

By: Fallon

S.B. No. 1926

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the procedures for accepting certain voters without  
3 photo identification; providing for additional elements and  
4 prosecutorial authority to related offenses.

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

6 SECTION 1. Sections 63.001(b), (d), (e), (f), and (i),  
7 Election Code, are amended to read as follows:

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

11 (1) one form of photo identification listed in Section  
12 63.0101(a); or

13 (2) one form of identification listed in Section  
14 63.0101(b) accompanied by the affidavit [~~declaration~~] described by  
15 Subsection (i).

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

23 (e) On accepting a voter, an election officer shall indicate  
24 beside the voter's name on the list of registered voters that the

1 voter is accepted for voting. If the voter executes a [~~declaration~~  
2 ~~of~~] reasonable impediment affidavit to meet the requirement for  
3 identification under Subsection (b), the election officer must  
4 affix the voter's voter registration number to the affidavit  
5 [~~declaration~~] either in numeric or bar code form.

6 (f) After determining whether to accept a voter, an election  
7 officer shall return the voter's documentation to the voter. The  
8 election officer may make photographic evidence of the voter's  
9 documentation before returning it to the voter.

10 (i) If the requirement for identification prescribed by  
11 Subsection (b)(1) is not met, an election officer shall notify the  
12 voter that the voter may be accepted for provisional voting only  
13 under Section 63.011 if the voter meets the requirement for  
14 identification prescribed by Subsection (b)(2) and executes an  
15 affidavit swearing [~~a declaration declaring~~] the voter has a  
16 reasonable impediment to meeting the requirement for  
17 identification prescribed by Subsection (b)(1). An election  
18 officer shall indicate on the envelope in which the voter's  
19 provisional ballot is placed that the voter was accepted for voting  
20 under this subsection. A person is subject to prosecution for  
21 perjury under Chapter 37, Penal Code, or Section 63.0013 for a false  
22 statement or false information on the affidavit. The election  
23 officer shall orally notify the voter that the voter may be  
24 prosecuted for a crime if the voter's claims are not true or the  
25 voter has been issued a form of identification listed in Section  
26 63.0101(a) if the impediment indicated by the voter is an  
27 impediment other than described by Subdivision (3)(D)

1 [~~declaration~~]. The secretary of state shall prescribe the form of  
2 the affidavit [~~declaration~~]. The form shall include:

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

6 (2) a statement that the voter swears or affirms that  
7 the information contained in the declaration is true, that the  
8 person described in the declaration is the same person appearing at  
9 the polling place to sign the declaration, and that the voter faces  
10 a reasonable impediment to procuring the identification prescribed  
11 by Subsection (b)(1);

12 (3) a place for the voter to indicate one of the  
13 following impediments:

14 (A) lack of transportation;

15 (B) lack of birth certificate or other documents  
16 needed to obtain the identification prescribed by Subsection  
17 (b)(1);

18 (C) work schedule;

19 (D) lost or stolen identification;

20 (E) disability or illness;

21 (F) family responsibilities; and

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

24 (4) a place for the voter to sign and date the  
25 declaration;

26 (5) a place for the election judge to sign and date the  
27 declaration;

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

3           (7) a place for the election judge to note which form  
4 of identification prescribed by Subsection (b)(2) the voter  
5 presented.

6           SECTION 2. Section 63.0013, Election Code, as added by  
7 Chapter 410 (S.B. 5), Acts of the 85th Legislature, Regular  
8 Session, 2017, is amended to read as follows:

9           Sec. 63.0013. FALSE STATEMENT ON [~~DECLARATION OF~~  
10 REASONABLE IMPEDIMENT AFFIDAVIT. (a) A person commits an offense  
11 if the person intentionally makes a false statement or provides  
12 false information on an affidavit [~~a declaration~~] executed under  
13 Section 63.001(i) or encourages or enables another to do so.

14           (b) An offense under this section is a state jail felony.

15           SECTION 3. Section 63.004(a), Election Code, is amended to  
16 read as follows:

17           (a) The secretary of state may prescribe forms that combine  
18 the poll list, the signature roster, or any other form used in  
19 connection with the acceptance of voters at polling places with  
20 each other or with the list of registered voters. The secretary  
21 shall prescribe any special instructions necessary for using the  
22 combination forms. The combination forms must include space for an  
23 election officer to indicate whether a voter executed a  
24 [~~declaration of~~] reasonable impediment affidavit under Section  
25 63.001(i).

