an election officer under
13 Section 63.001.

14 SECTION 4. Section 32.114(a), Election Code, is amended to
15 read as follows:

16 (a) The county clerk shall provide one or more sessions of
17 training using the standardized training program and materials
18 developed and provided by the secretary of state under Section
19 32.111 for the election judges and clerks appointed to serve in
20 elections ordered by the governor or a county authority. Each
21 election judge shall complete the training program. Each election
22 clerk shall complete the part of the training program relating to
23 the acceptance and handling of the identification presented by a
24 voter to an election officer under Section 63.001.

25 SECTION 5. Chapter 62, Election Code, is amended by adding
26 Section 62.016 to read as follows:

27 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE

1 POLLING PLACES. The presiding judge shall post in a prominent place
2 on the outside of each polling location notice that a provisional
3 ballot will be provided to a person who executes the appropriate
4 affidavit and a list of the acceptable forms of photographic
5 identification. The notice and list must be printed:

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

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

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

13 (b) Except as provided by Section 63.0012, on [On] offering
14 to vote, a voter must present to an election officer at the polling
15 place the voter's voter registration certificate and:

16 (1) one form of identification listed in Section
17 63.0101; or

18 (2) if applicable, two forms of identification as
19 required by Section 63.0103 [to an election officer at the polling
20 place].

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

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

1 accepted for voting.

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

5 (g) A voter shall be accepted for provisional voting only
6 under Section 63.011 if:

7 (1) the requirements for identification prescribed by
8 Subsection (b)(1) or (2) are not met; and

9 (2) the voter is not eligible for an exemption under
10 Section 63.0012.

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

13 Sec. 63.0012. EXEMPTION FROM PROOF OF IDENTIFICATION
14 REQUIREMENT. (a) A voter who presents the voter's voter
15 registration certificate is not required to present the other
16 documentation required under Section 63.001(b) if the voter
17 executes an affidavit claiming the voter does not possess the
18 documentation because the voter is indigent or has a religious
19 objection to the documentation. The affidavit may be executed
20 only:

21 (1) at the time the voter registers to vote;

22 (2) at the main early voting polling place when the
23 voter is voting early by personal appearance;

24 (3) on election day if the voter resides in a licensed
25 residential care facility in this state and the voter's polling
26 place is located at that facility; or

27 (4) as allowed by Section 65.0541.

1 (b) The secretary of state shall prescribe procedures as
2 necessary to implement this section.

3 SECTION 8. 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 documentation presented under Section 63.001(b).

11 SECTION 9. 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 documentation presented under
19 Section 63.001(b) and the voter executes an affidavit stating that
20 the voter:

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

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

27 (3) did not deliberately provide false information to

1 secure registration in a precinct in which the voter does not
2 reside; and

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

4 SECTION 10. Section 63.008(a), Election Code, is amended to
5 read as follows:

6 (a) A voter who does not present a voter registration
7 certificate when offering to vote, but whose name is on the list of
8 registered voters for the precinct in which the voter is offering to
9 vote, shall be accepted for voting if the voter executes an
10 affidavit stating that the voter does not have the voter's voter
11 registration certificate in the voter's possession at the polling
12 place at the time of offering to vote and the voter's identity can
13 be verified from the identification presented under Section
14 63.001(b)(1) or (2) [~~voter presents proof of identification in a~~
15 ~~form described by Section 63.0101]~~.

16 SECTION 11. Section 63.0101, Election Code, is amended to
17 read as follows:

18 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
19 The following documentation containing the person's photograph is
20 acceptable as proof of identification under this chapter:

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

27 (2) a United States military [~~form of~~] identification

1 card [~~containing the person's photograph that establishes the~~
2 ~~person's identity~~];

3 (3) a valid Veteran's Identification Card [~~birth~~
4 ~~certificate or other document confirming birth that is admissible~~
5 ~~in a court of law and establishes the person's identity~~];

6 (4) a United States citizenship certificate [~~papers~~]
7 issued to the person;

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

9 (6) a license to carry a concealed handgun issued to
10 the person by the Department of Public Safety [~~official mail~~
11 ~~addressed to the person by name from a governmental entity~~];

12 (7) a tribal identification card issued to the person;
13 or

14 (8) if the person is 65 years of age or older:

15 (A) an expired driver's license or personal
16 identification card issued to the person by the Department of
17 Public Safety or similar document issued to the person by an agency
18 of another state; or

19 (B) an expired United States passport issued to
20 the person [~~copy of a current utility bill, bank statement,~~
21 ~~government check, paycheck, or other government document that shows~~
22 ~~the name and address of the voter; or~~

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

25 SECTION 12. Chapter 63, Election Code, is amended by adding
26 Section 63.0103 to read as follows:

27 Sec. 63.0103. ALTERNATIVE DOCUMENTATION PERMITTED FOR

1 IDENTIFICATION OF CERTAIN VOTERS. (a) A person who is 65 years of
2 age or older may present documents in the manner provided by this
3 section as acceptable proof of identification under this chapter if
4 the person:

5 (1) executes an affidavit stating that the person has
6 never been issued a birth certificate because the person's birth
7 was never recorded with any state office of vital statistics; or

8 (2) resides in a nursing home or residential care
9 facility.

