

By: Hopson

H.B. No. 2513

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; providing a criminal penalty.

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

5 SECTION 1. Section 13.122(a), Election Code, is amended to  
6 read as follows:

7 (a) In addition to the other statements and spaces for  
8 entering information that appear on an officially prescribed  
9 registration application form, each official form must include:

10 (1) the statement: "I understand that giving false  
11 information to procure a voter registration is perjury and a crime  
12 under state and federal law.";

13 (2) a space for the applicant's registration number;

14 (3) a space for the applicant's Texas driver's license  
15 number or number of a personal identification card issued by the  
16 Department of Public Safety;

17 (4) a space for the applicant's telephone number;

18 (5) a space for the applicant's social security  
19 number;

20 (6) a space for the applicant's sex;

21 (7) a statement indicating that the furnishing of the  
22 applicant's telephone number and sex is optional;

23 (8) a space or box for indicating whether the  
24 applicant or voter is submitting new registration information or a

1 change in current registration information;

2 (9) a statement instructing a voter who is using the  
3 form to make a change in current registration information to enter  
4 the voter's name and the changed information in the appropriate  
5 spaces on the form;

6 (10) a statement that if the applicant declines to  
7 register to vote, that fact will remain confidential and will be  
8 used only for voter registration purposes;

9 (11) a statement that if the applicant does register  
10 to vote, information regarding the agency or office to which the  
11 application is submitted will remain confidential and will be used  
12 only for voter registration purposes;

13 (12) a space or box for indicating whether the  
14 applicant is interested in working as an election judge;

15 (13) a statement warning that a conviction for making  
16 a false statement may result in imprisonment for up to the maximum  
17 amount of time provided by law, a fine of up to the maximum amount  
18 provided by law, or both the imprisonment and the fine; ~~and~~

19 (14) the photograph of the applicant if a photograph  
20 has been obtained under Section 31.012; and

21 (15) any other voter registration information  
22 required by federal law or considered appropriate and required by  
23 the secretary of state.

24 SECTION 2. Section 15.001(a), Election Code, is amended to  
25 read as follows:

26 (a) Each voter registration certificate issued must  
27 contain:

1           (1) the voter's name in the form indicated by the  
2 voter, subject to applicable requirements prescribed by Section  
3 13.002 and by rule of the secretary of state;

4           (2) the voter's residence address or, if the residence  
5 has no address, the address at which the voter receives mail and a  
6 concise description of the location of the voter's residence;

7           (3) the month, day, and year of the voter's birth;

8           (4) the number of the county election precinct in  
9 which the voter resides;

10          (5) the voter's effective date of registration if an  
11 initial certificate;

12          (6) the voter's registration number;

13          (7) an indication of the period for which the  
14 certificate is issued;

15          (8) a statement explaining the circumstances under  
16 which the voter will receive a new certificate;

17          (9) a space for stamping the voter's political party  
18 affiliation;

19          (10) a statement that voting with the certificate by a  
20 person other than the person in whose name the certificate is issued  
21 is a felony;

22          (11) a space for the voter's signature;

23          (12) a statement that the voter must sign the  
24 certificate personally, if able to sign, immediately on receipt;

25          (13) a space for the voter to correct the information  
26 on the certificate followed by a signature line;

27          (14) the statement: "If any information on this

1 certificate changes or is incorrect, correct the information in the  
2 space provided, sign below, and return this certificate to the  
3 voter registrar.";

4 (15) the registrar's mailing address and telephone  
5 number; ~~and~~

6 (16) the jurisdictional or distinguishing number for  
7 the following territorial units in which the voter resides, as  
8 determined by the voter registrar:

9 (A) congressional district;

10 (B) state senatorial district;

11 (C) state representative district;

12 (D) commissioners precinct;

13 (E) justice precinct;

14 (F) city election precinct; and

15 (G) school district election precinct; and

16 (17) the photograph of the voter to whom the  
17 certificate is issued if a photograph has been obtained under  
18 Section 31.012.

19 SECTION 3. Subchapter A, Chapter 31, Election Code, is  
20 amended by adding Section 31.012 to read as follows:

21 Sec. 31.012. PHOTO IDENTIFICATION ACCESS. The secretary of  
22 state shall establish methods to obtain a photograph of each  
23 registered voter for use on the voter's voter registration  
24 certificate. For purposes of this section, the secretary of state  
25 may enter into agreements with the Department of Public Safety or  
26 other state agencies and governmental entities for assistance with  
27 assigning photographs to the appropriate voter's voter

1 registration certificate.

