

By: Rodríguez

S.B. No. 407

A BILL TO BE ENTITLED

AN ACT

relating to the acceptance of a voter.

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

SECTION 1. Section 15.005(b), Election Code, is amended to read as follows:

(b) The notice included on the certificate under this section must state: "All eligible voters shall be accepted for voting if identification is provided that includes one form of photo identification or two forms of nonphoto identification. If an eligible voter cannot provide these documents, the voter shall be allowed to vote if a signed affidavit subject to verification is provided." [~~secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.~~]

SECTION 2. Section 31.012, Election Code, is amended to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state, in cooperation with appropriate nonprofit organizations as determined by the secretary of state and with each party whose nominee for governor in the most recent gubernatorial general election received 20 percent or more of the total number of votes received by all candidates for governor in the election, shall establish a statewide voter education project to [~~and the voter registrar of each county that maintains a website shall~~] provide notice of the identification requirements for voting

1 prescribed by Chapter 63 and to increase awareness regarding the
2 methods of acquiring the required identification [~~on each entity's~~
3 ~~respective website in each language in which voter registration~~
4 ~~materials are available. The secretary of state shall prescribe~~
5 ~~the wording of the notice to be included on the websites)].~~

6 (b) A project established under this section must include:

7 (1) a community outreach program in which information
8 about the identification requirements is provided considering the
9 needs of individuals in each community; and

10 (2) a communications strategy for providing
11 information about the identification requirements through print,
12 radio, and television in each electronic media market [~~The~~
13 ~~secretary of state shall conduct a statewide effort to educate~~
14 ~~voters regarding the identification requirements for voting~~
15 ~~prescribed by Chapter 63)].~~

16 (c) The county clerk or county elections administrator
17 shall administer projects established under this section [~~of each~~
18 ~~county shall post in a prominent location at the clerk's office a~~
19 ~~physical copy of the notice prescribed under Subsection (a) in each~~
20 ~~language in which voter registration materials are available)].~~

21 SECTION 3. Section 62.011(d), Election Code, is amended to
22 read as follows:

23 (d) The poster must also include the following information:

24 (1) the date of the election and the hours during which
25 the polling place is open;

26 (2) general information on voting rights under state
27 and federal laws, including information on the right of an

1 individual to cast a provisional ballot, the right to receive a
2 written and signed explanation if an individual is not accepted to
3 cast a regular ballot, and the individuals to contact if a person
4 believes these rights have been violated; and

5 (3) general information on state and federal laws that
6 prohibit acts of fraud or misrepresentation.

7 SECTION 4. Section 62.0115(b), Election Code, is amended to
8 read as follows:

9 (b) Except as revised by the secretary of state under
10 Subsection (d), the notice must state that a voter has the right to:

11 (1) vote a ballot and view written instructions on how
12 to cast a ballot;

13 (2) vote in secret and free from intimidation;

14 (3) receive up to two additional ballots if the voter
15 mismarks, damages, or otherwise spoils a ballot;

16 (4) request instructions on how to cast a ballot, but
17 not to receive suggestions on how to vote;

18 (5) bring an interpreter to translate the ballot and
19 any instructions from election officials;

20 (6) receive assistance in casting the ballot if the
21 voter:

22 (A) has a physical disability that renders the
23 voter unable to write or see; or

24 (B) cannot read the language in which the ballot
25 is written;

26 (7) cast a ballot on executing an affidavit as
27 provided by law, if the voter's eligibility to vote is questioned;

1 (8) report an existing or potential abuse of voting
2 rights to the secretary of state or the local election official;

3 (9) except as provided by Section 85.066(b), [~~Election~~
4 ~~Code,~~] vote at any early voting location in the county in which the
5 voter resides in an election held at county expense, a primary
6 election, or a special election ordered by the governor; [~~and~~]

7 (10) file an administrative complaint with the
8 secretary of state concerning a violation of federal or state
9 voting procedures; and

10 (11) receive a written and signed explanation if the
11 voter is not accepted to cast a regular ballot.

