

By: Turner

H.B. No. 3943

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

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

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. MOBILE LOCATIONS FOR OBTAINING IDENTIFICATION. (a) The secretary of state shall establish a program using mobile units to provide election identification certificates to voters for the purpose of satisfying the requirements of Section 63.001(b). A mobile unit may be used at special events or at the request of a constituent group.

(b) In establishing the program, the secretary of state shall consult with the Department of Public Safety on the creation of the program, security relating to the issuance of an election identification certificate, best practices in issuing an election identification certificate, and equipment required to issue an election identification certificate.

(c) The secretary of state may not charge a fee to a group that requests a mobile unit established under this section.

(d) If the secretary of state cannot ensure the required security or other necessary elements of the program, the secretary of state may deny a request for a mobile unit established under this section.

(e) The secretary of state shall adopt rules necessary for

1 the implementation of this section.

2 SECTION 2. Subchapter E, Chapter 31, Election Code, is
3 amended by adding Section 31.125 to read as follows:

4 Sec. 31.125. ELECTION IDENTIFICATION CERTIFICATES. (a) The
5 county clerk shall provide a location at the county clerk's office
6 and at each subcourthouse located in the county for the Department
7 of Public Safety to issue an election identification certificate
8 under Section 521A.001, Transportation Code, during all regular
9 business hours.

10 (b) The secretary of state shall negotiate an agreement that
11 the Department of Public Safety and each county clerk shall enter
12 into for the purpose of issuing election identification
13 certificates under this section.

14 SECTION 3. Section 63.001, Election Code, is amended by
15 amending Subsection (b) and adding Subsections (c-1) and (i) to
16 read as follows:

17 (b) Except as provided by Subsection (h), on offering to
18 vote, a voter must present to an election officer at the polling
19 place:

20 (1) one form of photo identification listed in
21 [described by] Section 63.0101(a); or

22 (2) one form of identification listed in Section
23 63.0101(b) accompanied by the declaration described by Subsection
24 (i) [63.0101].

25 (c-1) An election officer may not refuse to accept
26 documentation presented to meet the requirements of Subsection (b)
27 solely because the address on the documentation does not match the

1 address on the list of registered voters.

2 (i) If the requirement for identification prescribed by
3 Subsection (b)(1) is not met, an election officer shall notify the
4 voter that the voter may be accepted for voting if the voter meets
5 the requirement for identification prescribed by Subsection (b)(2)
6 and executes a declaration under penalty of perjury declaring the
7 voter's identity. The secretary of state shall prescribe the
8 following form of the affidavit:

9 DECLARATION OF VOTER'S IDENTITY TO BE COMPLETED BY VOTER

10 Name: _____

11 VOTER'S DECLARATION OF IDENTITY

12 By signing this declaration, I swear or affirm under penalty of
13 perjury that my name is listed as _____ on the official
14 voter registration list, that I am that person, and that I currently
15 reside at _____

16 _____

17 Signature of Voter

Date

18 Sworn to and subscribed before me this

19 _____ day of _____, 20_____

20 Presiding Judge _____

21 SECTION 4. Section 63.0101, Election Code, is amended to
22 read as follows:

23 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

24 (a) The following documentation is an acceptable form of photo
25 identification under this chapter:

26 (1) a driver's license [~~election identification~~
27 ~~certificate~~] or personal identification card issued to the person

1 by the Department of Public Safety or the equivalent agency of
2 another state [~~that has not expired or that expired no earlier than~~
3 ~~60 days before the date of presentation~~];

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

7 (3) a United States citizenship certificate issued to
8 the person that contains the person's photograph;

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

12 (5) a license to carry a handgun issued to the person
13 by the Department of Public Safety;

14 (6) an election identification certificate issued to
15 the person by the Department of Public Safety;

16 (7) a valid identification card that contains the
17 person's photograph and is issued by:

18 (A) an agency or institution of the federal
19 government; or

20 (B) an agency, institution, or political
21 subdivision of any state;

22 (8) a photo identification card issued to the person
23 by a municipal, county, or state governmental entity or the United
24 States for the purpose of obtaining public benefits, including
25 veteran's benefits, Medicaid, or Medicare;

26 (9) an official Native American tribal document that:

27 (A) contains the person's photograph; and

1 (B) is issued by a tribe that is federally
2 recognized;

3 (10) a student identification card issued by an
4 institution of higher education or a private or independent
5 institution of higher education as those terms are defined by
6 Section 61.003, Education Code, that contains the person's
7 photograph; or

8 (11) a United States Department of Veterans Affairs
9 identification card, including a Veteran Health Identification
10 Card, that contains the person's photograph [~~that has not expired~~
11 ~~or that expired no earlier than 60 days before the date of~~
12 ~~presentation~~].

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

15 (1) a government document that shows the name and
16 address of the voter, including the voter's voter registration
17 certificate;

18 (2) one of the following documents that shows the name
19 and address of the voter:

20 (A) a copy of a current utility bill;

21 (B) a bank statement;

22 (C) a government check; or

23 (D) a paycheck; or

24 (3) a certified copy of a domestic birth certificate
25 or other document confirming birth that is admissible in a court of
26 law and establishes the person's identity.

27 (c) A person 70 years of age or older may use a form of

1 identification listed in Subsection (a) that has expired for the
2 purposes of voting if the identification is otherwise valid.

3 (d) Except as provided by Subsection (c), a form of
4 acceptable identification listed by Subsection (a) that has not
5 expired or expired not earlier than four years before the date of
6 presentation may be used as an acceptable form of photo
7 identification if the identification is otherwise valid.

8 SECTION 5. Section 65.0541(a), Election Code, is amended to
9 read as follows:

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

14 (1) present [~~a form of identification described by~~
15 ~~Section 63.0101~~] to the voter registrar for examination:

16 (A) a form of identification described by Section
17 63.0101(a); or

18 (B) a form of identification described by Section
19 63.0101(b) accompanied by the declaration described by Section
20 63.001(i); or

21 (2) execute an affidavit described by Section
22 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

23 SECTION 6. Section 272.011(b), Election Code, is amended to
24 read as follows:

25 (b) The secretary of state shall prepare the translation for
26 election materials required to be provided in a language other than
27 English or Spanish for the following state prescribed voter forms:

- 1 (1) voter registration application form required by
2 Section 13.002;
- 3 (2) the confirmation form required by Section 15.051;
- 4 (3) the voting instruction poster required by Section
5 62.011;
- 6 (4) the declaration of voter's identity required by
7 Section 63.001(b);
- 8 (5) the statement of residence form required by
9 Section 63.0011;
- 10 (6) [~~(5)~~] the provisional ballot affidavit required
11 by Section 63.011;
- 12 (7) [~~(6)~~] the application for a ballot by mail
13 required by Section 84.011;
- 14 (8) [~~(7)~~] the carrier envelope and voting
15 instructions required by Section 86.013; and
- 16 (9) [~~(8)~~] any other voter forms that the secretary of
17 state identifies as frequently used and for which state resources
18 are otherwise available.

19 SECTION 7. Section 521A.001(a), Transportation Code, is
20 amended to read as follows:

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

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

1 (2) who is eligible for registration under Section
2 13.001, Election Code, and submits a registration application to
3 the department.

4 SECTION 8. This Act takes effect January 1, 2018.