

By: Huffman, et al.

S.B. No. 5

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring a voter to present proof of identification;
3 providing a criminal penalty.

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

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

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

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

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

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

1 (e) The secretary of state shall adopt rules necessary for
2 the implementation of this section.

3 SECTION 2. Section 63.001, Election Code, is amended by
4 amending Subsections (b), (d), and (e) and adding Subsection (i) to
5 read as follows:

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

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

11 (2) one form of identification listed in Section
12 63.0101(b) accompanied by the declaration described by Subsection
13 (i) [63.0101].

14 (d) If, as determined under Subsection (c), the voter's name
15 is on the precinct list of registered voters and the voter's
16 identity can be verified from the documentation presented under
17 Subsection (b), the voter shall be accepted for voting. An election
18 officer may not question the reasonableness of an impediment sworn
19 to by a voter in a declaration described by Subsection (i).

20 (e) On accepting a voter, an election officer shall indicate
21 beside the voter's name on the list of registered voters that the
22 voter is accepted for voting. If the voter executes a declaration
23 of reasonable impediment to meet the requirement for identification
24 under Subsection (b), the election officer must affix the voter's
25 voter registration number to the declaration either in numeric or
26 bar code form.

27 (i) If the requirement for identification prescribed by

1 Subsection (b)(1) is not met, an election officer shall notify the
2 voter that the voter may be accepted for voting if the voter meets
3 the requirement for identification prescribed by Subsection (b)(2)
4 and executes a declaration declaring the voter has a reasonable
5 impediment to meeting the requirement for identification
6 prescribed by Subsection (b)(1). A person is subject to
7 prosecution for perjury under Chapter 37, Penal Code, or Section
8 63.0013 for a false statement or false information on the
9 declaration. The secretary of state shall prescribe the form of the
10 declaration. The form shall include:

11 (1) a notice that a person is subject to prosecution
12 for perjury under Chapter 37, Penal Code, or Section 63.0013 for a
13 false statement or false information on the declaration;

14 (2) a statement that the voter swears or affirms that
15 the information contained in the declaration is true, that the
16 person described in the declaration is the same person appearing at
17 the polling place to sign the declaration, and that the voter faces
18 a reasonable impediment to procuring the identification prescribed
19 by Subsection (b)(1);

20 (3) a place for the voter to indicate one of the
21 following impediments:

22 (A) lack of transportation;

23 (B) lack of birth certificate or other documents
24 needed to obtain the identification prescribed by Subsection
25 (b)(1);

26 (C) work schedule;

27 (D) lost or stolen identification;

1 (E) disability or illness;

2 (F) family responsibilities; and

3 (G) the identification prescribed by Subsection
4 (b)(1) has been applied for but not received;

5 (4) a place for the voter to sign and date the
6 declaration;

7 (5) a place for the election judge to sign and date the
8 declaration;

9 (6) a place to note the polling place at which the
10 declaration is signed; and

11 (7) a place for the election judge to note which form
12 of identification prescribed by Subsection (b)(2) the voter
13 presented.

14 SECTION 3. Chapter 63, Election Code, is amended by adding
15 Section 63.0013 to read as follows:

16 Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE
17 IMPEDIMENT. (a) A person commits an offense if the person
18 intentionally makes a false statement or provides false information
19 on a declaration executed under Section 63.001(i).

20 (b) An offense under this section is a felony of the third
21 degree.

22 SECTION 4. Section 63.004(a), Election Code, is amended to
23 read as follows:

24 (a) The secretary of state may prescribe forms that combine
25 the poll list, the signature roster, or any other form used in
26 connection with the acceptance of voters at polling places with
27 each other or with the list of registered voters. The secretary

1 shall prescribe any special instructions necessary for using the
2 combination forms. The combination forms must include space for an
3 election officer to indicate whether a voter executed a declaration
4 of reasonable impediment under Section 63.001(i).

5 SECTION 5. Section 63.0101, Election Code, is amended to
6 read as follows:

7 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

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

10 (1) a driver's license, election identification
11 certificate, or personal identification card issued to the person
12 by the Department of Public Safety that has not expired or that
13 expired no earlier than two years [~~60 days~~] before the date of
14 presentation;

15 (2) a United States military identification card that
16 contains the person's photograph that has not expired or that
17 expired no earlier than two years [~~60 days~~] before the date of
18 presentation;

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

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

24 (5) a license to carry a handgun issued to the person
25 by the Department of Public Safety that has not expired or that
26 expired no earlier than two years [~~60 days~~] before the date of
27 presentation.

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

3 (1) a government document that shows the name and
4 address of the voter, including the voter's voter registration
5 certificate;

6 (2) one of the following documents that shows the name
7 and address of the voter:

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

9 (B) a bank statement;

10 (C) a government check; or

11 (D) a paycheck; or

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

15 (c) A person 70 years of age or older may use a form of
16 identification listed in Subsection (a) that has expired for the
17 purposes of voting if the identification is otherwise valid.

18 SECTION 6. Section [272.011](#)(b), Election Code, is amended to
19 read as follows:

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

23 (1) voter registration application form required by
24 Section [13.002](#);

25 (2) the confirmation form required by Section [15.051](#);

26 (3) the voting instruction poster required by Section
27 [62.011](#);

1 (4) the reasonable impediment declaration required by
2 Section 63.001(b);

3 (5) the statement of residence form required by
4 Section 63.0011;

5 (6) [~~(5)~~] the provisional ballot affidavit required
6 by Section 63.011;

7 (7) [~~(6)~~] the application for a ballot by mail
8 required by Section 84.011;

9 (8) [~~(7)~~] the carrier envelope and voting
10 instructions required by Section 86.013; and

11 (9) [~~(8)~~] any other voter forms that the secretary of
12 state identifies as frequently used and for which state resources
13 are otherwise available.

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

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

21 (1) who is a registered voter in this state and
22 presents a valid voter registration certificate; or

23 (2) who is eligible for registration under Section
24 13.001, Election Code, and submits a registration application to
25 the department.

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