

By: Anderson of McLennan

H.B. No. 539

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. NOTICE OF VOTER IDENTIFICATION REQUIREMENTS ON WEBSITE. 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. Effective September 1, 2011, Section 32.111,

1 Election Code, is amended by adding Subsection (c) to read as  
2 follows:

3 (c) The training standards adopted under Subsection (a)  
4 must include provisions on the acceptance and handling of the  
5 identification presented by a voter to an election officer under  
6 Section 63.001.

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

9 (a) The county clerk shall provide one or more sessions of  
10 training using the standardized training program and materials  
11 developed and provided by the secretary of state under Section  
12 32.111 for the election judges and clerks appointed to serve in  
13 elections ordered by the governor or a county authority. Each  
14 election judge shall complete the training program. Each election  
15 clerk shall complete the part of the training program relating to  
16 the acceptance and handling of the identification presented by a  
17 voter to an election officer under Section 63.001.

18 SECTION 5. Chapter 62, Election Code, is amended by adding  
19 Section 62.016 to read as follows:

20 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
21 POLLING PLACES. The presiding judge shall post in a prominent place  
22 on the outside of each polling location notice that a provisional  
23 ballot will be provided to a person who executes the appropriate  
24 affidavit and a list of the acceptable forms of photographic and  
25 nonphotographic identification. The notice and list must be  
26 printed in a font that is at least 24 point.

27 SECTION 6. Section 63.001, Election Code, is amended by

1 amending Subsections (b), (c), (d), and (f) and adding Subsection  
2 (g) to read as follows:

3 (b) On offering to vote, a voter must present to an election  
4 officer at the polling place the voter's voter registration  
5 certificate and:

6 (1) one form of identification listed in Section  
7 63.0101(a); or

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

10 (c) On presentation of the documentation required by  
11 Subsection (b) [a registration certificate], an election officer  
12 shall determine whether the voter's name on the documentation  
13 [registration certificate] is on the list of registered voters for  
14 the precinct.

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

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

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

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

3 (a) Before a voter may be accepted for voting, an election  
4 officer shall ask the voter if the voter's residence address on the  
5 precinct list of registered voters is current and whether the voter  
6 has changed residence within the county. If the voter's address is  
7 omitted from the precinct list under Section 18.005(c), the officer  
8 shall ask the voter if the voter's residence as listed on  
9 identification presented by the voter under Section 63.001(b) [~~the~~  
10 ~~voter's voter registration certificate~~] is current and whether the  
11 voter has changed residence within the county.

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

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

20 SECTION 9. Section 63.007(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 a different precinct from the one in which the voter  
25 is offering to vote, and whose name is not on the precinct list of  
26 registered voters, shall be accepted for voting if the voter's  
27 identity can be verified from the documentation presented under

1 Section 63.001(b) and the voter executes an affidavit stating that  
2 the voter:

3 (1) is a resident of the precinct in which the voter is  
4 offering to vote or is otherwise entitled by law to vote in that  
5 precinct;

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

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

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

13 SECTION 10. Section 63.008(a), Election Code, is amended to  
14 read as follows:

15 (a) A voter who does not present a voter registration  
16 certificate when offering to vote, but whose name is on the list of  
17 registered voters for the precinct in which the voter is offering to  
18 vote, shall be accepted for voting if the voter executes an  
19 affidavit stating that the voter does not have the voter's voter  
20 registration certificate in the voter's possession at the polling  
21 place at the time of offering to vote and the voter's identity can  
22 be verified from the identification presented under Section  
23 63.001(b) [~~voter presents proof of identification in a form~~  
24 ~~described by Section 63.0101~~].

