

By: Harless

H.B. No. 112

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. Effective September 1, 2011, 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. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) 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.

(b) The secretary of state, in cooperation with appropriate

1 nonprofit organizations as determined by the secretary of state and
2 with each party whose nominee for governor in the most recent
3 gubernatorial general election received 20 percent or more of the
4 total number of votes received by all candidates for governor in the
5 election, shall establish a statewide effort to educate voters
6 regarding the identification requirements for voting prescribed by
7 Chapter 63. The secretary of state may use any available funds,
8 including federal funds, for the purposes of this section.

9 SECTION 3. Effective September 1, 2011, Section 32.111,
10 Election Code, is amended by adding Subsection (c) to read as
11 follows:

12 (c) The training standards adopted under Subsection (a)
13 must include provisions on the acceptance and handling of the
14 identification presented by a voter to an election officer under
15 Section 63.001.

16 SECTION 4. Effective September 1, 2011, Section 32.114(a),
17 Election Code, is amended to read as follows:

18 (a) The county clerk shall provide one or more sessions of
19 training using the standardized training program and materials
20 developed and provided by the secretary of state under Section
21 32.111 for the election judges and clerks appointed to serve in
22 elections ordered by the governor or a county authority. Each
23 election judge shall complete the training program. Each election
24 clerk shall complete the part of the training program relating to
25 the acceptance and handling of the identification presented by a
26 voter to an election officer under Section 63.001.

27 SECTION 5. Chapter 62, Election Code, is amended by adding

1 Section 62.016 to read as follows:

2 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
3 POLLING PLACES. The presiding judge shall post in a prominent place
4 on the outside of each polling location a list of the acceptable
5 forms of photographic and nonphotographic identification. The list
6 must be printed using a font that is at least 24-point.

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

10 (b) On offering to vote, a voter must present to an election
11 officer at the polling place either:

12 (1) one form of identification listed in Section
13 63.0101(a); or

14 (2) two different forms of identification listed in
15 Section 63.0101(b) [the voter's voter registration certificate to
16 an election officer at the polling place].

17 (c) On presentation of the documentation required by
18 Subsection (b) [a registration certificate], an election officer
19 shall determine whether the voter's name on the documentation
20 [registration certificate] is on the list of registered voters for
21 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 documentation presented under Subsection (b), the voter shall be
25 accepted for 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, regardless of whether the voter's name
4 is on the precinct list of registered voters, the voter may be
5 accepted for provisional voting only under Section 63.011. An
6 election officer shall inform a voter who is not accepted for voting
7 under this section of the voter's right to cast a provisional ballot
8 under Section 63.011.

9 SECTION 7. Section 63.0011(a), Election Code, is amended to
10 read as follows:

11 (a) Before a voter may be accepted for voting, an election
12 officer shall ask the voter if the voter's residence address on the
13 precinct list of registered voters is current and whether the voter
14 has changed residence within the county. If the voter's address is
15 omitted from the precinct list under Section 18.005(c), the officer
16 shall ask the voter if the voter's residence as listed on
17 identification presented by the voter under Section 63.001(b) [~~the~~
18 ~~voter's voter registration certificate]~~ is current and whether the
19 voter has changed residence within the county.

20 SECTION 8. Section 63.006(a), Election Code, is amended to
21 read as follows:

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

1 SECTION 9. Section 63.007(a), Election Code, is amended to
2 read as follows:

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

11 (1) is a resident of the precinct in which the voter is
12 offering to vote or is otherwise entitled by law to vote in that
13 precinct;

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

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

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

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

23 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

26 (1) a driver's license or personal identification card
27 issued to the person by the Department of Public Safety that has not

1 expired or that expired no earlier than two years before the date of
2 presentation [~~or a similar document issued to the person by an~~
3 ~~agency of another state, regardless of whether the license or card~~
4 ~~has expired~~];

5 (2) a United States military identification card that
6 contains the person's photograph [~~form of identification~~
7 ~~containing the person's photograph that establishes the person's~~
8 ~~identity~~];

