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et al.
(Harless, Taylor of Galveston, Pena, Truitt,
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S.B. No. 14

Substitute the following for S.B. No. 14:

By: Harless

C.S.S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to requirements to vote, including presenting proof of
identification; providing criminal penalties.

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

SECTION 1. Section 13.002, Election Code, is amended by
adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the
requirements of Section 63.001(b) on the basis of disability must
include with the person's application:

(1) written documentation:

(A) from the United States Social Security
Administration evidencing the applicant has been determined to have
a disability; or

(B) from the United States Department of Veterans
Affairs evidencing the applicant has a disability rating of at
least 50 percent; and

(2) a statement in a form prescribed by the secretary
of state that the applicant does not have a form of identification
acceptable under Section 63.0101.

SECTION 2. Section 15.001, Election Code, is amended by
adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the
certification requirements of Section 13.002(i) must contain an
indication that the voter is exempt from the requirement to present

1 identification other than the registration certificate before
2 being accepted for voting.

3 SECTION 3. Effective September 1, 2011, Subchapter A,
4 Chapter 15, Election Code, is amended by adding Section 15.005 to
5 read as follows:

6 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

7 (a) The voter registrar of each county shall provide notice of the
8 identification requirements for voting prescribed by Chapter 63 and
9 a detailed description of those requirements with each voter
10 registration certificate issued under Section 13.142 or renewal
11 registration certificate issued under Section 14.001.

12 (b) The secretary of state shall prescribe the wording of
13 the notice to be included on the certificate under this section.

14 SECTION 4. Section 15.022(a), Election Code, is amended to
15 read as follows:

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

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

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

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

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

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

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

5 (7) after receipt of a voter's response under Section
6 15.053; or

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

9 SECTION 5. Effective September 1, 2011, Subchapter A,
10 Chapter 31, Election Code, is amended by adding Section 31.012 to
11 read as follows:

12 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
13 secretary of state and the voter registrar of each county that
14 maintains a website shall provide notice of the identification
15 requirements for voting prescribed by Chapter 63 on each entity's
16 respective website in each language in which voter registration
17 materials are available. The secretary of state shall prescribe
18 the wording of the notice to be included on the websites.

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

22 (c) The county clerk of each county shall post in a
23 prominent location at the clerk's office a physical copy of the
24 notice prescribed under Subsection (a) in each language in which
25 voter registration materials are available.

26 SECTION 6. 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 7. 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 8. 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 list must be printed using a font that
23 is at least 24-point. The notice required under this section must
24 be posted separately from any other notice required by state or
25 federal law.

26 SECTION 9. Section 63.001, Election Code, is amended by
27 amending Subsections (b), (c), (d), and (f) and adding Subsections

1 (g) and (h) to read as follows:

2 (b) Except as provided by Subsection (h), on [On] offering
3 to vote, a voter must present to an election officer at the polling
4 place one form of identification described by Section 63.0101 [the
5 voter's voter registration certificate to an election officer at
6 the polling place].

7 (c) On presentation of the documentation required under
8 Subsection (b) [a registration certificate], an election officer
9 shall determine whether the voter's name on the documentation
10 [registration certificate] is on the list of registered voters for
11 the precinct. If in making a determination under this subsection
12 the election officer determines that the voter's name on the
13 documentation is substantially similar to but does not match
14 exactly with the name on the list, the voter shall be accepted for
15 voting under Subsection (d) if the voter submits an affidavit
16 stating that the voter is the person on the list of registered
17 voters.

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

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

25 (g) If the requirements for identification prescribed by
26 Subsection (b) are not met, the voter may be accepted for
27 provisional voting only under Section 63.011. For a voter who is

1 not accepted for voting under this section, an election officer
2 shall:

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

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

7 (A) lists the requirements for identification;

8 (B) states the procedure for presenting
9 identification under Section 65.0541;

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

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

15 (h) The requirements for identification prescribed by
16 Subsection (b) do not apply to a voter who presents the voter's
17 voter registration certificate on offering to vote and:

18 (1) was 70 years of age or older on January 1, 2012, as
19 indicated by the date of birth on the voter's voter registration
20 certificate; or

21 (2) is disabled and the voter's voter registration
22 certificate contains the indication described by Section
23 15.001(c).

