

By: Reynolds

H.B. No. 279

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 15.022(a), Election Code, is amended to
6 read as follows:

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

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

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

14 (3) after receipt of any affidavits executed under
15 Section 63.007 [~~63.006~~], following an election;

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

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

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

22 (7) after receipt of a voter's response under Section
23 15.053; or

24 (8) after receipt of a registration application or

1 change of address under Chapter 20.

2 SECTION 2. Section 32.114(a), Election Code, is amended to
3 read as follows:

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

13 SECTION 3. Sections 63.001(b), (c), (d), and (f), Election
14 Code, are amended to read as follows:

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

19 (c) On presentation of a registration certificate ~~[the~~
20 ~~documentation required under Subsection (b)]~~, an election officer
21 shall determine whether the voter's name on the registration
22 certificate ~~[documentation]~~ is on the list of registered voters for
23 the precinct. ~~[If in making a determination under this subsection~~
24 ~~the election officer determines under standards adopted by the~~
25 ~~secretary of state that the voter's name on the documentation is~~
26 ~~substantially similar to but does not match exactly with the name on~~
27 ~~the list, the voter shall be accepted for voting under Subsection~~

1 ~~(d) if the voter submits an affidavit stating that the voter is the~~
2 ~~person on the list of registered voters.]~~

3 (d) If [~~as determined under Subsection (c),~~] the voter's
4 name is on the precinct list of registered voters [~~and the voter's~~
5 ~~identity can be verified from the documentation presented under~~
6 ~~Subsection (b)~~], the voter shall be accepted for voting.

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

10 SECTION 4. Section 63.0011(a), Election Code, is amended to
11 read as follows:

12 (a) Before a voter may be accepted for voting, an election
13 officer shall ask the voter if the voter's residence address on the
14 precinct list of registered voters is current and whether the voter
15 has changed residence within the county. If the voter's address is
16 omitted from the precinct list under Section 18.005(c), the officer
17 shall ask the voter if the voter's residence as [~~if~~] listed [~~if~~] on
18 the voter's voter registration certificate [~~identification~~
19 ~~presented by the voter under Section 63.001(b)~~] is current and
20 whether the voter has changed residence within the county.

21 SECTION 5. Section 63.006, Election Code, is amended to
22 read as follows:

23 Sec. 63.006. VOTER WITH CORRECT CERTIFICATE [~~REQUIRED~~
24 ~~DOCUMENTATION~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
25 vote, presents a voter registration certificate indicating that the
26 voter is currently registered in the precinct in which the voter is
27 offering to vote, [~~the documentation required under Section~~

1 ~~63.001(b)]~~ but whose name is not on the precinct list of registered
2 voters, shall be accepted for voting ~~[if the voter also presents a~~
3 ~~voter registration certificate indicating that the voter is~~
4 ~~currently registered.~~

5 ~~[(1) in the precinct in which the voter is offering to~~
6 ~~vote; or~~

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

10 ~~[(A) is a resident of the precinct in which the~~
11 ~~voter is offering to vote or is otherwise entitled by law to vote in~~
12 ~~that precinct;~~

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

16 ~~[(C) did not deliberately provide false~~
17 ~~information to secure registration in a precinct in which the voter~~
18 ~~does not reside; and~~

19 ~~[(D) is voting only once in the election].~~

20 (b) After the voter is accepted, an election officer shall
21 ~~[+~~

22 ~~[(1)]~~ indicate beside the voter's name on the poll list
23 that the voter was accepted under this section~~[, and~~

24 ~~[(2) enter the voter's name on the registration~~
25 ~~omissions list].~~

26 SECTION 6. Chapter 63, Election Code, is amended by adding
27 Sections 63.007 and 63.008 to read as follows:

1 Sec. 63.007. VOTER WITH INCORRECT CERTIFICATE WHO IS NOT ON
2 LIST. (a) A voter who, when offering to vote, presents a voter
3 registration certificate indicating that the voter is currently
4 registered in a different precinct from the one in which the voter
5 is offering to vote, and whose name is not on the precinct list of
6 registered voters, shall be accepted for voting if the voter
7 executes an affidavit stating that the voter:

8 (1) is a resident of the precinct in which the voter is
9 offering to vote or is otherwise entitled by law to vote in that
10 precinct;

11 (2) was a resident of the precinct in which the voter
12 is offering to vote at the time the information on the voter's
13 residence address was last provided to the voter registrar;

14 (3) did not deliberately provide false information to
15 secure registration in a precinct in which the voter does not
16 reside; and

17 (4) is voting only once in the election.

