

By: Bohac

H.B. No. 1414

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. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) 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

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

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

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

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

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

4 (h) The requirements for identification prescribed by
5 Subsection (b)(1) or (2) do not apply to a voter who:

6 (1) presents the voter's voter registration
7 certificate on offering to vote; and

8 (2) is 65 years of age or older as indicated by the
9 date of birth on the voter's voter registration certificate.

10 SECTION 2. Section 63.006(a), Election Code, is amended to
11 read as follows:

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

18 SECTION 3. Section 63.007(a), Election Code, is amended to
19 read as follows:

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

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

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

7 (3) did not deliberately provide false information to
8 secure registration in a precinct in which the voter does not
9 reside; and

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

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

13 (a) A voter who does not present a voter registration
14 certificate when offering to vote, but whose name is on the list of
15 registered voters for the precinct in which the voter is offering to
16 vote, shall be accepted for voting if the voter executes an
17 affidavit stating that the voter does not have the voter's voter
18 registration certificate in the voter's possession at the polling
19 place at the time of offering to vote and the voter's identity can
20 be verified from the identification presented under Section
21 63.001(b)(1) or (2) [~~voter presents proof of identification in a~~
22 ~~form described by Section 63.0101]~~.

23 SECTION 5. Section 63.0101, Election Code, is amended to
24 read as follows:

25 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

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

7 (2) a United States military identification card that
8 contains the person's photograph [~~form of identification~~
9 ~~containing the person's photograph that establishes the person's~~
10 ~~identity~~];

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

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

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

19 (6) a student identification card issued by a public
20 or private institution of higher education located in Texas that
21 contains the person's photograph [~~official mail addressed to the~~
22 ~~person by name from a governmental entity~~]; or

23 (7) a license to carry a concealed handgun issued to
24 the person by the Department of Public Safety.

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

27 (1) a copy of a current utility bill, bank statement,

1 government check, paycheck, or other government document that shows
2 the name and address of the voter;

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

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

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

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

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

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

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

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

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

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

27 ~~(8) any other form of identification prescribed by~~

1 ~~the secretary of state]~~.

2 SECTION 6. Sections 63.011(a) and (b), Election Code, are
3 amended to read as follows:

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

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

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

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

20 SECTION 7. Section 65.054(b), Election Code, is amended to
21 read as follows:

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

23 (1) the board determines that, from the information in
24 the affidavit or contained in public records, the person is
25 eligible to vote in the election and has not previously voted in
26 that 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 8. 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, not later than the 10th business day after the date of the
12 election, present proof of identification to the voter registrar
13 for examination by the early voting ballot board.

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

16 SECTION 9. Section 521.422, Transportation Code, is amended
17 by amending Subsection (a) and adding Subsection (d) to read as
18 follows:

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

21 (1) \$15 for a person under 60 years of age;

22 (2) \$5 for a person 60 years of age or older; and

23 (3) \$20 for a person subject to the registration
24 requirements under Chapter 62, Code of Criminal Procedure.

25 (d) The department may not collect a fee for a personal
26 identification certificate issued to a person who executes an
27 affidavit stating that the person is financially unable to pay the

1 required fee and:

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

4 (2) who is eligible for registration under Section
5 13.001, Election Code, and submits a registration application to
6 the department.

7 SECTION 10. This Act takes effect September 1, 2011.