

By: Smith of Tarrant

H.B. No. 3948

A BILL TO BE ENTITLED

AN ACT

relating to certain voting requirements and procedures.

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

SECTION 1. In enacting this legislation, the legislature intends to express a broad consensus of the members and presiding officers toward ensuring and enhancing two equally important and compatible tenets of our democracy:

(1) the inviolability of the basic right of each voter to be able to cast a ballot in any election in which the voter is eligible to vote; and

(2) the integrity of the electoral process, to the end that each vote cast by an eligible voter in an election be counted and given equal weight without dilution by votes cast by persons not eligible to vote in the election.

SECTION 2. (a) On offering to vote in an election, a voter must present to an election officer at the polling place the voter's voter registration certificate and one or more forms of identification, including photo or nonphoto identification, to help ensure a reliable and efficient voting process that protects against and discourages voting fraud and other forms of unlawful voting, prevents the votes of ineligible voters from being counted, and facilitates and allows the votes of eligible voters to be counted. To these ends, voter affidavits and other alternative voting procedures shall be executed and followed if necessary to

1 implement appropriate exceptions or modifications to the  
2 identification requirements to further balance the goals of  
3 facilitating eligible voter participation and preventing voting  
4 fraud and other forms of unlawful voting. Provisional voting shall  
5 be required, as appropriate and necessary, for certain voters to  
6 vote when the applicable identification requirements and related  
7 voting requirements are not met. The secretary of state shall  
8 prescribe appropriate procedures as necessary to implement this  
9 subsection.

10 (b) To facilitate the balancing of the goals, as described  
11 by Subsection (a) of this section, of ensuring a reliable and  
12 efficient voting process that protects against and discourages  
13 voting fraud and other forms of unlawful voting, preventing the  
14 votes of ineligible voters from being counted, and facilitating and  
15 allowing the votes of eligible voters to be counted, related voting  
16 procedures and processes shall be added or modified as appropriate.  
17 Notification of the identification requirements and related  
18 procedures described by Subsection (a) of this section shall be  
19 provided to voters on appropriate documents during the voter  
20 registration process, on the websites of the secretary of state and  
21 voter registrars who maintain websites, and on a posting outside  
22 each polling location. The identification requirements and related  
23 procedures shall be included in the training standards for election  
24 officers and in the training programs provided by local election  
25 officials. The secretary of state shall prescribe appropriate  
26 procedures as necessary to implement this subsection.

27 (c) The Department of Public Safety may not collect a fee

1 for a personal identification certificate if the person is a voter  
2 or applicant for voter registration and is obtaining the  
3 certificate for the purpose of satisfying the identification  
4 requirements described by Subsection (a) of this section.

5 SECTION 3. To the extent of any conflict with the Election  
6 Code or other law, this Act prevails.

7 SECTION 4. (a) Except as provided by Subsection (b) of this  
8 section, this Act takes effect January 1, 2010.

9 (b) The changes in law made by Section 2(b) of this Act  
10 regarding training standards, training programs, and notification  
11 requirements on websites and during the voter registration process  
12 take effect September 1, 2009.