

1-1 By: Fraser, Estes, Nelson, Nichols S.B. No. 362
1-2 (In the Senate - Filed December 15, 2008; February 17, 2009,
1-3 read first time and referred to Committee of the Whole Senate;
1-4 March 11, 2009, reported favorably by the following vote: Yeas 20,
1-5 Nays 12; March 11, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to requiring a voter to present proof of identification.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter A, Chapter 15, Election Code, is
1-11 amended by adding Section 15.005 to read as follows:

1-12 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

1-13 (a) The voter registrar of each county shall provide notice of the
1-14 identification requirements for voting prescribed by Chapter 63 and
1-15 a detailed description of those requirements with each voter
1-16 registration certificate issued under Section 13.142 or renewal
1-17 registration certificate issued under Section 14.001.

1-18 (b) The secretary of state shall prescribe the wording of
1-19 the notice to be included on the certificate under this section.

1-20 SECTION 2. Subchapter A, Chapter 31, Election Code, is
1-21 amended by adding Section 31.012 to read as follows:

1-22 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. The secretary
1-23 of state and the voter registrar of each county that maintains a
1-24 website shall provide notice of the identification requirements for
1-25 voting prescribed by Chapter 63 on each entity's respective
1-26 website. The secretary of state shall prescribe the wording of the
1-27 notice to be included on the websites.

1-28 SECTION 3. Section 32.111, Election Code, is amended by
1-29 adding Subsection (c) to read as follows:

1-30 (c) The training standards adopted under Subsection (a)
1-31 must include provisions on the acceptance and handling of the
1-32 identification presented by a voter to an election officer under
1-33 Section 63.001.

1-34 SECTION 4. Subsection (a), Section 32.114, Election Code,
1-35 is amended to read as follows:

1-36 (a) The county clerk shall provide one or more sessions of
1-37 training using the standardized training program and materials
1-38 developed and provided by the secretary of state under Section
1-39 32.111 for the election judges and clerks appointed to serve in
1-40 elections ordered by the governor or a county authority. Each
1-41 election judge shall complete the training program. Each election
1-42 clerk shall complete the part of the training program relating to
1-43 the acceptance and handling of the identification presented by a
1-44 voter to an election officer under Section 63.001.

1-45 SECTION 5. Chapter 62, Election Code, is amended by adding
1-46 Section 62.016 to read as follows:

1-47 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
1-48 POLLING PLACES. The presiding judge shall post in a prominent place
1-49 on the outside of each polling location a list of the acceptable
1-50 forms of photographic and nonphotographic identification. The
1-51 notice and list must be printed using a font that is at least
1-52 24-point.

1-53 SECTION 6. Section 63.001, Election Code, is amended by
1-54 amending Subsections (b), (c), (d), and (f) and adding Subsection
1-55 (g) to read as follows:

1-56 (b) On offering to vote, a voter must present to an election
1-57 officer at the polling place the voter's voter registration
1-58 certificate and either:

1-59 (1) one form of identification listed in Section
1-60 63.0101(a); or

1-61 (2) two different forms of identification listed in
1-62 Section 63.0101(b) [to an election officer at the polling place].

1-63 (c) On presentation of the documentation required by
1-64 Subsection (b) [a registration certificate], an election officer

2-1 shall determine whether the voter's name on the registration
2-2 certificate is on the list of registered voters for the precinct.

2-3 (d) If the voter's name is on the precinct list of
2-4 registered voters and the voter's identity can be verified from the
2-5 documentation presented under Subsection (b), the voter shall be
2-6 accepted for voting.

2-7 (f) After determining whether to accept a voter, an election
2-8 officer shall return the voter's documentation [~~registration~~
2-9 ~~certificate~~] to the voter.

2-10 (g) If the requirements for identification prescribed by
2-11 Subsection (b) are not met, the voter may be accepted for
2-12 provisional voting only under Section 63.011. An election officer
2-13 shall inform a voter who is not accepted for voting under this
2-14 section of the voter's right to cast a provisional ballot under
2-15 Section 63.011.

2-16 SECTION 7. Subsection (a), Section 63.006, Election Code,
2-17 is amended to read as follows:

2-18 (a) A voter who, when offering to vote, presents a voter
2-19 registration certificate indicating that the voter is currently
2-20 registered in the precinct in which the voter is offering to vote,
2-21 but whose name is not on the precinct list of registered voters,
2-22 shall be accepted for voting if the voter's identity can be verified
2-23 from the documentation presented under Section 63.001(b).

2-24 SECTION 8. Subsection (a), Section 63.007, Election Code,
2-25 is amended to read as follows:

2-26 (a) A voter who, when offering to vote, presents a voter
2-27 registration certificate indicating that the voter is currently
2-28 registered in a different precinct from the one in which the voter
2-29 is offering to vote, and whose name is not on the precinct list of
2-30 registered voters, shall be accepted for voting if the voter's
2-31 identity can be verified from the documentation presented under
2-32 Section 63.001(b) and the voter executes an affidavit stating that
2-33 the voter:

2-34 (1) is a resident of the precinct in which the voter is
2-35 offering to vote or is otherwise entitled by law to vote in that
2-36 precinct;

2-37 (2) was a resident of the precinct in which the voter
2-38 is offering to vote at the time that information on the voter's
2-39 residence address was last provided to the voter registrar;

2-40 (3) did not deliberately provide false information to
2-41 secure registration in a precinct in which the voter does not
2-42 reside; and

2-43 (4) is voting only once in the election.