24 SECTION 10. Section 63.0011(a), Election Code, is amended
25 to read as follows:

26 (a) Before a voter may be accepted for voting, an election
27 officer shall ask the voter if the voter's residence address on the

1 precinct list of registered voters is current and whether the voter
2 has changed residence within the county. If the voter's address is
3 omitted from the precinct list under Section 18.005(c), the officer
4 shall ask the voter if the voter's residence, if [as] listed, on
5 identification presented by the voter under Section 63.001(b) [~~the~~
6 ~~voter's voter registration certificate~~] is current and whether the
7 voter has changed residence within the county.

8 SECTION 11. Effective September 1, 2011, Chapter 63,
9 Election Code, is amended by adding Section 63.0012 to read as
10 follows:

11 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO
12 CERTAIN VOTERS. (a) An election officer shall distribute written
13 notice of the identification that will be required for voting
14 beginning with elections held after January 1, 2012, and
15 information on obtaining identification without a fee under Section
16 521.422, Transportation Code, to each voter who, when offering to
17 vote, presents a form of identification that will not be sufficient
18 for acceptance as a voter under this chapter beginning with those
19 elections.

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

22 (c) This section expires September 1, 2017.

23 SECTION 12. Section 63.006, Election Code, is amended to
24 read as follows:

25 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~
26 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
27 vote, presents the documentation required under Section 63.001(b)

1 ~~[a voter registration certificate indicating that the voter is~~
2 ~~currently registered in the precinct in which the voter is offering~~
3 ~~to vote,~~] but whose name is not on the precinct list of registered
4 voters[~~7~~] shall be accepted for voting if the voter also presents a
5 voter registration certificate indicating that the voter is
6 currently registered:

7 (1) in the precinct in which the voter is offering to
8 vote; or

9 (2) in a different precinct in the same county as the
10 precinct in which the voter is offering to vote and the voter
11 executes an affidavit stating that the voter:

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

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

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

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

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

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

25 (2) enter the voter's name on the registration
26 omissions list.

27 SECTION 13. Section 63.009, Election Code, is amended to

1 read as follows:

2 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
3 A [~~(a) Except as provided by Subsection (b), a~~] voter who does not
4 present a voter registration certificate when offering to vote, and
5 whose name is not on the list of registered voters for the precinct
6 in which the voter is offering to vote, shall be accepted for
7 provisional voting if the voter executes an affidavit in accordance
8 with Section 63.011.

9 ~~[(b) If an election officer can determine from the voter~~
10 ~~registrar that the person is a registered voter of the county and~~
11 ~~the person presents proof of identification, the affidavits~~
12 ~~required by Sections 63.007 and 63.008 are substituted for the~~
13 ~~affidavit required by Section 63.011 in complying with that~~
14 ~~section. After the voter is accepted under this subsection, an~~
15 ~~election officer shall also indicate beside the voter's name on the~~
16 ~~poll list that the voter was accepted under this section.]~~

17 SECTION 14. 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 [~~or a similar document issued to the person by an agency of another~~
25 ~~state, regardless of whether the license or card has~~] expired or
26 that expired no earlier than 60 days before the date of
27 presentation;

1 (2) a United States military identification card that
2 contains the person's photograph that has not expired or that
3 expired no earlier than 60 days before the date of presentation
4 ~~[form of identification containing the person's photograph that~~
5 ~~establishes the person's identity];~~

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

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

11 (4) [(5)] a United States passport issued to the
12 person that has not expired or that expired no earlier than 60 days
13 before the date of presentation; or

14 (5) a license to carry a concealed handgun issued to
15 the person by the Department of Public Safety that has not expired
16 or that expired no earlier than 60 days before the date of
17 presentation

18 ~~[(6) official mail addressed to the person by name~~
19 ~~from a governmental entity;~~

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

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

25 SECTION 15. Section 63.011, Election Code, is amended by
26 amending Subsections (a) and (b) and adding Subsection (b-1) to
27 read as follows:

1 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or 63.009
2 [~~63.009(a)~~] applies may cast a provisional ballot if the person
3 executes an affidavit stating that the person:

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

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

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

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

12 (2) a space for an election officer to indicate
13 whether the person presented a form of identification described by
14 Section 63.0101.