9 (3) a [~~birth certificate or other document confirming~~
10 ~~birth that is admissible in a court of law and establishes the~~
11 ~~person's identity~~];

12 [~~(4)~~] United States citizenship certificate [~~papers~~]
13 issued to the person that contains the person's photograph;

14 (4) [~~(5)~~] a United States passport issued to the
15 person;

16 (5) a license to carry a concealed handgun issued to
17 the person by the Department of Public Safety; or

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

20 [~~(7)~~] a valid identification card that contains the
21 person's photograph and is issued by:

22 (A) an agency or institution of the federal
23 government; or

24 (B) an agency, institution, or political
25 subdivision of this state.

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

1 (1) the voter's voter registration certificate or a
2 copy of a current utility bill, bank statement, government check,
3 paycheck, or other government document that shows the name and
4 address of the voter;

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

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

10 (4) United States citizenship papers issued to the
11 person;

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

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

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

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

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

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

27 (11) a hunting or fishing license issued to a person by

1 the Parks and Wildlife Department [~~or~~
2 ~~any other form of identification prescribed by~~
3 ~~the secretary of state~~].

4 SECTION 11. Sections 63.011(a) and (b), Election Code, are
5 amended to read as follows:

6 (a) A person to whom Section 63.001(g) [~~63.008(b) or~~
7 ~~63.009(a)~~] applies may cast a provisional ballot if the person
8 executes an affidavit stating that the person:

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

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

12 (b) A form for an affidavit required by this section must
13 [~~shall~~] be printed on an envelope in which the provisional ballot
14 voted by the person may be placed and must include a space for
15 entering the identification number of the provisional ballot voted
16 by the person and a space for an election officer to indicate
17 whether the person presented proof of identification as required by
18 Section 63.001(b). The affidavit form may include space for
19 disclosure of any necessary information to enable the person to
20 register to vote under Chapter 13. The secretary of state shall
21 prescribe the form of the affidavit under this section.

22 SECTION 12. Section 65.054(b), Election Code, is amended to
23 read as follows:

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

25 (1) the board determines that, from the information in
26 the affidavit or contained in public records, the person is
27 eligible to vote in the election and has not previously voted in

1 that election; and

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

4 (A) at the time the ballot was cast; or

5 (B) in the period prescribed under Section
6 65.0541.

7 SECTION 13. Subchapter B, Chapter 65, Election Code, is
8 amended by adding Section 65.0541 to read as follows:

9 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
10 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
11 voting under Section 63.011 because the voter does not present
12 proof of identification as required by Section 63.001(b) may, not
13 later than the sixth business day after the date of the election,
14 present proof of identification to the voter registrar for
15 examination by the early voting ballot board.

16 (b) The secretary of state shall prescribe procedures as
17 necessary to implement this section.

18 SECTION 14. Section 521.422, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (d) to
20 read as follows:

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

23 (1) \$15 for a person under 60 years of age;

24 (2) \$5 for a person 60 years of age or older; and

25 (3) \$20 for a person subject to the registration
26 requirements under Chapter 62, Code of Criminal Procedure.

27 (d) The department may not collect a fee for a personal

1 identification certificate issued to a person who states that the
2 person is obtaining the personal identification certificate for the
3 sole purpose of satisfying Section 63.001(b)(1), Election Code,
4 and:

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

7 (2) who is eligible for registration under Section
8 13.001, Election Code, and submits a registration application to
9 the department.

10 SECTION 15. Sections 63.008 and 63.009, Election Code, are
11 repealed.

12 SECTION 16. Effective September 1, 2011:

13 (1) as soon as practicable, the secretary of state
14 shall adopt the training standards and develop the training
15 materials required to implement the change in law made by this Act
16 to Section 32.111, Election Code; and

17 (2) as soon as practicable, the county clerk of each
18 county shall provide a session of training under Section 32.114,
19 Election Code, as amended by this Act, using the standards adopted
20 and materials developed to implement the change in law made by this
21 Act to Section 32.111, Election Code.

22 SECTION 17. Except as otherwise provided by this Act, this
23 Act takes effect January 1, 2012.