

By: Harless

H.B. No. 1458

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification;
providing penalties.

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. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

1 (3) after receipt of a registration omissions list and
2 any affidavits executed under Section 63.006 [~~63.007~~], following an
3 election;

4 (4) after receipt of a voter's statement of residence
5 executed under Section 63.0011;

6 (5) before the effective date of the abolishment of a
7 county election precinct or a change in its boundary;

8 (6) after receipt of United States Postal Service
9 information indicating an address reclassification;

10 (7) after receipt of a voter's response under Section
11 15.053; or

12 (8) after receipt of a registration application or
13 change of address under Chapter 20.

14 SECTION 3. Effective September 1, 2011, Subchapter A,
15 Chapter 31, Election Code, is amended by adding Section 31.012 to
16 read as follows:

17 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
18 secretary of state and the voter registrar of each county that
19 maintains a website shall provide notice of the identification
20 requirements for voting prescribed by Chapter 63 on each entity's
21 respective website. The secretary of state shall prescribe the
22 wording of the notice to be included on the websites.

23 (b) The secretary of state shall conduct a statewide effort
24 to educate voters regarding the identification requirements for
25 voting prescribed by Chapter 63.

26 SECTION 4. Effective September 1, 2011, Section 32.111,
27 Election Code, is amended by adding Subsection (c) to read as

1 follows:

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

6 SECTION 5. Effective September 1, 2011, Section 32.114(a),
7 Election Code, is amended to read as follows:

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

17 SECTION 6. Chapter 62, Election Code, is amended by adding
18 Section 62.016 to read as follows:

19 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
20 POLLING PLACES. The presiding judge shall post in a prominent place
21 on the outside of each polling location a list of the acceptable
22 forms of identification. The notice and list must be printed using
23 a font that is at least 24-point.

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

27 (b) On offering to vote, a voter must present to an election

1 officer at the polling place one form of identification listed in
2 Section 63.0101 [~~the voter's voter registration certificate to an~~
3 ~~election officer at the polling place~~].

4 (c) On presentation of the documentation required under
5 Subsection (b) [~~a registration certificate~~], an election officer
6 shall determine whether the voter's name on the documentation
7 [~~registration certificate~~] is on the list of registered voters for
8 the precinct.

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

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

16 (g) If the requirements for identification prescribed by
17 Subsection (b) are not met, the voter may be accepted for
18 provisional voting only under Section 63.011. For a voter who is
19 not accepted for voting under this section, an election officer
20 shall:

21 (1) inform the voter of the voter's right to cast a
22 provisional ballot under Section 63.011; and

23 (2) provide the voter with written information, in a
24 form prescribed by the secretary of state, that:

25 (A) lists the requirements for identification;

26 (B) states the procedure under Section 65.0541
27 for presenting identification;

1 (C) includes a map showing the location where
2 identification must be presented; and

3 (D) includes notice that even if all procedures
4 are followed, there is no guarantee the voter's provisional ballot
5 will be accepted.

6 SECTION 8. Section 63.0011(a), Election Code, is amended to
7 read as follows:

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

17 SECTION 9. Effective September 1, 2011, Chapter 63,
18 Election Code, is amended by adding Section 63.0012 to read as
19 follows:

20 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO
21 CERTAIN VOTERS. (a) An election officer shall distribute written
22 notice of the identification that will be required for voting
23 beginning with elections held after January 1, 2012, and
24 information on obtaining identification without a fee under Section
25 521.422, Transportation Code, to each voter who, when offering to
26 vote, presents a form of identification that will not be sufficient
27 for acceptance as a voter under this chapter beginning with those

1 elections.

2 (b) The secretary of state shall prescribe the wording of
3 the notice and establish guidelines for distributing the notice.

4 (c) This section expires September 1, 2013.

5 SECTION 10. Section 63.006, Election Code, is amended to
6 read as follows:

7 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~
8 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
9 vote, presents the documentation required under Section 63.001(b)
10 [a voter registration certificate indicating that the voter is
11 currently registered in the precinct in which the voter is offering
12 to vote,] but whose name is not on the precinct list of registered
13 voters[~~r~~] shall be accepted for voting if the voter also presents a
14 voter registration certificate indicating that the voter is
15 currently registered:

16 (1) in the precinct in which the voter is offering to
17 vote; or

18 (2) in a different precinct from the one in which the
19 voter is offering to vote and the voter executes an affidavit
20 stating that the voter:

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

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

27 (C) did not deliberately provide false

1 information to secure registration in a precinct in which the voter
2 does not reside; and

3 (D) is voting only once in the election.

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

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

7 (2) enter the voter's name on the registration
8 omissions list.

