

By: Hopson

H.B. No. 1005

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for registering to vote and accepting a voter at a polling place; providing a criminal penalty.

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

SECTION 1. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

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

(3) the month, day, and year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

1           (9) a space for stamping the voter's political party  
2 affiliation;

3           (10) a statement that voting with the certificate by a  
4 person other than the person in whose name the certificate is issued  
5 is a felony;

6           (11) a space for the voter's signature;

7           (12) a statement that the voter must sign the  
8 certificate personally, if able to sign, immediately on receipt;

9           (13) a space for the voter to correct the information  
10 on the certificate followed by a signature line;

11           (14) the statement: "If any information on this  
12 certificate changes or is incorrect, correct the information in the  
13 space provided, sign below, and return this certificate to the  
14 voter registrar.";

15           (15) the registrar's mailing address and telephone  
16 number; ~~and~~

17           (16) the jurisdictional or distinguishing number for  
18 the following territorial units in which the voter resides, as  
19 determined by the voter registrar:

20                   (A) congressional district;

21                   (B) state senatorial district;

22                   (C) state representative district;

23                   (D) commissioners precinct;

24                   (E) justice precinct;

25                   (F) city election precinct; and

26                   (G) school district election precinct; and

27           (17) the photograph of the voter to whom the

1 certificate is issued if a photograph has been obtained under  
2 Section 31.012.

3 SECTION 2. Subchapter A, Chapter 31, Election Code, is  
4 amended by adding Section 31.012 to read as follows:

5 Sec. 31.012. PHOTO IDENTIFICATION ACCESS. The secretary of  
6 state shall establish methods to obtain a photograph of each  
7 registered voter for use on the voter's voter registration  
8 certificate. For purposes of this section, the secretary of state  
9 may enter into agreements with the Department of Public Safety or  
10 other state agencies and governmental entities for assistance with  
11 assigning photographs to the appropriate voter's voter  
12 registration certificate.

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

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

18 (1) the voter's voter registration certificate  
19 containing the voter's photograph;

20 (2) an identification card issued by this state; or

21 (3) the affidavit described by Section 63.007 ~~[to an~~  
22 ~~election officer at the polling place]~~.

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

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

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

8 (g) Perjury committed in the execution of an affidavit for  
9 the purposes of being accepted to vote constitutes aggravated  
10 perjury under Section 37.03, Penal Code.

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

13 (a) A voter who, when offering to vote, presents a voter  
14 registration certificate indicating that the voter is currently  
15 registered in the precinct in which the voter is offering to vote,  
16 but whose name is not on the precinct list of registered voters,  
17 shall be accepted for voting if the voter meets the identification  
18 or affidavit requirements under Section 63.001.

19 SECTION 5. The heading to Section 63.007, Election Code, is  
20 amended to read as follows:

21 Sec. 63.007. VOTER WITHOUT CERTIFICATE OR WITH INCORRECT  
22 CERTIFICATE WHO IS NOT ON LIST.

23 SECTION 6. Section 63.007(a), Election Code, is amended to  
24 read as follows:

25 (a) A voter who, when offering to vote, does not present a  
26 voter registration certificate or presents a voter registration  
27 certificate indicating that the voter is currently registered in a

different precinct from the one in which the voter is offering to vote, and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter executes an affidavit stating that the voter:

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

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

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

(4) is voting only once in the election.

SECTION 7. The heading to Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT DOCUMENTATION ~~[CERTIFICATE]~~ WHO IS NOT ON LIST.

SECTION 8. Section 63.009(a), Election Code, is amended to read as follows:

(a) A ~~[Except as provided by Subsection (b), a]~~ voter who does not meet the identification or affidavit requirements under Section 63.001 ~~[present a voter registration certificate when offering to vote]~~, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

SECTION 9. Section 63.011(a), Election Code, is amended to read as follows:

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

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

(2) is eligible to vote in the election.

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

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

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

(2) the voter meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541.

SECTION 11. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

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

(b) The secretary of state shall prescribe procedures as

1 necessary to implement this section.

2       SECTION 12. Sections 63.008, 63.009(b), and 63.0101,  
3 Election Code, are repealed.

4       SECTION 13. (a) As soon as practicable after the effective  
5 date of this Act, the secretary of state shall establish, subject to  
6 Subsection (b) of this section, the photo identification access  
7 program required by Section 31.012, Election Code, as added by this  
8 Act.

9       (b) The photo identification access program required by  
10 Section 31.012, Election Code, as added by this Act, must provide  
11 for voter registration certificates to contain photographs for use  
12 beginning with the general election for state and county officers  
13 held in 2012.

14       SECTION 14. This Act takes effect September 1, 2011.