

By: Fraser, et al.

S.B. No. 178

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. 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. Subsection (a), Section 15.022, 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;

(3) after receipt of a registration omissions list and

1 any affidavits executed under Section 63.006. [~~63.007~~], following
2 an election;

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

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

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

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

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

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

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

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

24 SECTION 4. Section 32.111, Election Code, is amended by
25 adding Subsection (c) to read as follows:

26 (c) The training standards adopted under Subsection (a)
27 must include provisions on the acceptance and handling of the

1 identification presented by a voter to an election officer under
2 Section 63.001.

3 SECTION 5. Subsection (a), Section 32.114, Election Code,
4 is amended to read as follows:

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

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

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

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

24 (b) On offering to vote, a voter must present to an election
25 officer at the polling place one form of identification listed in
26 Section 63.0101 [~~the voter's voter registration certificate to an~~
27 ~~election officer at the polling place~~].

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

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

10 (f) After determining whether to accept a voter, an election
11 officer shall return the voter's documentation [registration
12 certificate] to the voter.

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

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

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

22 (A) lists the requirements for identification;

23 (B) states the procedure for presenting
24 identification under Section 65.0541;

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

27 (D) includes notice that even if all procedures

1 are followed, there is no guarantee a provisional ballot will be
2 accepted.

3 SECTION 8. Subsection (a), Section 63.0011, Election Code,
4 is amended to read as follows:

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

14 SECTION 9. Chapter 63, Election Code, is amended by adding
15 Section 63.0012 to read as follows:

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

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

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

27 SECTION 10. Section 63.006, Election Code, is amended to

1 read as follows:

2 Sec 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~
3 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
4 vote, presents the documentation required under Subsection
5 63.001(b) [~~a voter registration certificate indicating that the~~
6 ~~voter is currently registered in the precinct in which the voter is~~
7 ~~offering to vote~~], but whose name is not on the precinct list of
8 registered voters, shall be accepted for voting if the voter also
9 presents a voter registration certificate indicating that the voter
10 is currently registered:

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

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

16 (A)(i) is a resident of the precinct in which the
17 voter is offering to vote or is otherwise entitled by law to vote in
18 that precinct; or

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

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

25 (C) is voting only once in the election.

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

27 (1) indicate beside the voter's name on the poll list

1 that the voter was accepted under this section; and

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

5 SECTION 11. Subsection (a), Section 63.009, Election Code,
6 is amended to read as follows:

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

13 SECTION 12. Section 63.0101, Election Code, is amended to
14 read as follows:

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

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

23 (2) a United States military identification card that
24 contains the person's photograph that has not expired [~~form of~~
25 ~~identification containing the person's photograph that establishes~~
26 ~~the person's 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; or

5 (4) ~~(5)~~ a United States passport issued to the
6 person that has not expired ~~[~~

7 ~~(6) official mail addressed to the person by name from~~
8 ~~a governmental entity,~~

9 ~~(7) a copy of a current utility bill, bank statement,~~
10 ~~government check, paycheck, or other government document that shows~~
11 ~~the name and address of the voter or~~

12 ~~(8) any other form of identification prescribed by the~~
13 ~~secretary of state].~~

14 SECTION 13. Section 63.011, Election Code, is amended by
15 amending Subsections (a) and (b) to read as follows:

16 (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or
17 63.009(a) applies may cast a provisional ballot if the person
18 executes an affidavit stating that the person:

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

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

22 (b) A form for an affidavit required by this section shall
23 be printed on an envelope in which the provisional ballot voted by
24 the person may be placed and must include a space for entering the
25 identification number of the provisional ballot voted by the person
26 [and a space for an election officer to indicate whether the
27 person presented a form of identification described by Section

1 63.0101. The affidavit form may include space for disclosure of any
2 necessary information to enable the person to register to vote
3 under Chapter 13. The secretary of state shall prescribe the form
4 of the affidavit under this section.

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

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

10 SECTION 15. Subsection (b), Section 65.054, Election Code,
11 is amended to read as follows:

12 (b) A provisional ballot shall [~~may~~] be accepted [~~only~~] if
13 the board determines that, from the information in the affidavit or
14 contained in public records, the person is eligible to vote in the
15 election and has not previously voted in that election and the voter
16 meets the identification requirements of Section 63.001(b) in the
17 period prescribed under Section 65.0541.

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

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

27 (b) The secretary of state shall prescribe procedures as

1 necessary to implement this section.

2 SECTION 17. Section 66.0241, Election Code, is amended to
3 read as follows:

4 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope No. 4
5 must contain:

- 6 (1) the precinct list of registered voters;
- 7 (2) the registration correction list;
- 8 (3) the registration omission list;
- 9 (4) any statements of residence executed under Section
10 63.0011; and
- 11 (5) any affidavits executed under Section 63.006
12 [~~63.007~~] or 63.011.

13 SECTION 18. Section 521.422, Transportation Code, is
14 amended by amending Subsection (a) and adding Subsection (d) to
15 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 states that the
24 person is obtaining the personal identification certificate for the
25 purpose of satisfying Section 63.001(b)(1), Election Code, and:

- 26 (1) who is a registered voter in this state and
27 presents a valid voter registration certificate; or

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

4 SECTION 19. Effective January 1, 2012, Sections 63.007,
5 63.008, and 63.009(b), Election Code, are repealed.

6 SECTION 20. As soon as practicable after the effective date
7 of this Act:

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

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

16 SECTION 21. (a) The change in law made by this Act applies
17 only to an offense committed on or after January 1, 2012. For
18 purposes of this section, an offense is committed before January 1,
19 2012, if any element of the offense occurs before that date.

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

23 SECTION 22. State funds disbursed under Chapter 19,
24 Election Code, for the purpose of defraying expenses of the voter
25 registrar's office in connection with voter registration may also
26 be used for additional expenses related to coordinating voter
27 registration drives or other activities designed to expand voter

1 registration. This section expires January 1, 2013.

2 SECTION 23. Except as provided by Subsection (b) of this
3 section, this Act takes effect January 1, 2012.

4 (b) The changes in law made by Sections 1,3,4,5, 9, 20, and
5 22 of this Act take effect September 1, 2011.