

By: Bonnen

H.B. No. 624

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. 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. 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 nonprofit organizations as determined by the secretary of state and with each party whose nominee for governor in the most recent

1 gubernatorial general election received 20 percent or more of the  
2 total number of votes received by all candidates for governor in the  
3 election, shall establish a statewide effort to educate voters  
4 regarding the identification requirements for voting prescribed by  
5 Chapter 63. The secretary of state may use any available funds,  
6 including federal funds, for the purposes of this section.

7 SECTION 3. Section 32.111, Election Code, is amended by  
8 adding Subsection (c) to read as follows:

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

13 SECTION 4. Section 32.114(a), Election Code, is amended to  
14 read as follows:

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

24 SECTION 5. Effective January 1, 2012, Chapter 62, Election  
25 Code, is amended by adding Section 62.016 to read as follows:

26 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
27 POLLING PLACES. The presiding judge shall post in a prominent place

1 on the outside of each polling location a list of the acceptable  
2 forms of photographic and nonphotographic identification. The list  
3 must be printed using a font that is at least 24-point.

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

7 (b) On offering to vote, a voter must present one form of  
8 photo identification listed in Section 63.0101 [~~the voter's voter~~  
9 ~~registration certificate~~] to an election officer at the polling  
10 place.

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

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

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

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

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

1           Sec. 63.007. VOTER WITH REQUIRED DOCUMENTATION [~~INCORRECT~~  
2 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to  
3 vote, presents the documentation required under Section 63.001(b)  
4 ~~[a voter registration certificate indicating that the voter is~~  
5 ~~currently registered in a different precinct from the one in which~~  
6 ~~the voter is offering to vote]~~, and whose name is not on the  
7 precinct list of registered voters, shall be accepted for voting if  
8 the voter presents a voter registration certificate indicating that  
9 the voter is currently registered:

10                   (1) in the precinct in which the voter is offering to  
11 vote; or

12                   (2) in a different precinct from the one in which the  
13 voter is offering to vote and the voter executes an affidavit  
14 stating that the voter:

15                   (A) [~~(1)~~] is a resident of the precinct in which  
16 the voter is offering to vote or is otherwise entitled by law to  
17 vote in that precinct;

18                   (B) [~~(2)~~] was a resident of the precinct in which  
19 the voter is offering to vote at the time that information on the  
20 voter's residence address was last provided to the voter registrar;

21                   (C) [~~(3)~~] did not deliberately provide false  
22 information to secure registration in a precinct in which the voter  
23 does not reside; and

24                   (D) [~~(4)~~] is voting only once in the election.

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

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

1           (2) enter on the registration omissions list the  
2 precinct of the voter's registration as indicated by the voter's  
3 registration certificate.

4           SECTION 8. Effective January 1, 2012, Section 63.009(a),  
5 Election Code, is amended to read as follows:

6           (a) A [~~Except as provided by Subsection (b), a~~] voter who  
7 does not present a voter registration certificate when offering to  
8 vote, and whose name is not on the list of registered voters for the  
9 precinct in which the voter is offering to vote, shall be accepted  
10 for provisional voting if the voter executes an affidavit in  
11 accordance with Section 63.011.

12           SECTION 9. Effective January 1, 2012, Section 63.0101,  
13 Election Code, is amended to read as follows:

14           Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
15 The following documentation is an acceptable form [~~as proof~~] of  
16 photo identification under this chapter:

17           (1) a driver's license or personal identification card  
18 issued to the person by the Department of Public Safety that has not  
19 expired or that expired no earlier than one year before the date of  
20 presentation [~~or a similar document issued to the person by an~~  
21 ~~agency of another state, regardless of whether the license or card~~  
22 ~~has expired~~];

23           (2) a United States military identification card that  
24 contains the person's photograph [~~form of identification~~  
25 ~~containing the person's photograph that establishes the person's~~  
26 ~~identity~~];

27           (3) a [~~birth certificate or other document confirming~~

1 ~~birth that is admissible in a court of law and establishes the~~  
2 ~~person's identity;~~

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

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

7           (5) a license to carry a concealed handgun issued to  
8 the person by the Department of Public Safety that contains the  
9 person's photograph;

10           (6) a student identification card issued by a public  
11 or private institution of higher education that contains the  
12 person's photograph ~~[official mail addressed to the person by name~~  
13 ~~from a governmental entity]; or~~

14           (7) a valid identification card that contains the  
15 person's photograph and is issued by:

16                   (A) an agency or institution of the federal  
17 government;

18                   (B) an agency, institution, or political  
19 subdivision of this state; or

20                   (C) a tribal organization ~~[copy of a current~~  
21 ~~utility bill, bank statement, government check, paycheck, or other~~  
22 ~~government document that shows the name and address of the voter, or~~

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

25           SECTION 10. Effective January 1, 2012, Sections 63.011(a)  
26 and (b), Election Code, are amended to read as follows:

27           (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or

1 63.009(a) applies may cast a provisional ballot if the person  
2 executes an affidavit stating that the person:

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

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

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

16 SECTION 11. Effective January 1, 2012, Section 65.054(b),  
17 Election Code, is amended to read as follows:

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

19 (1) the board determines that, from the information in  
20 the affidavit or contained in public records, the person is  
21 eligible to vote in the election and has not previously voted in  
22 that election; and

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

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

26 (B) in the period prescribed under Section

27 65.0541.

1 SECTION 12. Effective January 1, 2012, Subchapter B,  
2 Chapter 65, Election Code, is amended by adding Section 65.0541 to  
3 read as follows:

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

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

13 SECTION 13. Effective January 1, 2012, Section 521.422,  
14 Transportation Code, is amended by amending Subsection (a) and  
15 adding Subsection (d) to read as follows:

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

- 18 (1) \$15 for a person under 60 years of age;  
19 (2) \$5 for a person 60 years of age or older; and  
20 (3) \$20 for a person subject to the registration  
21 requirements under Chapter 62, Code of Criminal Procedure.

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

- 24 (1) executes an affidavit stating that the person:  
25 (A) is obtaining the personal identification  
26 certificate for the purpose of satisfying Section 63.001(b),  
27 Election Code; and



1                   (B) does not have another form of photo  
2 identification acceptable under Section 63.0101, Election Code;  
3 and

4                   (2) is:

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

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

10           SECTION 14. Effective January 1, 2012, Sections 63.006,  
11 63.008, and 63.009(b), Election Code, are repealed.

12           SECTION 15. As soon as practicable:

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

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

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