

By: Ellis

S.B. No. 118

A BILL TO BE ENTITLED

AN ACT

relating to the registration of voters at a polling place during early voting by personal appearance 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. Subchapter B, Chapter 85, Election Code, is amended by adding Section 85.0312 to read as follows:

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

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

(2) presents as proof of residence any of the following documents that display the person's current name and

1 current address on the day the person seeks to vote:

2 (A) a Texas driver's license, including a
3 temporary license or instruction permit, or personal
4 identification card issued to the person by the Department of
5 Public Safety;

6 (B) any other identification issued by a
7 government agency containing the person's photograph;

8 (C) a utility bill or bank statement addressed to
9 the person and dated not earlier than the 30th day before the date
10 the person seeks to vote;

11 (D) a paycheck issued to the person;

12 (E) a government check or government document
13 issued to or belonging to the person; or

14 (F) a document designated by the secretary of
15 state under Subsection (e).

16 (b) The election officer shall make a copy of the proof of
17 residence submitted under Subsection (a)(2) and attach it to the
18 registration application. The election officer shall return the
19 original proof of residence to the voter.

20 (c) A person voting under this section shall vote the early
21 voting ballot that would be provided to a voter voting early by
22 mail. The person must place the marked ballot in the official
23 carrier envelope, execute the carrier envelope as provided by
24 Section 86.013, and deliver the carrier envelope and ballot to the
25 election officer before leaving the polling place. A ballot voted
26 under this section shall be processed in the same manner as a ballot
27 voted early by mail.

1 (d) For each registration corresponding to a ballot cast
2 under this section, the voter registrar shall review the
3 application and copy of the proof of residence and determine
4 whether the applicant is eligible for registration as provided by
5 Subchapter C, Chapter 13. The registrar shall inform the early
6 voting ballot board of a determination made under this subsection.
7 A registration approved under this subsection takes effect on the
8 date the vote was cast.

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

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

13 (2) prescribe procedures to implement this section.

14 SECTION 3. Section 86.007, Election Code, is amended by
15 adding Subsection (h) to read as follows:

16 (h) A ballot voted under Section 85.0312 and delivered to an
17 election officer as required by that section is considered timely
18 returned.

19 SECTION 4. Section 87.041, Election Code, is amended by
20 amending Subsections (a) and (d) and adding Subsection (f) to read
21 as follows:

22 (a) The early voting ballot board shall open each jacket
23 envelope for an early voting ballot voted by mail or as provided by
24 Section 85.0312 and determine whether to accept the voter's ballot.

25 (d) Except as provided by Subsection (f), a [A] ballot shall
26 be rejected if any requirement prescribed by Subsection (b) is not
27 satisfied. In that case, the board shall indicate the rejection by

1 entering "rejected" on the carrier envelope and on the
2 corresponding jacket envelope.

3 (f) Subsections (b)(3) and (b)(5)-(7) do not apply to a
4 voter who votes under Section 85.0312.

5 SECTION 5. This Act takes effect September 1, 2009.