

By: Riddle

H.B. No. 3679

A BILL TO BE ENTITLED

AN ACT

relating to the registration of certain voters at a polling place and related procedures.

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

SECTION 1. Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.007 to read as follows:

Sec. 12.007. CERTAIN ELECTION OFFICERS ARE VOTER REGISTRARS. An election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION 2. Chapter 62, Election Code, is amended by adding Section 62.0015 to read as follows:

Sec. 62.0015. CERTAIN ELECTION OFFICERS ARE VOTER REGISTRARS. An election officer serving a polling place on election day is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION 3. Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. REGISTRATION AT POLLING PLACE OF ACTIVE AND DISCHARGED MILITARY PERSONNEL; VOTING PROCEDURES. (a) Other applicable provisions of this code apply to the conduct of voting and to the registration of voters under this section to the extent those provisions do not conflict with this section.

(b) A person who would be eligible to vote in an election

1 under Section 11.001, but for the requirement to be a registered
2 voter, shall be accepted for voting in the precinct of the person's
3 residence as shown by the identification presented if, on the day
4 the person offers to vote, the person:

5 (1) submits a voter registration application that
6 complies with Section 13.002 to an election officer at the polling
7 place;

8 (2) presents a United States military identification
9 card that contains the person's photograph;

10 (3) presents a deployment order indicating that the
11 person was deployed to a location away from the person's home
12 station and out of the person's county of residence on or after the
13 60th day before election day; and

14 (4) presents as proof of residence:

15 (A) a Texas driver's license, including a
16 temporary license or instruction permit, or personal
17 identification card issued to the person by the Department of
18 Public Safety that states the person's current address on the day
19 the person seeks to vote; or

20 (B) a utility bill addressed to the person dated
21 not earlier than the 30th day before the date the person seeks to
22 vote, and:

23 (i) a Texas driver's license, including a
24 temporary license or instruction permit, or personal
25 identification card issued to the person by the Department of
26 Public Safety, regardless of whether the address stated on the
27 license or card is current on the day the person seeks to vote; or

1 (ii) a United States passport issued to the
2 person.

3 (c) The election officer shall make a copy of the documents
4 submitted under Subsections (b)(2)-(4) and attach the copies to the
5 registration application. The election officer shall return the
6 original documents to the voter.

7 (d) A person voting under this section shall vote a
8 provisional ballot in the manner provided by Section 63.011, except
9 that the person is not required to submit the affidavit under
10 Section 63.011(a).

11 (e) For each registration corresponding to a ballot cast
12 under this section, the voter registrar shall review the
13 application and copies of the documents submitted under Subsections
14 (b)(2)-(4) and determine whether the applicant was a member of the
15 United States military forces serving on active duty and deployed
16 to a location away from the applicant's home station and out of the
17 applicant's county of residence on or after the 60th day before
18 election day and is eligible for registration as provided by
19 Subchapter C, Chapter 13. The registrar shall inform the early
20 voting ballot board of a determination made under this subsection.
21 A registration approved under this subsection takes effect on the
22 date the vote was cast.

23 (f) The secretary of state may by rule:

24 (1) designate additional documents that a person may
25 offer to prove the person's residence to register and vote under
26 this section; and

27 (2) prescribe procedures to implement this section.

1 SECTION 4. Section 65.054, Election Code, is amended by
2 amending Subsection (b) and adding Subsection (b-1) to read as
3 follows:

4 (b) Except as provided by Subsection (b-1), a [A]
5 provisional ballot may be accepted only if the board determines
6 that, from the information in the affidavit or contained in public
7 records, the person is eligible to vote in the election and has not
8 previously voted in that election.

9 (b-1) A provisional ballot cast under Section 63.010 or
10 85.0312 shall be accepted if the voter registrar determines the
11 applicant is eligible for registration under Section 63.010(e) or
12 85.0312(d), as applicable.

13 SECTION 5. Subchapter B, Chapter 85, Election Code, is
14 amended by adding Section 85.0312 to read as follows:

15 Sec. 85.0312. REGISTRATION AT POLLING PLACE DURING EARLY
16 VOTING OF ACTIVE AND DISCHARGED MILITARY PERSONNEL. (a) A person
17 who would be eligible to vote in an election under Section 11.001,
18 but for the requirement to be a registered voter, shall be accepted
19 during early voting by personal appearance for voting the ballot
20 for the precinct of the person's residence as shown by the
21 identification presented if, on the day the person offers to vote,
22 the person:

23 (1) submits a voter registration application that
24 complies with Section 13.002 to an election officer at the polling
25 place;

26 (2) presents a United States military identification
27 card that contains the person's photograph;

1 (3) presents a deployment order indicating that the
2 person was deployed to a location away from the person's home
3 station and out of the person's county of residence on or after the
4 60th day before election day; and

5 (4) presents as proof of residence:

6 (A) a Texas driver's license, including a
7 temporary license or instruction permit, or personal
8 identification card issued to the person by the Department of
9 Public Safety that states the person's current address on the day
10 the person seeks to vote; or

11 (B) a utility bill addressed to the person dated
12 not earlier than the 30th day before the date the person seeks to
13 vote, and:

14 (i) a Texas driver's license, including a
15 temporary license or instruction permit, or personal
16 identification card issued to the person by the Department of
17 Public Safety, regardless of whether the address stated on the
18 license or card is current on the day the person seeks to vote; or

19 (ii) a United States passport issued to the
20 person.

21 (b) The election officer shall make a copy of the documents
22 submitted under Subsections (a)(2)-(4) and attach the copies to the
23 registration application. The election officer shall return the
24 original documents to the voter.

25 (c) A person voting under this section shall vote a
26 provisional ballot in the manner provided by Section 63.011, except
27 that the person is not required to submit the affidavit under

1 Section 63.011(a).

2 (d) For each registration corresponding to a ballot cast
3 under this section, the voter registrar shall review the
4 application and copies of the documents submitted under Subsections
5 (a)(2)-(4) and determine whether the applicant was a member of the
6 United States military forces serving on active duty and deployed
7 to a location away from the person's home station and out of the
8 person's county of residence on or after the 60th day before
9 election day and is eligible for registration as provided by
10 Subchapter C, Chapter 13. The registrar shall inform the early
11 voting ballot board of a determination made under this subsection.
12 A registration approved under this subsection takes effect on the
13 date the vote was cast.

14 (e) The secretary of state may by rule:

15 (1) designate additional documents that a person may
16 offer to prove the person's residence to register and vote under
17 this section; and

18 (2) prescribe procedures to implement this section.

19 SECTION 6. This Act takes effect September 1, 2009.