

By: Perry

H.B. No. 186

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification;
creating a penalty.

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. Effective January 1, 2012, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Not
earlier than 60 days or later than 30 days before each primary and
general election, the secretary of state shall mail a notice
describing in detail the identification requirements for voting
prescribed by Chapter 63 to each voter who, in the last election:

(1) voted provisionally under Section 63.001(g); and

(2) did not submit proof of identification under

1 Section 65.0541.

2 (b) The secretary of state by rule may create innovative
3 programs to educate the population of this state about the
4 requirements for voting prescribed by Chapter 63.

5 (c) The secretary of state and the voter registrar of each
6 county that maintains a website shall provide notice of the
7 identification requirements for voting prescribed by Chapter 63 on
8 each entity's respective website. The secretary of state shall
9 prescribe the wording of the notice to be included on the websites.

10 SECTION 3. Section 32.111, Election Code, is amended by
11 adding Subsection (c) to read as 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. Section 32.114(a), Election Code, is amended to
17 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. Effective January 1, 2012, Chapter 62, Election

1 Code, is amended by adding 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 notice that a provisional
5 ballot will be provided to a person who executes the appropriate
6 affidavit and a list of the acceptable forms of photographic
7 identification. The notice and list must be printed:

8 (1) in English, Spanish, and any other language
9 appropriate to the precinct in which the polling place is located;
10 and

11 (2) using a font that is at least 24 point.

12 SECTION 6. Effective January 1, 2012, Section 63.001,
13 Election Code, is amended by amending Subsections (b), (c), (d),
14 and (f) and adding Subsection (g) to read as follows:

15 (b) On offering to vote, a voter must present one form of
16 identification listed in Section 63.0101 [~~the voter's voter~~
17 ~~registration certificate~~] to an election officer at the polling
18 place.

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

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

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

4 (g) A voter shall be accepted for provisional voting only
5 under Section 63.011 if the requirement for identification
6 prescribed by Subsection (b) is not met.

7 SECTION 7. Effective January 1, 2012, Section 63.007,
8 Election Code, is amended to read as follows:

9 Sec. 63.007. VOTER WITH REQUIRED DOCUMENTATION [~~INCORRECT~~
10 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
11 vote, presents the documentation required under Section 63.001 [~~a~~
12 ~~voter registration certificate indicating that the voter is~~
13 ~~currently registered in a different precinct from the one in which~~
14 ~~the voter is offering to vote~~], and whose name is not on the
15 precinct list of registered voters, shall be accepted for voting if
16 the voter executes an affidavit stating that the voter:

17 (1) is a resident of the precinct in which the voter is
18 offering to vote or is otherwise entitled by law to vote in that
19 precinct;

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

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

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

27 (b) After the voter is accepted, an election officer shall:

1 (1) indicate beside the voter's name on the poll list
2 that the voter was accepted under this section; and

3 (2) if the voter presents the voter's voter
4 registration certificate, enter on the registration omissions list
5 the precinct of the voter's registration as indicated by the voter's
6 registration certificate.

7 SECTION 8. Effective January 1, 2012, Section 63.0101,
8 Election Code, is amended to read as follows:

9 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
10 The following documentation containing the person's photograph is
11 acceptable as proof of identification under this chapter:

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

17 (2) a United States military ~~[form of]~~ identification
18 card ~~[containing the person's photograph that establishes the~~
19 ~~person's identity];~~

20 (3) a valid Veteran's Identification Card ~~[birth~~
21 ~~certificate or other document confirming birth that is admissible~~
22 ~~in a court of law and establishes the person's identity];~~

23 (4) a United States citizenship certificate ~~[papers]~~
24 issued to the person;

25 (5) a United States passport issued to the person;

26 (6) a license to carry a concealed handgun issued to
27 the person by the Department of Public Safety ~~[official mail~~

1 ~~addressed to the person by name from a governmental entity]; or~~

2 (7) a valid identification card that contains the
3 person's photograph and is issued to the person by:

4 (A) an agency or institution of the federal
5 government; or

6 (B) an agency, institution, or political
7 subdivision of this state [~~copy of a current utility bill, bank~~
8 ~~statement, government check, paycheck, or other government~~
9 ~~document that shows the name and address of the voter; or~~

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

12 SECTION 9. Effective January 1, 2012, Sections 63.011(a)
13 and (b), Election Code, are amended to read as follows:

14 (a) A person to whom Section 63.001(g) [~~63.008(b) or~~
15 ~~63.009(a)~~] applies may cast a provisional ballot if the person
16 executes an affidavit stating that the person:

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

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

20 (b) A form for an affidavit required by this section must
21 [~~shall~~] be printed on an envelope in which the provisional ballot
22 voted by the person may be placed and must include a space for
23 entering the identification number of the provisional ballot voted
24 by the person and a space for an election officer to indicate
25 whether the person presented proof of identification as required by
26 Section 63.001(b). The affidavit form may include space for
27 disclosure of any necessary information to enable the person to

1 register to vote under Chapter 13. The secretary of state shall
2 prescribe the form of the affidavit under this section.

