

1-1 By: Huffman, et al. S.B. No. 5  
 1-2 (In the Senate - Filed February 21, 2017;  
 1-3 February 22, 2017, read first time and referred to Committee on  
 1-4 State Affairs; March 14, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 March 14, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 5 By: Huffman

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to requiring a voter to present proof of identification;  
 1-22 providing a criminal penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 31, Election Code, is  
 1-25 amended by adding Section 31.013 to read as follows:

1-26 Sec. 31.013. MOBILE LOCATIONS FOR OBTAINING  
 1-27 IDENTIFICATION. (a) The secretary of state shall establish a  
 1-28 program using mobile units to provide election identification  
 1-29 certificates to voters for the purpose of satisfying the  
 1-30 requirements of Section 63.001(b). A mobile unit may be used at  
 1-31 special events or at the request of a constituent group.

1-32 (b) In establishing the program, the secretary of state  
 1-33 shall consult with the Department of Public Safety on the creation  
 1-34 of the program, security relating to the issuance of an election  
 1-35 identification certificate, best practices in issuing an election  
 1-36 identification certificate, and equipment required to issue an  
 1-37 election identification certificate.

1-38 (c) The secretary of state may not charge a fee to a group  
 1-39 that requests a mobile unit established under this section.

1-40 (d) If the secretary of state cannot ensure the required  
 1-41 security or other necessary elements of the program, the secretary  
 1-42 of state may deny a request for a mobile unit established under this  
 1-43 section.

1-44 (e) The secretary of state shall adopt rules necessary for  
 1-45 the implementation of this section.

1-46 SECTION 2. Section 63.001, Election Code, is amended by  
 1-47 amending Subsections (b), (d), and (e) and adding Subsection (i) to  
 1-48 read as follows:

1-49 (b) Except as provided by Subsection (h), on offering to  
 1-50 vote, a voter must present to an election officer at the polling  
 1-51 place:

1-52 (1) one form of photo identification listed in  
 1-53 ~~[described by]~~ Section 63.0101(a); or

1-54 (2) one form of identification listed in Section  
 1-55 63.0101(b) accompanied by the declaration described by Subsection  
 1-56 (i) ~~[63.0101]~~.

1-57 (d) If, as determined under Subsection (c), the voter's name  
 1-58 is on the precinct list of registered voters and the voter's  
 1-59 identity can be verified from the documentation presented under  
 1-60 Subsection (b), the voter shall be accepted for voting. An election

2-1 officer may not question the reasonableness of an impediment sworn  
2-2 to by a voter in a declaration described by Subsection (i).

2-3 (e) On accepting a voter, an election officer shall indicate  
2-4 beside the voter's name on the list of registered voters that the  
2-5 voter is accepted for voting. If the voter executes a declaration  
2-6 of reasonable impediment to meet the requirement for identification  
2-7 under Subsection (b), the election officer must affix the voter's  
2-8 voter registration number to the declaration either in numeric or  
2-9 bar code form.

2-10 (i) If the requirement for identification prescribed by  
2-11 Subsection (b)(1) is not met, an election officer shall notify the  
2-12 voter that the voter may be accepted for voting if the voter meets  
2-13 the requirement for identification prescribed by Subsection (b)(2)  
2-14 and executes a declaration declaring the voter has a reasonable  
2-15 impediment to meeting the requirement for identification  
2-16 prescribed by Subsection (b)(1). A person is subject to  
2-17 prosecution for perjury under Chapter 37, Penal Code, or Section  
2-18 63.0013 for a false statement or false information on the  
2-19 declaration. The secretary of state shall prescribe the form of the  
2-20 declaration. The form shall include:

2-21 (1) a notice that a person is subject to prosecution  
2-22 for perjury under Chapter 37, Penal Code, or Section 63.0013 for a  
2-23 false statement or false information on the declaration;

2-24 (2) a statement that the voter swears or affirms that  
2-25 the information contained in the declaration is true, that the  
2-26 person described in the declaration is the same person appearing at  
2-27 the polling place to sign the declaration, and that the voter faces  
2-28 a reasonable impediment to procuring the identification prescribed  
2-29 by Subsection (b)(1);

2-30 (3) a place for the voter to indicate one of the  
2-31 following impediments:

2-32 (A) lack of transportation;

2-33 (B) lack of birth certificate or other documents  
2-34 needed to obtain the identification prescribed by Subsection  
2-35 (b)(1);

2-36 (C) work schedule;

2-37 (D) lost or stolen identification;

2-38 (E) disability or illness;

2-39 (F) family responsibilities; and

2-40 (G) the identification prescribed by Subsection  
2-41 (b)(1) has been applied for but not received;

2-42 (4) a place for the voter to sign and date the  
2-43 declaration;

2-44 (5) a place for the election judge to sign and date the  
2-45 declaration;

2-46 (6) a place to note the polling place at which the  
2-47 declaration is signed; and

2-48 (7) a place for the election judge to note which form  
2-49 of identification prescribed by Subsection (b)(2) the voter  
2-50 presented.

