

By: Fraser, Estes

S.B. No. 362

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. Chapter 62, Election Code, is amended by adding
16 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 photographic and nonphotographic identification. The
21 notice and list must be printed using a font that is at least
22 24-point.

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

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

1 certificate and either:

2 (1) one form of identification listed in Section
3 63.0101(a); or

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

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

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

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

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

23 SECTION 7. Section 63.006(a), Election Code, is amended to
24 read as follows:

25 (a) A voter who, when offering to vote, presents a voter
26 registration certificate indicating that the voter is currently
27 registered in the precinct in which the voter is offering to vote,

1 but whose name is not on the precinct list of registered voters,
2 shall be accepted for voting if the voter's identity can be verified
3 from the documentation presented under Section 63.001(b).

4 SECTION 8. Section 63.007(a), Election Code, is amended to
5 read as follows:

6 (a) A voter who, when offering to vote, presents a voter
7 registration certificate indicating that the voter is currently
8 registered in a different precinct from the one in which the voter
9 is offering to vote, and whose name is not on the precinct list of
10 registered voters, shall be accepted for voting if the voter's
11 identity can be verified from the documentation presented under
12 Section 63.001(b) and the voter executes an affidavit stating that
13 the voter:

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

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

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

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

24 SECTION 9. Section 63.008(a), Election Code, is amended to
25 read as follows:

26 (a) A voter who does not present a voter registration
27 certificate when offering to vote, but whose name is on the list of

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

9 SECTION 10. Section 63.0101, Election Code, is amended to
10 read as follows:

11 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

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

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

24 (3) a [~~birth certificate or other document confirming~~
25 ~~birth that is admissible in a court of law and establishes the~~
26 ~~person's identity~~,

27 [~~4~~] United States citizenship certificate [~~papers~~]

1 issued to the person that contains the person's photograph;

2 (4) [(5)] a United States passport issued to the
3 person;

4 (5) a license to carry a concealed handgun issued to
5 the person by the Department of Public Safety

6 ~~[(6) official mail addressed to the person by name~~
7 ~~from a governmental entity]; or~~

8 (6) [(7)] a valid identification card that contains
9 the person's photograph and is issued by:

10 (A) an agency or institution of the federal
11 government; or

12 (B) an agency, institution, or political
13 subdivision of this state.

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

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

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

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

24 (4) United States citizenship papers issued to the
25 person;

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

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

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

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

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

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

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

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

18 SECTION 11. Section 63.011(a), Election Code, is amended to
19 read as follows:

20 (a) A person to whom Section 63.001(g), 63.008(b), or
21 63.009(a) applies may cast a provisional ballot if the person
22 executes an affidavit stating that the person:

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

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

26 SECTION 12. Section 521.422, Transportation Code, is
27 amended by amending Subsection (a) and adding Subsection (d) to

1 read as follows:

2 (a) Except as provided by Subsection (d), the [The] fee for
3 a personal identification certificate is:

- 4 (1) \$15 for a person under 60 years of age;
5 (2) \$5 for a person 60 years of age or older; and
6 (3) \$20 for a person subject to the registration
7 requirements under Chapter 62, Code of Criminal Procedure.

8 (d) The department may not collect a fee for a personal
9 identification certificate issued to a person who states that the
10 person is obtaining the personal identification certificate for the
11 sole purpose of satisfying Section 63.001(b)(1), Election Code,
12 and:

13 (1) who is a registered voter in this state and
14 presents a valid voter registration certificate; or

15 (2) who is eligible for registration under Section
16 13.001, Election Code, and submits a registration application to
17 the department.

18 SECTION 13. As soon as practicable after the effective date
19 of this Act:

20 (1) the secretary of state shall adopt the training
21 standards and develop the training materials required to implement
22 the change in law made by this Act to Section 32.111, Election Code;
23 and

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

1 SECTION 14. (a) Except as provided by Subsection (b), this
2 Act takes effect January 1, 2010.

3 (b) The changes in law made by Sections 1, 2, 3, 4, and 13
4 take effect September 1, 2009.