3 SECTION 10. Effective January 1, 2012, Section 65.054(b),
4 Election Code, is amended to read as follows:

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

6 (1) the board determines that, from the information in
7 the affidavit or contained in public records, the person is
8 eligible to vote in the election and has not previously voted in
9 that election; and

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

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

13 (B) in the period prescribed under Section
14 65.0541.

15 SECTION 11. Effective January 1, 2012, Subchapter B,
16 Chapter 65, Election Code, is amended by adding Section 65.0541 to
17 read as follows:

18 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
19 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
20 voting under Section 63.011 because the voter does not present
21 proof of identification as required by Section 63.001(b) may, not
22 later than the sixth business day after the date of the election,
23 present proof of identification to the voter registrar for
24 examination by the early voting ballot board.

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

27 SECTION 12. Effective January 1, 2012, Section 521.422,

1 Transportation Code, is amended by amending Subsection (a) and
2 adding Subsection (d) to read as follows:

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

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

9 (d) The department may not collect a fee for a personal
10 identification certificate issued to a person who:

11 (1) executes an affidavit stating that the person:

12 (A) is obtaining the personal identification
13 certificate for the sole purpose of satisfying Section 63.001(b),
14 Election Code;

15 (B) is financially unable to pay the required
16 fee; and

17 (C) does not have another form of identification
18 acceptable under Section 63.0101, Election Code; and

19 (2) is:

20 (A) a registered voter in this state and presents
21 a valid voter registration certificate; or

22 (B) eligible for registration under Section
23 13.001, Election Code, and submits a registration application to
24 the department.

25 SECTION 13. Effective January 1, 2012, Sections 521.453(a)
26 and (h), Transportation Code, are amended to read as follows:

27 (a) Except as provided by Subsection (f), a person ~~[under~~

1 ~~the age of 21 years]~~ commits an offense if the person possesses[
2 ~~with the intent to represent that the person is 21 years of age or~~
3 ~~older,~~] a document that is deceptively similar to a driver's
4 license or a personal identification certificate unless the
5 document displays the statement "NOT A GOVERNMENT DOCUMENT"
6 diagonally printed clearly and indelibly on both the front and back
7 of the document in solid red capital letters at least one-fourth
8 inch in height and the person:

9 (1) is under the age of 21 years and possesses the
10 document with the intent to represent that the person is 21 years of
11 age or older; or

12 (2) possesses the document with the intent to use the
13 document as a form of identification for the purposes of Section
14 63.001(b), Election Code.

15 (h) In addition to the punishment provided by Subsection
16 (d), a court, if the court is located in a municipality or county
17 that has established a community service program, may order a
18 person [~~younger than 21 years of age~~] who commits an offense under
19 this section to perform eight hours of community service unless the
20 person is shown to have previously committed an offense under this
21 section, in which case the court may order the person to perform 12
22 hours of community service.

23 SECTION 14. Effective January 1, 2012, Sections 63.006,
24 63.008, and 63.009, Election Code, are repealed.

25 SECTION 15. As soon as practicable after September 1, 2011:

26 (1) the secretary of state shall adopt the training
27 standards and develop the training materials required to implement

1 the change in law made by this Act to Section 32.111, Election Code;
2 and

3 (2) the county clerk of each county shall provide a
4 session of training under Section 32.114, Election Code, as amended
5 by this Act, using the standards adopted and materials developed to
6 implement the change in law made by this Act to Section 32.111,
7 Election Code.

8 SECTION 16. The secretary of state, attorney general, or
9 other state officer shall submit this Act to the United States
10 District Court for the District of Columbia under Section 5 of the
11 Voting Rights Act of 1965 (42 U.S.C. Section 1973c) to determine
12 whether this Act has the purpose or effect of denying or abridging
13 the right to vote on account of race or color or in contravention of
14 the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

15 SECTION 17. Except as otherwise provided by this Act, this
16 Act takes effect September 1, 2011.