2-51 SECTION 3. Chapter 63, Election Code, is amended by adding  
2-52 Section 63.0013 to read as follows:

2-53 Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE  
2-54 IMPEDIMENT. (a) A person commits an offense if the person  
2-55 knowingly makes a false statement or provides false information on  
2-56 a declaration executed under Section 63.001(i).

2-57 (b) An offense under this section is a felony of the third  
2-58 degree.

2-59 SECTION 4. Section 63.004(a), Election Code, is amended to  
2-60 read as follows:

2-61 (a) The secretary of state may prescribe forms that combine  
2-62 the poll list, the signature roster, or any other form used in  
2-63 connection with the acceptance of voters at polling places with  
2-64 each other or with the list of registered voters. The secretary  
2-65 shall prescribe any special instructions necessary for using the  
2-66 combination forms. The combination forms must include space for an  
2-67 election officer to indicate whether a voter executed a declaration  
2-68 of reasonable impediment under Section 63.001(i).

2-69 SECTION 5. Section 63.0101, Election Code, is amended to

3-1 read as follows:

3-2 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

3-3 (a) The following documentation is an acceptable form of photo

3-4 identification under this chapter:

3-5 (1) a driver's license, election identification

3-6 certificate, or personal identification card issued to the person

3-7 by the Department of Public Safety that has not expired or that

3-8 expired no earlier than 60 days before the date of presentation;

3-9 (2) a United States military identification card that

3-10 contains the person's photograph that has not expired or that

3-11 expired no earlier than 60 days before the date of presentation;

3-12 (3) a United States citizenship certificate issued to

3-13 the person that contains the person's photograph;

3-14 (4) a United States passport issued to the person that

3-15 has not expired or that expired no earlier than 60 days before the

3-16 date of presentation; or

3-17 (5) a license to carry a handgun issued to the person

3-18 by the Department of Public Safety that has not expired or that

3-19 expired no earlier than 60 days before the date of presentation.

3-20 (b) The following documentation is acceptable as proof of

3-21 identification under this chapter:

3-22 (1) a government document that shows the name and

3-23 address of the voter, including the voter's voter registration

3-24 certificate;

3-25 (2) one of the following documents that shows the name

3-26 and address of the voter:

3-27 (A) a copy of a current utility bill;

3-28 (B) a bank statement;

3-29 (C) a government check; or

3-30 (D) a paycheck; or

3-31 (3) a certified copy of a domestic birth certificate

3-32 or other document confirming birth that is admissible in a court of

3-33 law and establishes the person's identity.

3-34 (c) A person 70 years of age or older may use a form of

3-35 identification listed in Subsection (a) that has expired for the

3-36 purposes of voting if the identification is otherwise valid.

3-37 SECTION 6. Section 272.011(b), Election Code, is amended to

3-38 read as follows:

3-39 (b) The secretary of state shall prepare the translation for

3-40 election materials required to be provided in a language other than

3-41 English or Spanish for the following state prescribed voter forms:

3-42 (1) voter registration application form required by

3-43 Section 13.002;

3-44 (2) the confirmation form required by Section 15.051;

3-45 (3) the voting instruction poster required by Section

3-46 62.011;

3-47 (4) the reasonable impediment declaration required by

3-48 Section 63.001(b);

3-49 (5) the statement of residence form required by

3-50 Section 63.0011;

3-51 (6) ~~(5)~~ the provisional ballot affidavit required

3-52 by Section 63.011;

3-53 (7) ~~(6)~~ the application for a ballot by mail

3-54 required by Section 84.011;

3-55 (8) ~~(7)~~ the carrier envelope and voting

3-56 instructions required by Section 86.013; and

3-57 (9) ~~(8)~~ any other voter forms that the secretary of

3-58 state identifies as frequently used and for which state resources

3-59 are otherwise available.

3-60 SECTION 7. Section 521A.001(a), Transportation Code, is

3-61 amended to read as follows:

3-62 (a) The department shall issue an election identification

3-63 certificate to a person who states that the person is obtaining the

3-64 certificate for the purpose of satisfying Section 63.001(b),

3-65 Election Code, and does not have another form of identification

3-66 described by Section 63.0101(a) ~~[63.0101]~~, Election Code, and:

3-67 (1) who is a registered voter in this state and

3-68 presents a valid voter registration certificate; or

3-69 (2) who is eligible for registration under Section

4-1 13.001, Election Code, and submits a registration application to  
4-2 the department.

4-3 SECTION 8. This Act takes effect January 1, 2018.

4-4 \* \* \* \* \*