

By: Fraser

S.B. No. 363

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the procedures for registering to vote and accepting a
3 voter at a polling place.

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

5 SECTION 1. Section 13.002, Election Code, is amended by
6 amending Subsection (c) and adding Subsection (h) to read as
7 follows:

8 (c) A registration application must include:

9 (1) the applicant's first name, middle name, if any,
10 last name, and former name, if any;

11 (2) the month, day, and year of the applicant's birth;

12 (3) a statement that the applicant is a United States
13 citizen;

14 (4) a statement that the applicant is a resident of the
15 county;

16 (5) a statement that the applicant has not been
17 determined by a final judgment of a court exercising probate
18 jurisdiction to be:

19 (A) totally mentally incapacitated; or

20 (B) partially mentally incapacitated without the
21 right to vote;

22 (6) a statement that the applicant has not been
23 finally convicted of a felony or that the applicant is a felon
24 eligible for registration under Section 13.001;

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

5 (8) the following information:

6 (A) the applicant's Texas driver's license number
7 or the number of a personal identification card issued by the
8 Department of Public Safety or a statement by the applicant that the
9 applicant has not been issued a driver's license or personal
10 identification card; or

11 (B) if the applicant has not been issued a number
12 described by Paragraph (A), the last four digits of the applicant's
13 social security number or a statement by the applicant that the
14 applicant has not been issued a social security number;

15 (9) if the application is made by an agent, a statement
16 of the agent's relationship to the applicant; ~~and~~

17 (10) the city and county in which the applicant
18 formerly resided; and

19 (11) a certified copy of a document providing proof
20 that the applicant is a United States citizen.

21 (h) The following documentation is acceptable as proof of
22 citizenship under Subsection (c)(11):

23 (1) a birth certificate or other document confirming
24 birth that is admissible in a court of law;

25 (2) United States citizenship papers issued to the
26 applicant; or

27 (3) an unexpired United States passport issued to the

1 applicant.

2 SECTION 2. Section 13.121(a), Election Code, is amended to
3 read as follows:

4 (a) The officially prescribed application form for
5 registration by mail must be in the form of [~~a~~] business reply mail
6 [~~postcard~~], unless another form or system is used under Subsection
7 (b), with postage paid by the state. The secretary of state shall
8 design the form to enhance the legibility of its contents.

9 SECTION 3. Section 63.001, Election Code, is amended by
10 amending Subsections (b), (c), (d), and (f) and adding Subsection
11 (g) to read as follows:

12 (b) On offering to vote, a voter must present to an election
13 officer at the polling place the voter's voter registration
14 certificate and a form of identification that matches a name on the
15 statewide computerized voter registration list maintained by the
16 secretary of state and contains the voter's photograph [~~to an~~
17 ~~election officer at the polling place~~].

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

22 (d) If the voter's name is on the precinct list of
23 registered voters and the voter's identity can be verified from the
24 form of identification presented, the voter shall be accepted for
25 voting.

26 (f) After determining whether to accept a voter, an election
27 officer shall return the voter's documentation [~~registration~~

1 ~~certificate]~~ to the voter.

2 (g) If the requirements for identification prescribed by
3 Subsection (b) are not met, the voter shall be accepted for
4 provisional voting only under Section 63.011.

5 SECTION 4. Section 63.006(a), Election Code, is amended to
6 read as follows:

7 (a) A voter who, when offering to vote, presents a voter
8 registration certificate indicating that the voter is currently
9 registered in the precinct in which the voter is offering to vote,
10 but whose name is not on the precinct list of registered voters,
11 shall be accepted for voting if the voter's identity can be verified
12 from the proof of identification presented under Section 63.001(b).

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

15 (a) A voter who, when offering to vote, presents a voter
16 registration certificate indicating that the voter is currently
17 registered in a different precinct from the one in which the voter
18 is offering to vote, and whose name is not on the precinct list of
19 registered voters, shall be accepted for voting if the voter's
20 identity can be verified from the proof of identification presented
21 under Section 63.001(b) and the voter executes an affidavit stating
22 that the voter:

23 (1) is a resident of the precinct in which the voter is
24 offering to vote or is otherwise entitled by law to vote in that
25 precinct;

26 (2) was a resident of the precinct in which the voter
27 is offering to vote at the time that information on the voter's

1 residence address was last provided to the voter registrar;

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

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

6 SECTION 6. Section 63.008(a), Election Code, is amended to
7 read as follows:

8 (a) A voter who does not present a voter registration
9 certificate when offering to vote, but whose name is on the list of
10 registered voters for the precinct in which the voter is offering to
11 vote, shall be accepted for voting if the voter executes an
12 affidavit stating that the voter does not have the voter's voter
13 registration certificate in the voter's possession at the polling
14 place at the time of offering to vote and the voter's identity can
15 be verified from the proof of identification presented under
16 Section 63.001(b) [~~voter presents proof of identification in a form~~
17 ~~described by Section 63.0101~~].

18 SECTION 7. Sections 63.011(a) and (b), Election Code, are
19 amended to 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 (b) A form for an affidavit required by this section shall
27 be printed on an envelope in which the provisional ballot voted by

1 the person may be placed and must include a space for entering the
2 identification number of the provisional ballot voted by the person
3 and a space for an election officer to indicate whether the person
4 presented proof of identification as required by Section 63.001(b).
5 The affidavit form may include space for disclosure of any
6 necessary information to enable the person to register to vote
7 under Chapter 13. The secretary of state shall prescribe the form
8 of the affidavit under this section.

9 SECTION 8. Section 65.054(b), Election Code, is amended to
10 read as follows:

11 (b) A provisional ballot may be accepted only if:

12 (1) the board determines that, from the information in
13 the affidavit or contained in public records, the person is
14 eligible to vote in the election and has not previously voted in
15 that election; and

16 (2) the voter presents proof of identification as
17 required by Section 63.001(b):

18 (A) at the time the ballot is cast; or

19 (B) in the period prescribed under Section
20 65.0541.

21 SECTION 9. Subchapter B, Chapter 65, Election Code, is
22 amended by adding Section 65.0541 to read as follows:

23 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
24 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
25 voting under Section 63.011 because the voter does not present
26 proof of identification as required by Section 63.001(b) may submit
27 proof of identification to the voter registrar by personal delivery

1 or by mail for examination by the early voting ballot board not
2 later than the fifth day after the date of the election.

3 (b) The early voting ballot board shall accept a provisional
4 ballot under Section 65.054 if the voter:

5 (1) presents proof of identification in the manner
6 required by this section; and

7 (2) is otherwise eligible to vote in the election.

8 (c) The office of the voter registrar shall be open on a
9 Saturday that falls within the five-day period described by
10 Subsection (a) for a voter to present proof of identification as
11 provided under this section.

12 (d) The secretary of state shall prescribe procedures as
13 necessary to implement this section.

14 SECTION 10. Section 63.0101, Election Code, is repealed.

15 SECTION 11. The change in law made by this Act to Section
16 13.002, Election Code, applies only to an application for voter
17 registration that is submitted on or after the effective date of
18 this Act.

19 SECTION 12. This Act takes effect September 1, 2009.