2 SECTION 4. Section 63.001, Election Code, is amended by  
3 amending Subsections (b), (c), (d), and (f) and adding Subsection  
4 (g) to read as follows:

5 (b) On offering to vote, a voter must present to an election  
6 officer at the polling place:

7 (1) the voter's voter registration certificate  
8 containing the voter's photograph;

9 (2) an identification card issued by this state; or

10 (3) the affidavit described by Section 63.007 [~~to an~~  
11 ~~election officer at the polling place~~].

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

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

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

23 (g) Perjury committed in the execution of an affidavit for  
24 the purposes of being accepted to vote constitutes aggravated  
25 perjury under Section 37.03, Penal Code.

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

1           (a) A voter who, when offering to vote, presents a voter  
2 registration certificate indicating that the voter is currently  
3 registered in the precinct in which the voter is offering to vote,  
4 but whose name is not on the precinct list of registered voters,  
5 shall be accepted for voting if the voter meets the identification  
6 or affidavit requirements under Section 63.001.

7           SECTION 6. The heading to Section 63.007, Election Code, is  
8 amended to read as follows:

9           Sec. 63.007. VOTER WITHOUT CERTIFICATE OR WITH INCORRECT  
10 CERTIFICATE WHO IS NOT ON LIST.

11           SECTION 7. Section 63.007(a), Election Code, is amended to  
12 read as follows:

13           (a) A voter who, when offering to vote, does not present a  
14 voter registration certificate or presents a voter registration  
15 certificate indicating that the voter is currently registered in a  
16 different precinct from the one in which the voter is offering to  
17 vote, and whose name is not on the precinct list of registered  
18 voters, shall be accepted for voting if the voter executes an  
19 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 8. The heading to Section 63.009, Election Code, is  
4 amended to read as follows:

5 Sec. 63.009. VOTER WITHOUT DOCUMENTATION [~~CERTIFICATE~~] WHO  
6 IS NOT ON LIST.

7 SECTION 9. Section 63.009(a), Election Code, is amended to  
8 read as follows:

9 (a) A [~~Except as provided by Subsection (b), a~~] voter who  
10 does not meet the identification or affidavit requirements under  
11 Section 63.001 [~~present a voter registration certificate when~~  
12 ~~offering to vote~~], and whose name is not on the list of registered  
13 voters for the precinct in which the voter is offering to vote,  
14 shall be accepted for provisional voting if the voter executes an  
15 affidavit in accordance with Section 63.011.

16 SECTION 10. Section 63.011(a), Election Code, is amended to  
17 read as follows:

18 (a) A person to whom Section [~~63.008(b) or~~] 63.009(a)  
19 applies may cast a provisional ballot if the person executes an  
20 affidavit stating that the person:

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

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

24 SECTION 11. Section 65.054(b), Election Code, is amended to  
25 read as follows:

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

27 (1) the board determines that, from the information in

1 the affidavit or contained in public records, the person is  
2 eligible to vote in the election and has not previously voted in  
3 that election; and

4 (2) the voter meets the identification requirements of  
5 Section 63.001(b) in the period prescribed under Section 65.0541.

6 SECTION 12. Subchapter B, Chapter 65, Election Code, is  
7 amended by adding Section 65.0541 to read as follows:

8 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
9 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
10 voting under Section 63.011 because the voter does not meet the  
11 identification requirements of Section 63.001(b) may, not later  
12 than the 10th business day after the date of the election, present  
13 proof of identification to the voter registrar for examination by  
14 the early voting ballot board.

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

17 SECTION 13. Sections 63.008, 63.009(b), and 63.0101,  
18 Election Code, are repealed.

19 SECTION 14. (a) As soon as practicable after the effective  
20 date of this Act, the secretary of state shall establish, subject to  
21 Subsection (b) of this section, the photo identification access  
22 program required by Section 31.012, Election Code, as added by this  
23 Act.

24 (b) The photo identification access program required by  
25 Section 31.012, Election Code, as added by this Act, must provide  
26 for voter registration certificates to contain photographs for use  
27 beginning with the general election for state and county officers



1 held in 2010.

2           SECTION 15. The change in law made by this Act to Section  
3 13.122(a), Election Code, applies only to a voter registration  
4 application distributed by a voter registrar on or after September  
5 1, 2009. A voter registration application distributed by a voter  
6 registrar before September 1, 2009, is covered by the law in effect  
7 when the application was distributed, and the former law is  
8 continued in effect for that purpose.

9           SECTION 16. This Act takes effect September 1, 2009.