25 SECTION 11. Section 63.0101, Election Code, is amended to  
26 read as follows:

27 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

1 (a) An ~~[The following documentation is]~~ acceptable form of photo  
2 ~~[as proof of]~~ identification under this chapter must:

3 (1) be ~~[a driver's license or personal identification~~  
4 ~~card issued to the person by the Department of Public Safety or a~~  
5 ~~similar document]~~ issued to the person by an agency of this state or  
6 the United States ~~[another state, regardless of whether the license~~  
7 ~~or card has expired]~~;

8 (2) contain a ~~[form of identification containing the~~  
9 ~~person's]~~ photograph of the person that establishes the person's  
10 identity;

11 (3) display the person's name, which must  
12 substantially conform to the name on the voter registration list ~~[a~~  
13 ~~birth certificate or other document confirming birth that is~~  
14 ~~admissible in a court of law and establishes the person's~~  
15 ~~identity]~~; and

16 (4) contain an expiration date that:

17 (A) has not occurred; or

18 (B) occurs after the date of the most recent  
19 general election for state and county officers.

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

22 (1) ~~[United States citizenship papers issued to the~~  
23 ~~person,~~

24 ~~[(5) a United States passport issued to the person,~~

25 ~~[(6) official mail addressed to the person by name~~  
26 ~~from a governmental entity,~~

27 ~~[(7)]~~ a copy of a current utility bill, bank

1 statement, government check, paycheck, or other government  
2 document that shows the name and address of the voter;

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

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

8 (4) United States citizenship papers issued to the  
9 person;

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

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

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

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

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

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

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

27 ~~(8) any other form of identification prescribed by~~

1 ~~the secretary of state]~~.

2 SECTION 12. Sections 63.011(a) and (b), Election Code, are  
3 amended to read as follows:

4 (a) A person to whom Section 63.001(g), 63.008(b), or  
5 63.009(a) applies may cast a provisional ballot if the person  
6 executes an affidavit stating that the person:

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

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

10 (b) A form for an affidavit required by this section must  
11 ~~[shall]~~ be printed on an envelope in which the provisional ballot  
12 voted by the person may be placed and must include a space for  
13 entering the identification number of the provisional ballot voted  
14 by the person and a space for an election officer to indicate  
15 whether the person presented proof of identification as required by  
16 Section 63.001(b)(1) or (2). The affidavit form may include space  
17 for disclosure of any necessary information to enable the person to  
18 register to vote under Chapter 13. The secretary of state shall  
19 prescribe the form of the affidavit under this section.

20 SECTION 13. Section 65.054(b), Election Code, is amended to  
21 read as follows:

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

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

27 (2) the voter presents proof of identification as



1 required by Section 63.001(b)(1) or (2):

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

3 (B) in the period prescribed under Section  
4 65.0541.

5 SECTION 14. Subchapter B, Chapter 65, Election Code, is  
6 amended by adding Section 65.0541 to read as follows:

7 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
8 PROVISIONAL BALLOTS. A voter who is accepted for provisional  
9 voting under Section 63.011 because the voter does not present  
10 proof of identification as required by Section 63.001(b)(1) or (2)  
11 may, not later than the sixth business day after the date of the  
12 election, present proof of identification to the voter registrar  
13 for examination by the early voting ballot board.

14 SECTION 15. Section 521.422, Transportation Code, is  
15 amended by amending Subsection (a) and adding Subsection (d) to  
16 read as follows:

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

- 19 (1) \$15 for a person under 60 years of age;  
20 (2) \$5 for a person 60 years of age or older; and  
21 (3) \$20 for a person subject to the registration  
22 requirements under Chapter 62, Code of Criminal Procedure.

23 (d) The department may not collect a fee for a personal  
24 identification certificate issued to a person who executes an  
25 affidavit stating that the person is obtaining the personal  
26 identification certificate for the sole purpose of satisfying  
27 Section 63.001(b)(1), Election Code, and:

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

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

6           SECTION 16. Effective September 1, 2011:

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

11           (2) as soon as practicable, the county clerk of each  
12 county shall provide a session of training under Section 32.114,  
13 Election Code, using the standards adopted and materials developed  
14 to implement the change in law made by this Act to Section 32.111,  
15 Election Code.

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