9 SECTION 11. Section 63.009(a), Election Code, is amended to
10 read as follows:

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

17 SECTION 12. Section 63.0101, Election Code, is amended to
18 read as follows:

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

22 (1) a driver's license or personal identification card
23 issued to the person by the Department of Public Safety that has not
24 expired [~~or a similar document issued to the person by an agency of~~
25 ~~another state, regardless of whether the license or card has~~
26 ~~expired~~];

27 (2) a United States military identification card that

1 contains the person's photograph and has not expired [~~form of~~
2 ~~identification containing the person's photograph that establishes~~
3 ~~the person's identity~~];

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

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

9 (4) [~~(5)~~] a United States passport issued to the
10 person that has not expired; or

11 (5) a license to carry a concealed handgun issued to
12 the person by the Department of Public Safety

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

15 [~~(7)~~] ~~a copy of a current utility bill, bank statement,~~
16 ~~government check, paycheck, or other government document that shows~~
17 ~~the name and address of the voter~~; or

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

20 SECTION 13. Section 63.011, Election Code, is amended by
21 amending Subsections (a) and (b) and adding Subsection (b-1) to
22 read as follows:

23 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or
24 63.009(a) applies may cast a provisional ballot if the person
25 executes an affidavit stating that the person:

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

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

2 (b) A form for an affidavit required by this section must
3 ~~[shall]~~ be printed on an envelope in which the provisional ballot
4 voted by the person may be placed and must include:

5 (1) a space for entering the identification number of
6 the provisional ballot voted by the person; and

7 (2) a space for an election officer to indicate
8 whether the person presented a form of identification described by
9 Section 63.0101 and the form of identification presented.

10 **(b-1)** The affidavit form may include space for disclosure of
11 any necessary information to enable the person to register to vote
12 under Chapter 13. The secretary of state shall prescribe the form
13 of the affidavit under this section.

14 SECTION 14. Section 64.012(b), Election Code, is amended to
15 read as follows:

16 (b) An offense under this section is a felony of the second
17 ~~[third]~~ degree unless the person is convicted of an attempt. In
18 that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

19 SECTION 15. Section 65.054(b), Election Code, is amended to
20 read as follows:

21 (b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if
22 the board determines that, from the information in the affidavit or
23 contained in public records, the person is eligible to vote in the
24 election and has not previously voted in that election and the voter
25 meets the identification requirements of Section 63.001(b) at the
26 time the ballot was cast or in the period prescribed under Section
27 65.0541.

1 SECTION 16. Subchapter B, Chapter 65, Election Code, is
2 amended by adding Section 65.0541 to read as follows:

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

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

13 SECTION 17. Section 66.0241, Election Code, is amended to
14 read as follows:

15 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
16 must contain:

- 17 (1) the precinct list of registered voters;
18 (2) the registration correction list;
19 (3) the registration omissions list;
20 (4) any statements of residence executed under Section
21 63.0011; and
22 (5) any affidavits executed under Section 63.006
23 [~~63.007~~] or 63.011.

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

27 (a) Except as provided by Subsection (d), the [~~The~~] fee for

1 a personal identification certificate is:

- 2 (1) \$15 for a person under 60 years of age;
- 3 (2) \$5 for a person 60 years of age or older; and
- 4 (3) \$20 for a person subject to the registration
- 5 requirements under Chapter 62, Code of Criminal Procedure.

6 (d) The department may not collect a fee for a personal
7 identification certificate issued to a person who states that the
8 person is obtaining the personal identification certificate for the
9 purpose of satisfying Section 63.001(b), Election Code, and:

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

12 (2) who is eligible for registration under Section
13 13.001, Election Code, and submits a registration application to
14 the department.

15 SECTION 19. Sections 63.007, 63.008, and 63.009(b),
16 Election Code, are repealed.

17 SECTION 20. Effective September 1, 2011:

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

22 (2) as soon as practicable, the county clerk of each
23 county shall provide a session of training under Section 32.114,
24 Election Code, using the standards adopted and materials developed
25 to implement the change in law made by this Act to Section 32.111,
26 Election Code.

27 SECTION 21. (a) The change in law made by this Act applies

1 only to an offense committed on or after January 1, 2012. For
2 purposes of this section, an offense is committed before January 1,
3 2012, if any element of the offense occurs before that date.

4 (b) An offense committed before January 1, 2012, is covered
5 by the law in effect when the offense was committed, and the former
6 law is continued in effect for that purpose.

7 SECTION 22. Effective September 1, 2011, state funds
8 disbursed under Chapter 19, Election Code, for the purpose of
9 defraying expenses of the voter registrar's office in connection
10 with voter registration may also be used for additional expenses
11 arising out of this Act related to coordinating voter registration
12 drives or to other activities designed to expand voter
13 registration. This section expires January 1, 2013.

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