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

1 (a) A person to whom Section 63.001(g) or (i) or 63.009  
2 applies may cast a provisional ballot if the person executes an  
3 affidavit stating that the person:

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

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

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

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

12 (2) a space for an election officer to indicate  
13 whether the person presented a form of identification described by  
14 Section 63.0101(a); and

15 (3) a space for an election officer to indicate  
16 whether the person was accepted for voting under Section 63.001(i)  
17 [63.0101].

18 SECTION 5. Subchapter B, Chapter 65, Election Code, is  
19 amended by adding Section 65.0521 to read as follows:

20 Sec. 65.0521. DUTY OF SECRETARY OF STATE. The secretary of  
21 state shall prescribe procedures to establish a web portal by which  
22 the early voting ballot board of the county in which a provisional  
23 ballot is cast may search information provided to the secretary of  
24 state by the Department of Public Safety to verify that a voter who  
25 was accepted for voting under Section 63.001(i) and cast a  
26 provisional ballot has not been issued identification by the  
27 Department of Public Safety if the impediment indicated by the

1 voter is an impediment other than described by Section  
2 63.001(i)(3)(D).

3 SECTION 6. Section 65.054, Election Code, is amended by  
4 amending Subsection (b) and adding Subsection (e) to read as  
5 follows:

6 (b) A provisional ballot shall be accepted if the board  
7 determines that:

8 (1) from the information in the affidavit or contained  
9 in public records, the person is eligible to vote in the election  
10 and has not previously voted in that election;

11 (2) the person:

12 (A) meets the identification requirements of  
13 Section 63.001(b)(1) [~~63.001(b)~~] at the time the ballot was cast or  
14 in the period prescribed under Section 65.0541 or meets the  
15 identification requirements of Section 63.001(b)(2) at the time the  
16 ballot was cast and the board verifies the person under Section  
17 65.0521;

18 (B) notwithstanding Chapter 110, Civil Practice  
19 and Remedies Code, executes an affidavit under penalty of perjury  
20 that states the voter has a religious objection to being  
21 photographed and the voter has consistently refused to be  
22 photographed for any governmental purpose from the time the voter  
23 has held this belief; or

24 (C) executes an affidavit under penalty of  
25 perjury that states the voter does not have any identification  
26 meeting the requirements of Section 63.001(b) as a result of a  
27 natural disaster that was declared by the president of the United

1 States or the governor, occurred not earlier than 45 days before the  
2 date the ballot was cast, and caused the destruction of or inability  
3 to access the voter's identification; and

4 (3) the voter has not been challenged and voted a  
5 provisional ballot solely because the voter did not meet the  
6 requirements for identification prescribed by Section [63.001\(b\)\(1\)](#)  
7 [~~[63.001\(b\)](#)~~].

8 (e) If the board determines that a voter who was accepted  
9 for voting under Section [63.001\(i\)](#) and cast a provisional ballot  
10 has been issued identification by the Department of Public Safety  
11 and Subsections (b)(2)(B) and (C) do not apply, the board shall  
12 notify the county or district attorney and the attorney general for  
13 prosecution.

14 SECTION 7. Section [272.011\(b\)](#), Election Code, is amended to  
15 read as follows:

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

19 (1) voter registration application form required by  
20 Section [13.002](#);

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

22 (3) the voting instruction poster required by Section  
23 [62.011](#);

24 (4) the reasonable impediment affidavit [~~declaration~~]  
25 required by Section [63.001\(b\)](#);

26 (5) the statement of residence form required by  
27 Section [63.0011](#);

1           (6) the provisional ballot affidavit required by  
2 Section 63.011;

3           (7) the application for a ballot by mail required by  
4 Section 84.011;

5           (8) the carrier envelope and voting instructions  
6 required by Section 86.013; and

7           (9) any other voter forms that the secretary of state  
8 identifies as frequently used and for which state resources are  
9 otherwise available.

10           SECTION 8. Section 273.021, Election Code, is amended by  
11 adding Subsection (a-1) and amending Subsection (b) to read as  
12 follows:

13           (a-1) The attorney general may prosecute an offense under  
14 Section 63.0013 or an offense of perjury under Chapter 37, Penal  
15 Code, if the offense was committed in relation to voting under  
16 Section 63.001(i).

17           (b) The attorney general may appear before a grand jury in  
18 connection with an offense the attorney general is authorized to  
19 prosecute under Subsection (a) or (a-1).

20           SECTION 9. This Act takes effect September 1, 2019.