

By: Bonnen

H.B. No. 3556

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. 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. Effective January 1, 2010, Chapter 62, Election
16 Code, is amended by adding 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 a list of the acceptable
20 forms of identification. The notice and list must be printed using
21 a font that is at least 24 point.

22 SECTION 6. Effective January 1, 2010, Section 63.001,
23 Election Code, is amended by amending Subsections (b), (c), (d),
24 and (f) and adding Subsection (g) to read as follows:

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

1 (1) one form of identification listed in Section
2 63.0101(a); or

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

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

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

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

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

22 SECTION 7. Effective January 1, 2010, Section 63.006(a),
23 Election Code, is amended to read as follows:

24 (a) A voter who, when offering to vote, presents a voter
25 registration certificate indicating that the voter is currently
26 registered in the precinct in which the voter is offering to vote,
27 but whose name is not on the precinct list of registered voters,

1 shall be accepted for voting if the voter's identity can be verified
2 from the documentation presented under Section 63.001(b).

3 SECTION 8. Effective January 1, 2010, Section 63.007(a),
4 Election Code, is amended to 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 a different precinct from the one in which the voter
8 is offering to vote, and whose name is not on the precinct list of
9 registered voters, shall be accepted for voting if the voter's
10 identity can be verified from the documentation presented under
11 Section 63.001(b) and the voter executes an affidavit stating that
12 the voter:

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

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

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

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

23 SECTION 9. Effective January 1, 2010, Section 63.008(a),
24 Election Code, is amended to read as follows:

25 (a) A voter who does not present a voter registration
26 certificate when offering to vote, but whose name is on the list of
27 registered voters for the precinct in which the voter is offering to

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

8 SECTION 10. Effective January 1, 2010, Section 63.0101,
9 Election Code, is amended to read as follows:

10 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

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

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

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

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

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

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

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

10 (8) a valid identification card that contains the
11 person's photograph and is issued by:

12 (A) an agency or institution of the federal
13 government; or

14 (B) an agency, institution, or political
15 subdivision of this state.

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

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

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

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

26 (4) United States citizenship papers issued to the
27 person;

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

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

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

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

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

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

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

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

20 SECTION 11. Effective January 1, 2010, Sections 63.011(a)
21 and (b), Election Code, are amended to read as follows:

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

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

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

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

11 SECTION 12. Effective January 1, 2010, Section 65.054(b),
12 Election Code, is amended to read as follows:

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

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

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

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

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

23 SECTION 13. Effective January 1, 2010, Subchapter B,
24 Chapter 65, Election Code, is amended by adding Section 65.0541 to
25 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, not later than the 10th business day after the date of the
4 election, present proof of identification to the voter registrar
5 for examination by the early voting ballot board.

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

8 SECTION 14. As soon as practicable after September 1, 2009:

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

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

17 SECTION 15. Except as otherwise provided by this Act, this
18 Act takes effect September 1, 2009.