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

19 SECTION 16. Section 64.012(b), Election Code, is amended to
20 read as follows:

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

24 SECTION 17. Section 65.054, Election Code, is amended by
25 amending Subsection (b) and adding Subsection (e) to read as
26 follows:

27 (b) A provisional ballot shall [~~may~~] be accepted [~~only~~] if

1 the board determines that:

2 (1) [7] from the information in the affidavit or
3 contained in public records, the person is eligible to vote in the
4 election and has not previously voted in that election; and

5 (2) the person:

6 (A) meets the identification requirements of
7 Section 63.001(b) at the time the ballot was cast or in the period
8 prescribed under Section 65.0541; or

9 (B) executes an affidavit under penalty of
10 perjury stating that:

11 (i) the voter:

12 (a) is indigent and is unable to
13 obtain proof of identification without the payment of a fee; or

14 (b) has a religious objection to being
15 photographed; and

16 (ii) the voter has not been challenged and
17 voted a provisional ballot solely because the voter did not meet the
18 requirements for identification prescribed by Section 63.001(b).

19 (e) In this section, "indigent" has the meaning assigned by
20 Section 51.941(e), Government Code.

21 SECTION 18. Subchapter B, Chapter 65, Election Code, is
22 amended by adding Section 65.0541 to read as follows:

23 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
24 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
25 voting under Section 63.011 because the voter does not meet the
26 identification requirements of Section 63.001(b) may, not later
27 than the sixth day after the date of the election:

1 (1) present a form of identification described by
2 Section 63.0101 to the voter registrar for examination; or

3 (2) execute an affidavit described by Section
4 65.054(b)(2)(B) in the presence of the voter registrar.

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

7 SECTION 19. Section 66.0241, Election Code, is amended to
8 read as follows:

9 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
10 must contain:

- 11 (1) the precinct list of registered voters;
12 (2) the registration correction list;
13 (3) the registration omissions list;
14 (4) any statements of residence executed under Section
15 63.0011; and
16 (5) any affidavits executed under Section 63.006
17 [~~63.007~~] or 63.011.

18 SECTION 20. Section 521.422, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (d) to
20 read as follows:

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

- 23 (1) \$15 for a person under 60 years of age;
24 (2) \$5 for a person 60 years of age or older; and
25 (3) \$20 for a person subject to the registration
26 requirements under Chapter 62, Code of Criminal Procedure.

27 (d) The department may not collect a fee for a personal

1 identification certificate issued to a person who states that the
2 person is obtaining the personal identification certificate for the
3 purpose of satisfying Section 63.001(b), Election Code, and does
4 not have another form of identification described by Section
5 63.0101, Election Code, and:

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

8 (2) who is eligible for registration under Section
9 13.001, Election Code, and submits a registration application to
10 the department.

11 SECTION 21. Sections 63.007 and 63.008, Election Code, are
12 repealed.

13 SECTION 22. Effective September 1, 2011:

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

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

23 SECTION 23. The change in law made by this Act in amending
24 Section 64.012(b), Election Code, applies only to an offense
25 committed on or after January 1, 2012. An offense committed before
26 January 1, 2012, is covered by the law in effect when the offense
27 was committed, and the former law is continued in effect for that

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

4 SECTION 24. Effective September 1, 2011, state funds
5 disbursed under Chapter 19, Election Code, for the purpose of
6 defraying expenses of the voter registrar's office in connection
7 with voter registration may also be used for additional expenses
8 related to coordinating voter registration drives or other
9 activities designed to expand voter registration. This section
10 expires January 1, 2013.

11 SECTION 25. Except as otherwise provided by this Act, this
12 Act takes effect January 1, 2012.