

By: Rodríguez

S.B. No. 405

A BILL TO BE ENTITLED

AN ACT

relating to voter registration at the polling place during early voting.

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

SECTION 1. Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.007 to read as follows:

Sec. 12.007. CERTAIN ELECTION OFFICERS ARE VOTER REGISTRARS. An election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION 2. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] provisional ballot shall be accepted if the board determines that:

(1) 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;

(2) the person:

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

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury

1 that states the voter has a religious objection to being
2 photographed and the voter has consistently refused to be
3 photographed for any governmental purpose from the time the voter
4 has held this belief; or

5 (C) executes an affidavit under penalty of
6 perjury that states the voter does not have any identification
7 meeting the requirements of Section 63.001(b) as a result of a
8 natural disaster that was declared by the president of the United
9 States or the governor, occurred not earlier than 45 days before the
10 date the ballot was cast, and caused the destruction of or inability
11 to access the voter's identification; and

12 (3) the voter has not been challenged and voted a
13 provisional ballot solely because the voter did not meet the
14 requirements for identification prescribed by Section 63.001(b).

15 (b-1) A provisional ballot cast under Section 85.0312 shall
16 be accepted if the voter registrar determines the applicant is
17 eligible for registration under Section 85.0312(d).

18 SECTION 3. Subchapter B, Chapter 85, Election Code, is
19 amended by adding Section 85.0312 to read as follows:

20 Sec. 85.0312. REGISTRATION AT POLLING PLACE DURING EARLY
21 VOTING. (a) A person who would be eligible to vote in an election
22 under Section 11.001, but for the requirement to be a registered
23 voter, shall be accepted during early voting by personal appearance
24 for voting the ballot for the precinct of the person's residence as
25 shown by the identification presented if, on the day the person
26 offers to vote, the person:

27 (1) submits a voter registration application that

1 complies with Section 13.002 to an election officer at the polling
2 place; and

3 (2) presents as proof of residence a photo
4 identification under Section 63.0101(a) that states the person's
5 current address on the day the person seeks to vote.

6 (b) The election officer shall return the original proof of
7 residence to the voter.

8 (c) A person voting under this section shall vote a
9 provisional ballot in the manner provided by Section 63.011 except
10 that the person is not required to submit the affidavit under
11 Section 63.011(a).

12 (d) For each registration corresponding to a ballot cast
13 under this section, the voter registrar shall review the
14 application and determine whether the applicant is eligible for
15 registration as provided by Subchapter C, Chapter 13. The
16 registrar shall inform the early voting ballot board of a
17 determination made under this subsection. A registration approved
18 under this subsection takes effect on the date the vote was cast.

19 (e) The secretary of state may by rule prescribe procedures
20 to implement this section.

21 (f) An authority holding an election that does not include a
22 statewide or federal election is not required to comply with this
23 section.

24 SECTION 4. This Act takes effect September 1, 2015.