18 (b) After the voter is accepted, an election officer shall
19 indicate beside the voter's name on the poll list that the voter was
20 accepted under this section.

21 Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A
22 voter who does not present a voter registration certificate when
23 offering to vote, but whose name is on the list of registered voters
24 for the precinct in which the voter is offering to vote, shall be
25 accepted for voting if the voter executes an affidavit stating that
26 the voter does not have the voter's voter registration certificate
27 in the voter's possession at the polling place at the time of

1 offering to vote and the voter presents proof of identification in a
2 form described by Section 63.0101.

3 (b) If the requirements prescribed by Subsection (a) are not
4 met, the voter may be accepted for provisional voting only under
5 Section 63.011.

6 SECTION 7. Section 63.009, Election Code, is amended to
7 read as follows:

8 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

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

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

23 SECTION 8. Section 63.0101, Election Code, is amended to
24 read as follows:

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

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

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

12 (3) a birth certificate or other document confirming
13 birth that is admissible in a court of law and establishes the
14 person's identity;

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

17 (5) ~~(4)~~ a United States passport issued to the
18 person ~~[that has not expired or that expired no earlier than 60 days~~
19 ~~before the date of presentation]~~;

20 (6) official mail addressed to the person by name from
21 a governmental entity;

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

25 (8) any other form of identification prescribed by the
26 secretary of state ~~[or~~

27 ~~(5) a license to carry a handgun issued to the person~~

1 ~~by the Department of Public Safety that has not expired or that~~
2 ~~expired no earlier than 60 days before the date of presentation].~~

3 SECTION 9. Sections 63.011(a) and (b), Election Code, are
4 amended to read as follows:

5 (a) A person to whom Section 63.008(b) or 63.009(a)
6 [~~63.001(g) or 63.009~~] applies may cast a provisional ballot if the
7 person executes an affidavit stating that the person:

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

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

11 (b) A form for an affidavit required by this section must be
12 printed on an envelope in which the provisional ballot voted by the
13 person may be placed and must include[+]

14 [~~(1)~~] a space for entering the identification number
15 of the provisional ballot voted by the person[+ and

16 [~~(2)~~ a space for an election officer to indicate
17 whether the person presented a form of identification described by
18 Section 63.0101].

19 SECTION 10. 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 third
22 [~~second~~] degree unless the person is convicted of an attempt. In
23 that case, the offense is a Class A misdemeanor [~~state jail felony~~].

24 SECTION 11. Section 65.054(b), Election Code, is amended to
25 read as follows:

26 (b) A provisional ballot may [~~shall~~] be accepted only if the
27 board determines that[+]

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

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

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

8 ~~[(B) notwithstanding Chapter 110, Civil Practice~~
9 ~~and Remedies Code, executes an affidavit under penalty of perjury~~
10 ~~that states the voter has a religious objection to being~~
11 ~~photographed and the voter has consistently refused to be~~
12 ~~photographed for any governmental purpose from the time the voter~~
13 ~~has held this belief; or~~

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

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

24 SECTION 12. Section 66.0241, Election Code, is amended to
25 read as follows:

26 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
27 must contain:

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

7 SECTION 13. (a) The following sections of the Election
8 Code are repealed:

- 9 (1) Section [13.002\(i\)](#);
- 10 (2) Section [15.001\(c\)](#);
- 11 (3) Section [15.005](#);
- 12 (4) Section [31.012\(b\)](#);
- 13 (5) Section [32.111\(c\)](#);
- 14 (6) Section [62.016](#);
- 15 (7) Sections [63.001\(g\)](#) and (h);
- 16 (8) Section [63.0012](#); and
- 17 (9) Section [65.0541](#).

18 (b) Chapter [521A](#), Transportation Code, is repealed.

19 (c) Chapter 410 (S.B. 5), Acts of the 85th Legislature,
20 Regular Session, 2017, is repealed.

21 SECTION 14. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section [39](#), Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect December 1, 2017.