2-44 SECTION 9. Subsection (a), Section 63.008, Election Code,
2-45 is amended to read as follows:

2-46 (a) A voter who does not present a voter registration
2-47 certificate when offering to vote, but whose name is on the list of
2-48 registered voters for the precinct in which the voter is offering to
2-49 vote, shall be accepted for voting if the voter executes an
2-50 affidavit stating that the voter does not have the voter's voter
2-51 registration certificate in the voter's possession at the polling
2-52 place at the time of offering to vote and the voter's identity can
2-53 be verified from the identification presented under Section
2-54 63.001(b) [voter presents proof of identification in a form
2-55 described by Section 63.0101].

2-56 SECTION 10. Section 63.0101, Election Code, is amended to
2-57 read as follows:

2-58 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

2-59 (a) The following documentation is an acceptable form [~~as proof~~]
2-60 of photo identification under this chapter:

2-61 (1) a driver's license or personal identification card
2-62 issued to the person by the Department of Public Safety that has not
2-63 expired or that expired no earlier than two years before the date of
2-64 presentation [~~or a similar document issued to the person by an~~
2-65 ~~agency of another state, regardless of whether the license or card~~
2-66 ~~has expired]~~;

2-67 (2) a United States military identification card that
2-68 contains the person's photograph [~~form of identification~~
2-69 ~~containing the person's photograph that establishes the person's~~

3-1 identity];

3-2 (3) a ~~[birth certificate or other document confirming~~
3-3 ~~birth that is admissible in a court of law and establishes the~~
3-4 ~~person's identity;~~

3-5 ~~[(4)]~~ United States citizenship certificate [papers]
3-6 issued to the person that contains the person's photograph;

3-7 (4) [(5)] a United States passport issued to the
3-8 person;

3-9 (5) a license to carry a concealed handgun issued to
3-10 the person by the Department of Public Safety; or

3-11 ~~(6) [official mail addressed to the person by name~~
3-12 ~~from a governmental entity;~~

3-13 ~~[(7)]~~ a valid identification card that contains the
3-14 person's photograph and is issued by:

3-15 (A) an agency or institution of the federal
3-16 government; or

3-17 (B) an agency, institution, or political
3-18 subdivision of this state.

3-19 (b) The following documentation is acceptable as proof of
3-20 identification under this chapter:

3-21 (1) a copy of a current utility bill, bank statement,
3-22 government check, paycheck, or other government document that shows
3-23 the name and address of the voter;

3-24 (2) official mail addressed to the person by name from
3-25 a governmental entity;

3-26 (3) a certified copy of a birth certificate or other
3-27 document confirming birth that is admissible in a court of law and
3-28 establishes the person's identity;

3-29 (4) United States citizenship papers issued to the
3-30 person;

3-31 (5) an original or certified copy of the person's
3-32 marriage license or divorce decree;

3-33 (6) court records of the person's adoption, name
3-34 change, or sex change;

3-35 (7) an identification card issued to the person by a
3-36 governmental entity of this state or the United States for the
3-37 purpose of obtaining public benefits, including veteran's
3-38 benefits, Medicaid, or Medicare;

3-39 (8) a temporary driving permit issued to the person by
3-40 the Department of Public Safety;

3-41 (9) a pilot's license issued to the person by the
3-42 Federal Aviation Administration or another authorized agency of the
3-43 United States;

3-44 (10) a library card that contains the person's name
3-45 issued to the person by a public library located in this state; or

3-46 (11) a hunting or fishing license issued to a person by
3-47 the Parks and Wildlife Department [~~or~~
3-48 ~~(8) any other form of identification prescribed by~~
3-49 ~~the secretary of state].~~

3-50 SECTION 11. Subsection (a), Section 63.011, Election Code,
3-51 is amended to read as follows:

3-52 (a) A person to whom Section 63.001(g), 63.008(b), or
3-53 63.009(a) applies may cast a provisional ballot if the person
3-54 executes an affidavit stating that the person:

3-55 (1) is a registered voter in the precinct in which the
3-56 person seeks to vote; and

3-57 (2) is eligible to vote in the election.

3-58 SECTION 12. Section 521.422, Transportation Code, is
3-59 amended by amending Subsection (a) and adding Subsection (d) to
3-60 read as follows:

3-61 (a) Except as provided by Subsection (d), the [The] fee for
3-62 a personal identification certificate is:

3-63 (1) \$15 for a person under 60 years of age;

3-64 (2) \$5 for a person 60 years of age or older; and

3-65 (3) \$20 for a person subject to the registration
3-66 requirements under Chapter 62, Code of Criminal Procedure.

3-67 (d) The department may not collect a fee for a personal
3-68 identification certificate issued to a person who states that the
3-69 person is obtaining the personal identification certificate for the

4-1 sole purpose of satisfying Section 63.001(b)(1), Election Code,
4-2 and:

4-3 (1) who is a registered voter in this state and
4-4 presents a valid voter registration certificate; or

4-5 (2) who is eligible for registration under Section
4-6 13.001, Election Code, and submits a registration application to
4-7 the department.

4-8 SECTION 13. As soon as practicable after the effective date
4-9 of this Act:

4-10 (1) the secretary of state shall adopt the training
4-11 standards and develop the training materials required to implement
4-12 the change in law made by this Act to Section 32.111, Election Code;
4-13 and

4-14 (2) the county clerk of each county shall provide a
4-15 session of training under Section 32.114, Election Code, using the
4-16 standards adopted and materials developed to implement the change
4-17 in law made by this Act to Section 32.111, Election Code.

4-18 SECTION 14. (a) Except as provided by Subsection (b) of
4-19 this section, this Act takes effect January 1, 2010.

4-20 (b) The changes in law made by Sections 1, 2, 3, 4, and 13 of
4-21 this Act take effect September 1, 2009.

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