12 SECTION 5. Section 63.001, Election Code, is amended by
13 amending Subsections (b), (c), (d), (g), and (h) and adding
14 Subsection (i) to read as follows:

15 (b) On [~~Except as provided by Subsection (h), on~~] offering
16 to vote, a voter must present to an election officer at the polling
17 place:

18 (1) one form of photo identification listed in
19 [~~described by~~] Section 63.0101(a);

20 (2) two different forms of identification listed in
21 Section 63.0101(b); or

22 (3) the voter's voter registration certificate,
23 accompanied by the affidavit described by Subsection (h) [63.0101].

24 (c) On presentation of the documentation required by
25 [~~under~~] Subsection (b), an election officer shall determine whether
26 the voter's name on the registration certificate [~~documentation~~] is
27 on the list of registered voters for the precinct. [~~If in making a~~

1 ~~determination under this subsection the election officer~~
2 ~~determines under standards adopted by the secretary of state that~~
3 ~~the voter's name on the documentation is substantially similar to~~
4 ~~but does not match exactly with the name on the list, the voter~~
5 ~~shall be accepted for voting under Subsection (d) if the voter~~
6 ~~submits an affidavit stating that the voter is the person on the~~
7 ~~list of registered voters.]~~

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

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. An election officer
16 shall inform ~~[For]~~ a voter who is not accepted for voting under this
17 section~~[, an election officer 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 if all procedures are~~

1 ~~followed and the voter is found to be eligible to vote and is voting~~
2 ~~in the correct precinct, the voter's provisional ballot will be~~
3 ~~accepted].~~

4 (h) If the requirement [~~The requirements~~] for
5 identification prescribed by Subsection (b)(1) or (2) is not met,
6 an election officer shall notify the voter that the voter may be
7 accepted for voting if the voter executes an affidavit under
8 penalty of perjury stating that the voter is the person named on
9 ~~[(b) do not apply to a voter who is disabled and presents]~~ the
10 ~~[voter's]~~ voter registration certificate. The affidavit must
11 include the voter's name, address, year of birth, and signature
12 ~~[containing the indication described by Section 15.001(c) on~~
13 ~~offering to vote].~~

14 (i) An election officer who determines not to accept a voter
15 shall provide the voter with a statement signed by the election
16 officer listing all reasons why that voter was not accepted and the
17 circumstances under which a voter may vote a provisional ballot.
18 The statement shall be on a form prescribed by the secretary of
19 state. The form shall include a list of common reasons for not
20 accepting a voter and a space or box next to each reason to indicate
21 whether the reason applies to the voter, and a space or box to
22 indicate whether the voter was offered the opportunity to cast a
23 provisional ballot. The secretary of state, to the extent
24 practicable, shall prescribe the use of existing forms to provide
25 the statement required by this subsection to minimize the number of
26 forms needed at a polling place.

27 SECTION 6. Section 63.006(a), Election Code, is amended to

1 read as follows:

2 (a) A voter who, when offering to vote, presents the
3 documentation required under Section 63.001(b)(1) or (2)
4 [~~63.001(b)~~] but whose name is not on the precinct list of registered
5 voters shall be accepted for voting if the voter also presents a
6 voter registration certificate indicating that the voter is
7 currently registered:

8 (1) in the precinct in which the voter is offering to
9 vote if the name listed on the documentation matches the name listed
10 on the voter registration certificate; or

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

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

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

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

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

24 SECTION 7. Section 63.0101, Election Code, is amended to
25 read as follows:

26 Sec. 63.0101. DOCUMENTATION OF PROOF OF
27 IDENTIFICATION. (a) The following documentation is an acceptable

1 form of photo identification under this chapter:

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 expired or that
5 expired no earlier than two years [~~60 days~~] before the date of
6 presentation;

7 (2) a United States military identification card that
8 contains the person's photograph [~~that has not expired or that~~
9 ~~expired no earlier than 60 days before the date of presentation~~];

10 (3) a United States citizenship or naturalization
11 certificate issued to the person that contains the person's
12 photograph;

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

16 (5) a license to carry a concealed handgun issued to
17 the person by the Department of Public Safety; or

18 (6) a valid identification card that contains the
19 person's photograph and is issued by:

20 (A) an agency or institution of the federal
21 government; or

22 (B) an agency, institution, or political
23 subdivision of this state.