10 (b) A person to whom this section applies may present as
11 identification either two different documents listed under
12 Subdivision (1), or one document listed under Subdivision (1) and
13 one document listed under Subdivision (2):

14 (1) the following primary documents issued to or
15 belonging to the person:

16 (A) a Medicaid card or Medicare card;

17 (B) a Social Security benefits statement;

18 (C) a property deed;

19 (D) a property tax statement;

20 (E) a bank statement;

21 (F) a United States Veteran's Universal Access
22 Card that contains the person's photograph;

23 (G) a marriage license or divorce decree;

24 (H) a pension statement;

25 (I) court records of the person's adoption or
26 name change;

27 (2) the following secondary documents issued to or

1 belonging to the person:

2 (A) a copy of a current utility bill, government
3 check, paycheck, or other government document that shows the name
4 and address of the person;

5 (B) official mail addressed to the person by name
6 from a governmental entity;

7 (C) a library card that contains the person's
8 name issued to the person by a public library located in this state;

9 (D) a hunting or fishing license issued to the
10 person by the Parks and Wildlife Department.

11 SECTION 13. 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 an affidavit required by this section must
20 ~~[shall]~~ be printed on an envelope in which the provisional ballot
21 voted by the person may be placed and must include a space for
22 entering the identification number of the provisional ballot voted
23 by the person and a space for an election officer to indicate
24 whether the person presented proof of identification as required by
25 Section 63.001(b)(1) or (2). The affidavit form may include space
26 for disclosure of any necessary information to enable the person to
27 register to vote under Chapter 13. The secretary of state shall

1 prescribe the form of the affidavit under this section.

2 SECTION 14. 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 has not previously voted in
8 that election; and

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

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

12 (B) in the period prescribed under Section
13 65.0541.

14 SECTION 15. Subchapter B, Chapter 65, Election Code, is
15 amended by adding Section 65.0541 to read as follows:

16 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
17 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
18 voting under Section 63.011 because the voter does not present
19 proof of identification as required by Section 63.001(b)(1) or (2)
20 may, not later than the 10th business day after the date of the
21 election:

22 (1) present proof of identification to the voter
23 registrar for examination by the early voting ballot board; or

24 (2) execute an affidavit stating that an exemption
25 under Section 63.0012 applies to the voter.

26 (b) The secretary of state shall prescribe procedures as
27 necessary to implement this section.

1 SECTION 16. The heading to Subchapter I, Chapter 521,
2 Transportation Code, is amended to read as follows:

3 SUBCHAPTER I. ISSUANCE OF DRIVER'S LICENSE AND PERSONAL
4 IDENTIFICATION CERTIFICATE

5 SECTION 17. Subchapter I, Chapter 521, Transportation Code,
6 is amended by adding Section 521.183 to read as follows:

7 Sec. 521.183. PRIORITY ISSUANCE FOR CERTAIN PERSONAL
8 IDENTIFICATION CERTIFICATES. The department shall process and
9 issue a personal identification certificate to a person who applies
10 for the identification certificate for the purpose of satisfying
11 Section 63.001(b), Election Code, before processing or issuing
12 other identification certificates.

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

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

- 18 (1) \$15 for a person under 60 years of age;
19 (2) \$5 for a person 60 years of age or older; and
20 (3) \$20 for a person subject to the registration
21 requirements under Chapter 62, Code of Criminal Procedure.

22 (d) The department may not collect a fee for a personal
23 identification certificate issued to a person who:

- 24 (1) executes an affidavit stating that the person:
25 (A) is obtaining the personal identification
26 certificate for the sole purpose of satisfying Section 63.001(b),
27 Election Code;

1 (B) is financially unable to pay the required
2 fee; and

3 (C) does not have another form of identification
4 acceptable under Section 63.0101, Election Code; and

5 (2) is:

6 (A) a registered voter in this state and presents
7 a valid voter registration certificate; or

8 (B) eligible for registration under Section
9 13.001, Election Code, and submits a registration application to
10 the department.

11 SECTION 19. Sections 521.453(a) and (h), Transportation
12 Code, are amended to read as follows:

13 (a) Except as provided by Subsection (f), a person [~~under~~
14 ~~the age of 21 years~~] commits an offense if the person possesses [~~7~~
15 ~~with the intent to represent that the person is 21 years of age or~~
16 ~~older,~~] a document that is deceptively similar to a driver's
17 license or a personal identification certificate unless the
18 document displays the statement "NOT A GOVERNMENT DOCUMENT"
19 diagonally printed clearly and indelibly on both the front and back
20 of the document in solid red capital letters at least one-fourth
21 inch in height and the person:

22 (1) is under the age of 21 years and possesses the
23 document with the intent to represent that the person is 21 years of
24 age or older; or

25 (2) possesses the document with the intent to use the
26 document as a form of identification for the purposes of Section
27 63.001(b), Election Code.

1 (h) In addition to the punishment provided by Subsection
2 (d), a court, if the court is located in a municipality or county
3 that has established a community service program, may order a
4 person [~~younger than 21 years of age~~] who commits an offense under
5 this section to perform eight hours of community service unless the
6 person is shown to have previously committed an offense under this
7 section, in which case the court may order the person to perform 12
8 hours of community service.

9 SECTION 20. As soon as practicable after September 1, 2009:

10 (1) the secretary of state shall adopt the training
11 standards and develop the training materials required to implement
12 the change in law made by this Act to Section 32.111, Election Code;
13 and

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

18 SECTION 21. (a) Except as provided by Subsections (b) and
19 (c) of this section, this Act takes effect January 1, 2010.

20 (b) Sections 14 and 15 of this Act take effect January 1,
21 2012.

22 (c) Sections 1, 2, 3, 4, and 20 of this Act take effect
23 September 1, 2009.