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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO._____ BY: E Rodriguez

Amend S.B. No. 5 (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 15.022(a), 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 any affidavits executed under Section 63.007 [~~63.006~~], following an election;

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

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

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

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

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

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

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in

elections ordered by the governor or a county authority. Each election judge shall complete the training program. [~~Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) is voting only once in the election.

(b) After the voter is accepted, an election officer shall indicate beside the voter's name on the poll list that the voter was

accepted under this section.

Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and the voter presents proof of identification in a form described by Section 63.0101.

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

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

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. (a) Except as provided by Subsection (b), a [~~A~~] voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

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

SECTION 8. Section 63.0101, Election Code, is amended to

read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) is eligible to vote in the election.

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

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

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

SECTION 10. Section 64.012(b), Election Code, is amended to read as follows:

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

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

(b) A provisional ballot may [~~shall~~] be accepted only 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 that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or~~

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

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

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

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

(1) the precinct list of registered voters;

(2) the registration correction list;

(3) any statements of residence executed under Section 63.0011; and

(4) any affidavits executed under Section 63.007 [~~63.006~~] or 63.011.

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

(1) Section 13.002(i);

(2) Section 15.001(c);

(3) Section 15.005;

(4) Section 31.012;

(5) Section 32.111(c);

(6) Section 62.016;

(7) Sections 63.001(g) and (h);

(8) Section 63.0012; and

(9) Section 65.0541.

(b) Chapter 521A, Transportation Code, is repealed.

SECTION 14. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.