24 (b) The following documentation is acceptable as proof of
25 identification under this chapter:

26 (1) the person's voter registration certificate;

27 (2) a copy of a current utility bill, bank statement,

1 government check, paycheck, or other government document that shows
2 the name and address of the person;

3 (3) official mail addressed to the person by name from
4 a governmental entity;

5 (4) a certified copy of a birth certificate or other
6 document confirming birth that is admissible in a court of law and
7 establishes the person's identity;

8 (5) United States citizenship papers issued to the
9 person;

10 (6) an original or certified copy of the person's
11 marriage license or divorce decree;

12 (7) court records of the person's adoption, name
13 change, or sex change;

14 (8) an identification card issued to the person by a
15 governmental entity of this state or the United States for the
16 purpose of obtaining public benefits, including veterans benefits,
17 Medicaid, or Medicare;

18 (9) a temporary driving permit issued to the person by
19 the Department of Public Safety;

20 (10) a pilot's license issued to the person by the
21 Federal Aviation Administration or another authorized agency of the
22 United States;

23 (11) a library card that contains the person's name
24 issued to the person by a public library located in this state;

25 (12) a hunting or fishing license issued to the person
26 by the Parks and Wildlife Department; or

27 (13) an identification card issued to the person by a

1 public or private institution of higher education located in this
2 state [~~that has not expired or that expired no earlier than 60 days~~
3 ~~before the date of presentation~~].

4 SECTION 8. Section 64.012, Election Code, is amended by
5 adding Subsection (c) to read as follows:

6 (c) The early voting ballot board may examine the signature
7 and other information provided with an affidavit executed under
8 Section 63.001(h) to determine if there is a reason to suspect voter
9 impersonation for the purpose of prosecuting an offense under this
10 section. The early voting ballot board may notify the appropriate
11 county or district attorney of a determination of suspicion under
12 this subsection.

13 SECTION 9. Section 65.051(a), Election Code, is amended to
14 read as follows:

15 (a) The early voting ballot board shall verify and count
16 provisional ballots as provided by this subchapter not later than
17 the 10th [~~seventh~~] day after the date of an election.

18 SECTION 10. Section 65.054(b), Election Code, is amended to
19 read as follows:

20 (b) A provisional ballot may [~~shall~~] be accepted if the
21 board determines that, [+

22 [~~(1)~~] 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[+

25 [~~(2) the person:~~

26 [~~(A) meets the identification requirements of~~
27 ~~Section 63.001(b) at the time the ballot was cast or in the period~~

1 ~~prescribed under Section 65.0541;~~

2 ~~[(B) notwithstanding Chapter 110, Civil Practice~~
3 ~~and Remedies Code, executes an affidavit under penalty of perjury~~
4 ~~that states the voter has a religious objection to being~~
5 ~~photographed and the voter has consistently refused to be~~
6 ~~photographed for any governmental purpose from the time the voter~~
7 ~~has held this belief; or~~

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

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

18 SECTION 11. Sections 67.003(a) and (b), Election Code, are
19 amended to read as follows:

20 (a) Except as provided by Subsection (b) [~~or (c)~~], each
21 local canvassing authority shall convene to conduct the local
22 canvass at the time set by the canvassing authority's presiding
23 officer not earlier than the 11th [~~eighth~~] day or later than the
24 14th [~~11th~~] day after election day.

25 (b) For an election held on the uniform election date in
26 May, the local canvass must occur not later than the 14th [~~11th~~] day
27 after election day and not earlier than the later of:

1 (1) the third day after election day;

2 (2) the date on which the early voting ballot board has
3 verified and counted all provisional ballots, if a provisional
4 ballot has been cast in the election; or

5 (3) the date on which all timely received ballots cast
6 from addresses outside of the United States are counted, if a ballot
7 to be voted by mail in the election was provided to a person outside
8 of the United States.

9 SECTION 12. Section [67.003\(c\)](#), Election Code, is repealed.

10 SECTION 13. This Act takes effect September 1, 2015.