

By: Dunnam

H.B. No. 4418

A BILL TO BE ENTITLED

AN ACT

relating to voter integrity measures and punishment for related offenses.

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

SECTION 1. This Act may be cited as the "Voter Integrity Act of 2009."

SECTION 2. Sections 15.001 and 15.002, Election Code, are amended to read as follows:

Sec. 15.001. REQUIRED CONTENTS. (a) Each voter registration certificate issued must be identical in form as a driver's license, including identical materials, and contain:

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

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

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

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

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

(6) the voter's registration number;

(7) an indication of the period for which the

1 certificate is issued;

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

4 (9) a space for stamping the voter's political party  
5 affiliation;

6 (10) a statement that voting with the certificate by a  
7 person other than the person in whose name the certificate is issued  
8 is a felony;

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

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

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

14 (14) the statement: "If any information on this  
15 certificate changes or is incorrect, correct the information in the  
16 space provided, sign below, and return this certificate to the  
17 voter registrar.";

18 (15) the registrar's mailing address and telephone  
19 number; and

20 (16) the jurisdictional or distinguishing number for  
21 the following territorial units in which the voter resides, as  
22 determined by the voter registrar:

23 (A) congressional district;

24 (B) state senatorial district;

25 (C) state representative district;

26 (D) commissioners precinct;

27 (E) justice precinct;

1 (F) city election precinct; and  
2 (G) school district election precinct;  
3 (17) the voter's sex;  
4 (18) a representation of the Texas flag; and  
5 (18) on the reverse, a strip for  
6 electronically-readable information.

7 (b) A certificate may not contain:  
8 (1) the voter's telephone number;  
9 (1-a) a photograph of the voter;  
10 (2) the voter's social security number; or  
11 (3) except as provided by Section 15.002, any other  
12 information not specified by Subsection (a).

13 (c) Except as provided by Subsection (d), the certificate  
14 issued under this section is the only form of identification a voter  
15 must present to an election official in order to exercise the  
16 person's fundamental right to vote. If the provisions of another  
17 law conflict with the provisions of this section, this section  
18 controls to the extent of the conflict.

19 (d) A voter may request the Department of Public Safety to  
20 encode the voter's driver's license to indicate the voter's status  
21 as a registered voter. The department shall adopt rules to  
22 implement this section. If the voter's driver's license is encoded  
23 as provided under this section, a voter may, but cannot be compelled  
24 to, present the voter's driver's license in lieu of the certificate  
25 issued under this section.

26 Sec. 15.002. OPTIONAL CONTENTS. (a) A voter registration  
27 certificate may be accompanied by a separate sheet contain an

1 explanation of the voter's rights or duties under this code,  
2 including:

3 (1) the procedure by which the voter will receive a  
4 renewal certificate;

5 (2) the necessity of notifying the registrar if the  
6 voter changes residence;

7 (3) the necessity of applying for a new registration  
8 if the voter changes residence to another county;

9 (4) the period during which the voter may vote a  
10 limited ballot after changing residence to another county;

11 (5) the procedure for voting without a certificate;  
12 and

13 (6) the procedure for obtaining a replacement for a  
14 lost or destroyed certificate.

15 ~~[(b) An explanation authorized by Subsection (a) may appear~~  
16 ~~on a separate sheet accompanying the certificate when it is~~  
17 ~~delivered.]~~

18 (c) In addition to the territorial units required to be  
19 listed on a voter registration certificate under Section  
20 15.001(a)(16), a certificate may contain up to seven jurisdictional  
21 or distinguishing numbers for any other territorial units in which  
22 the voter resides.

23 ~~[(d) A voter registration certificate may contain the~~  
24 ~~voter's sex.]~~

25 SECTION 3. Section 32.51(c), Penal Code, is amended to read  
26 as follows

27 (c) An offense under this section is:

1 (1) a state jail felony if the number of items  
2 obtained, possessed, transferred, or used is less than five;

3 (2) a felony of the third degree if the number of items  
4 obtained, possessed, transferred, or used is five or more but less  
5 than 10 or if one or more items is obtained, possessed, transferred,  
6 or used by a person to obtain a voter registration certificate or  
7 used by a person to cast a vote;

8 (3) a felony of the second degree if the number of  
9 items obtained, possessed, transferred, or used is 10 or more but  
10 less than 50; or

11 (4) a felony of the first degree if the number of items  
12 obtained, possessed, transferred, or used is 50 or more.

13 SECTION 4. Chapter 16, Election Code, is amended by adding  
14 Subchapter E to read as follows:

15 SUBCHAPTER E. REPORTS

16 Sec. 16.101. REPORT BY REGISTRAR. Each registrar shall  
17 report the registrar's cancellations under this chapter monthly to  
18 the Secretary of State.

19 Sec. 16.102. REPORT BY SECRETARY OF STATE. The secretary of  
20 state shall report all cancellations under this chapter monthly to  
21 the lieutenant governor, the speaker of the house of  
22 representatives, the chairmen of the committees of each house of  
23 the legislature with oversight responsibility for office of  
24 secretary of state, and the state auditor.

25 Sec. 16.103. TIME FOR MAKING REPORTS. Each report under  
26 this subchapter shall be made not later than the fifth day of each  
27 month and shall report on the cancellations made in the preceding

1 month.

2           SECTION 5. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 governed by the law in effect when the offense was committed, and  
6 the former law is continued in effect for that purpose. For  
7 purposes of this subsection, an offense was committed before the  
8 effective date of this Act if any element of the offense was  
9 committed before the date.

10           SECTION 6. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.