87S20231 MCK-D

By:  Martinez H.B. No. 169

A BILL TO BE ENTITLED

AN ACT

relating to the acceptance of a provisional ballot after a natural disaster.

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

SECTION 1.  Section 65.054(b), Election Code, is amended to read as follows:

(b)  A provisional ballot shall be accepted 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 the 60th day [~~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 2.  This Act takes effect on the 91st day after the last day of the legislative session.