

By: Anderson

H.B. No. 373

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. NOTICE OF VOTER IDENTIFICATION REQUIREMENTS ON WEBSITE. The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. The secretary of state shall prescribe the wording of the notice to be included on the websites.

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

(c) The training standards adopted under Subsection (a)

1 must include provisions on the acceptance and handling of the
2 identification presented by a voter to an election officer under
3 Section 63.001.

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

6 (a) The county clerk shall provide one or more sessions of
7 training using the standardized training program and materials
8 developed and provided by the secretary of state under Section
9 32.111 for the election judges and clerks appointed to serve in
10 elections ordered by the governor or a county authority. Each
11 election judge shall complete the training program. Each election
12 clerk shall complete the part of the training program relating to
13 the acceptance and handling of the identification presented by a
14 voter to an election officer under Section 63.001.

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

17 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
18 POLLING PLACES. The presiding judge shall post in a prominent place
19 on the outside of each polling location notice that a provisional
20 ballot will be provided to a person who executes the appropriate
21 affidavit and a list of the acceptable forms of photographic and
22 nonphotographic identification. The notice and list must be
23 printed in a font that is at least 24 point.

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

27 (b) On offering to vote, a voter must present to an election

1 officer at the polling place the voter's voter registration
2 certificate and:

3 (1) one form of identification listed in Section
4 63.0101(a); or

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

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

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

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

18 (g) If the requirements for identification prescribed by
19 Subsection (b) are not met, the voter may be accepted for
20 provisional voting only under Section 63.011. An election officer
21 shall inform a voter who is not accepted for voting under this
22 section of the voter's right to cast a provisional ballot under
23 Section 63.011.

24 SECTION 7. Section 63.006(a), Election Code, is amended to
25 read as follows:

26 (a) A voter who, when offering to vote, presents a voter
27 registration certificate indicating that the voter is currently

1 registered in the precinct in which the voter is offering to vote,
2 but whose name is not on the precinct list of registered voters,
3 shall be accepted for voting if the voter's identity can be verified
4 from the documentation presented under Section 63.001(b).

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

7 (a) A voter who, when offering to vote, presents a voter
8 registration certificate indicating that the voter is currently
9 registered in a different precinct from the one in which the voter
10 is offering to vote, and whose name is not on the precinct list of
11 registered voters, shall be accepted for voting if the voter's
12 identity can be verified from the documentation presented under
13 Section 63.001(b) and the voter executes an affidavit stating that
14 the voter:

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

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

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

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

25 SECTION 9. Section 63.008(a), Election Code, is amended to
26 read as follows:

27 (a) A voter who does not present a voter registration

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

10 SECTION 10. Section 63.0101, Election Code, is amended to
11 read as follows:

12 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

13 (a) An [~~The following documentation is~~] acceptable form of photo
14 [~~as proof of~~] identification under this chapter must:

15 (1) be [~~a driver's license or personal identification~~
16 ~~card issued to the person by the Department of Public Safety or a~~
17 ~~similar document~~] issued to the person by an agency of this state or
18 the United States [~~another state, regardless of whether the license~~
19 ~~or card has expired~~];

20 (2) contain a [~~form of identification containing the~~
21 ~~person's~~] photograph of the person that establishes the person's
22 identity;

23 (3) display the person's name, which must
24 substantially conform to the name on the voter registration list [~~a~~
25 ~~birth certificate or other document confirming birth that is~~
26 ~~admissible in a court of law and establishes the person's~~
27 ~~identity~~]; and

1 (4) contain an expiration date that:

2 (A) has not occurred; or

3 (B) occurs after the date of the most recent
4 general election for state and county officers.

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

7 (1) [~~United States citizenship papers issued to the~~
8 ~~person;~~

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

10 [~~(6) official mail addressed to the person by name~~
11 ~~from a governmental entity;~~

12 [~~(7)~~] a copy of a current utility bill, bank
13 statement, government check, paycheck, or other government
14 document that shows the name and address of the voter;

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

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

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

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

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

26 (7) an identification card issued to the person by a
27 governmental entity of this state or the United States for the

1 purpose of obtaining public benefits, including veterans benefits,
2 Medicaid, or Medicare;

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

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

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

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

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

14 SECTION 11. Sections 63.011(a) and (b), Election Code, are
15 amended to 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 (b) A form for an affidavit required by this section must
23 [~~shall~~] be printed on an envelope in which the provisional ballot
24 voted by the person may be placed and must include a space for
25 entering the identification number of the provisional ballot voted
26 by the person and a space for an election officer to indicate
27 whether the person presented proof of identification as required by

1 Section 63.001(b)(1) or (2). The affidavit form may include space
2 for disclosure of any necessary information to enable the person to
3 register to vote under Chapter 13. The secretary of state shall
4 prescribe the form of the affidavit under this section.

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

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

8 (1) the board determines that, from the information in
9 the affidavit or contained in public records, the person is
10 eligible to vote in the election and has not previously voted in
11 that election; and

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

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

15 (B) in the period prescribed under Section
16 65.0541.

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

19 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
20 PROVISIONAL BALLOTS. A voter who is accepted for provisional
21 voting under Section 63.011 because the voter does not present
22 proof of identification as required by Section 63.001(b)(1) or (2)
23 may, not later than the 10th business day after the date of the
24 election present proof of identification to the voter registrar for
25 examination by the early voting ballot board.

26 SECTION 14. 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 obtaining the personal
11 identification certificate for the sole purpose of satisfying
12 Section 63.001(b)(1), Election Code, and:

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

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

18 SECTION 15. As soon as practicable after September 1, 2009:

19 (1) the secretary of state shall adopt the training
20 standards and develop the training materials required to implement
21 the change in law made by this Act to Section 32.111, Election Code;
22 and

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

27 SECTION 16. (a) Except as provided by Subsection (b) of

1 this section, this Act takes effect January 1, 2010.

2 (b) Sections 1, 2, 3, 4, and 15 of this Act take effect
3 September 1, 2009.