

Suspending limitations on conference committee
jurisdiction, S.B. No. 14 (Fraser/Harless)

By: Fraser

S.R. No. 935

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 82nd
2 Legislature, Regular Session, 2011, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on Senate
5 Bill 14 (requirements to vote, including presenting proof of
6 identification; providing criminal penalties), to consider and
7 take action on the following matters:

8 (1) Senate Rule 12.03(1) is suspended to permit the
9 committee to change text not in disagreement in proposed SECTION 11
10 of the bill, in added Section 63.0012(a), Election Code, to read as
11 follows:

12 (a) An election officer shall distribute written notice of
13 the identification that will be required for voting beginning with
14 elections held after January 1, 2012, and information on obtaining
15 identification without a fee under Chapter 521A, Transportation
16 Code, to each voter who, when offering to vote, presents a form of
17 identification that will not be sufficient for acceptance as a
18 voter under this chapter beginning with those elections.

19 Explanation: This change is necessary to update the
20 cross-reference to reflect the addition of Chapter 521A,
21 Transportation Code.

22 (2) Senate Rule 12.03(1) is suspended to permit the
23 committee to change text not in disagreement in proposed SECTION 14
24 of the bill, in amended Section 63.0101(1), Election Code, to read

1 as follows:

2 (1) a driver's license, election identification
3 certificate, or personal identification card issued to the person
4 by the Department of Public Safety that has not [~~or a similar~~
5 ~~document issued to the person by an agency of another state,~~
6 ~~regardless of whether the license or card has~~] expired or that
7 expired no earlier than 60 days before the date of presentation;

8 Explanation: This change is necessary to update the list of
9 acceptable forms of identification to reflect the addition of
10 election identification certificates in Chapter 521A,
11 Transportation Code.

12 (3) Senate Rule 12.03(1) is suspended to permit the
13 committee to change text not in disagreement in proposed SECTION 17
14 of the bill, in added Section 65.054(b)(2)(B), Election Code, to
15 read as follows:

16 (B) notwithstanding Chapter 110, Civil Practice
17 and Remedies Code, executes an affidavit under penalty of perjury
18 that states the voter has a religious objection to being
19 photographed and the voter has consistently refused to be
20 photographed for any governmental purpose from the time the voter
21 has held this belief; or

22 Explanation: This change is necessary to clarify the
23 religious objection exception to the requirement that a voter have
24 photo identification to vote.

25 (4) Senate Rule 12.03(1) is suspended to permit the
26 committee to change text not in disagreement in proposed SECTION 18
27 of the bill, in added Section 65.0541(a), Election Code, to read as

1 follows:

2 (a) A voter who is accepted for provisional voting under
3 Section 63.011 because the voter does not meet the identification
4 requirements of Section 63.001(b) may, not later than the sixth day
5 after the date of the election:

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

8 (2) execute an affidavit described by Section
9 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

10 Explanation: This change is necessary to update the
11 cross-reference to reflect the addition of Section
12 65.054(b)(2)(C), Election Code.

13 (5) Senate Rule 12.03(4) is suspended to permit the
14 committee to add text on a matter not included in either version of
15 the bill by adding the following new SECTION to the bill:

16 SECTION 20. Subtitle B, Title 7, Transportation Code, is
17 amended by adding Chapter 521A to read as follows:

18 CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

19 Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a)

20 The department shall issue an election identification certificate
21 to a person who states that the person is obtaining the certificate
22 for the purpose of satisfying Section 63.001(b), Election Code, and
23 does not have another form of identification described by Section
24 63.0101, Election Code, and:

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

27 (2) who is eligible for registration under Section

1 13.001, Election Code, and submits a registration application to
2 the department.

3 (b) The department may not collect a fee for an election
4 identification certificate or a duplicate election identification
5 certificate issued under this section.

6 (c) An election identification certificate may not be used
7 or accepted as a personal identification certificate.

8 (d) An election officer may not deny the holder of an
9 election identification certificate the ability to vote because the
10 holder has an election identification certificate rather than a
11 driver's license or personal identification certificate issued
12 under this subtitle.

13 (e) An election identification certificate must be similar
14 in form to, but distinguishable in color from, a driver's license
15 and a personal identification certificate. The department may
16 cooperate with the secretary of state in developing the form and
17 appearance of an election identification certificate.

18 (f) The department may require each applicant for an
19 original or renewal election identification certificate to furnish
20 to the department the information required by Section 521.142.

21 (g) The department may cancel and require surrender of an
22 election identification certificate after determining that the
23 holder was not entitled to the certificate or gave incorrect or
24 incomplete information in the application for the certificate.

25 (h) A certificate expires on a date specified by the
26 department, except that a certificate issued to a person 70 years of
27 age or older does not expire.

1 Explanation: This addition is necessary to provide election
2 identification certificates to certain voters without charge to
3 enable those voters to meet the photo identification requirements
4 for voting.