87R9714 TSS-D

By:  Hall S.B. No. 1609

A BILL TO BE ENTITLED

AN ACT

relating to proof of identification presented by a voter.

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

SECTION 1.  Section 18.005, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a)  Each original and supplemental list of registered voters must:

(1)  contain the voter's name, date of birth, and registration number as provided by the statewide computerized voter registration list;

(2)  contain the voter's residence address, except as provided by Subsections (b) and (c) or Section 18.0051;

(3)  be arranged alphabetically by voter name; [~~and~~]

(4)  contain the notation required by Section 15.111; and

(5)  contain the voter's photograph if provided to the registrar under an agreement made under Subsection (d).

(d)  A voter registrar shall enter into an agreement with the Department of Public Safety under which a photograph in the database of the Department of Public Safety is provided to the registrar if the photograph is of a registered voter in the county.

SECTION 2.  Sections 63.001(b), (d), and (e), Election Code, are amended to read as follows:

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

[~~(1)~~]  one form of photo identification listed in Section 63.0101(a)[~~; or~~

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

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

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

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

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

SECTION 4.  Section 63.0101(a), Election Code, is amended to read as follows:

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

(1)  a driver's license, election identification certificate, or personal identification card issued to the voter [~~person~~] by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation;

(2)  a United States military identification card that contains the voter's [~~person's~~] photograph that has not expired or that expired no earlier than four years before the date of presentation;

(3)  a United States citizenship certificate issued to the voter [~~person~~] that contains the voter's [~~person's~~] photograph;

(4)  a United States passport book or card issued to the voter [~~person~~] that has not expired or that expired no earlier than four years before the date of presentation; [~~or~~]

(5)  a license to carry a handgun issued to the voter [~~person~~] by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of presentation;

(6)  an official Native American identification card or tribal document that:

(A)  contains the voter's photograph and address; and

(B)  is issued by a tribal organization or by a tribe that is federally recognized and located in this state; or

(7)  an identification card issued by an institution of higher education located in this state that contains the voter's photograph and identifies the voter as a citizen of the United States.

SECTION 5.  Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  An early voting ballot application must include:

(1)  the applicant's name and the address at which the applicant is registered to vote;

(1-a)  a photograph or copy of a form of photo identification listed in Section 63.0101(a);

(2)  for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3)  for an application for a ballot to be voted by mail on the ground of age or disability, the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

(4)  for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5)  for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and

(6)  an indication of the ground of eligibility for early voting.

(c)  Section 63.0101(c) applies to documentation provided under this section.

SECTION 6.  Section 84.011(a), Election Code, is amended to read as follows:

(a)  The officially prescribed application form for an early voting ballot must include:

(1)  immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2)  a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3)  spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(4)  on an application for a ballot to be voted by mail:

(A)  a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B)  a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C)  a space for entering an applicant's telephone number, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D)  a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E)  a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;

(F)  a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G)  spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H)  a statement informing the applicant of the condition prescribed by Section 81.005; [~~and~~]

(I)  a statement informing the applicant of the requirement prescribed by Section 86.003(c); and

(J)  a statement informing the applicant of the requirement that the applicant include a photograph or copy of identification described by Section 84.002(a)(1-a).

SECTION 7.  Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

(f)  If the application does not include a photograph or copy of a form of photo identification listed in Section 63.0101(a), the clerk shall reject the application.

SECTION 8.  Section 272.011(b), Election Code, is amended to read as follows:

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

(1)  voter registration application form required by Section 13.002;

(2)  the confirmation form required by Section 15.051;

(3)  the voting instruction poster required by Section 62.011;

(4)  [~~the reasonable impediment declaration required by Section 63.001(b);~~

[~~(5)~~]  the statement of residence form required by Section 63.0011;

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

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

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

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

SECTION 9.  Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1791 to read as follows:

Sec. 411.1791.  FORM OF NONCITIZEN LICENSE. In adopting the form of a license under Section 411.179(a), the department shall ensure that a license issued to a person who is not a citizen of the United States:

(1)  has a substantially different design from a license issued to a person who is a citizen; and

(2)  displays the word "NONCITIZEN" on both the front and back of the license.

SECTION 10.  Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.1955 to read as follows:

Sec. 411.1955.  EXEMPTION FOR INDIGENT INDIVIDUALS. (a) In this section, "indigent" means a person who is not financially able to afford a fee under this subchapter.

(b)  An indigent individual is entitled to an exemption from the payment of fees for the issuance of an original or renewed license under this subchapter.

(c)  The department shall adopt criteria and a process to determine if an individual is indigent and any other rules or procedures necessary to implement this section.

SECTION 11.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.024132 to read as follows:

Sec. 531.024132.  VOTER IDENTIFICATION ACQUISITION FOR INDIVIDUALS WITH A DISABILITY. (a) The commission shall develop and implement a voter identification acquisition program to assist an individual with a disability who is registered to vote in obtaining an original, renewal, or duplicate form of photo identification listed in Section 63.0101(a), Election Code, by:

(1)  providing the individual with transportation to the office of a state or federal agency; or

(2)  coordinating with an employee of a state or federal agency to transport the employee to the individual's home or another location convenient to the individual.

(b)  The commission may adopt rules necessary to implement this section.

SECTION 12.  Subchapter E, Chapter 521, Transportation Code, is amended by adding Section 521.1011 to read as follows:

Sec. 521.1011.  DESIGNATOR ON CERTIFICATE ISSUED TO NONCITIZEN. A personal identification certificate issued to a person who is not a citizen of the United States must:

(1)  have a substantially different design from a personal identification certificate issued to a person who is a citizen; and

(2)  display the word "NONCITIZEN" on both the front and back of the certificate.

SECTION 13.  Subchapter F, Chapter 521, Transportation Code, is amended by adding Section 521.1231 to read as follows:

Sec. 521.1231.  DESIGNATOR ON LICENSE ISSUED TO NONCITIZEN. A driver's license issued to an applicant who is not a citizen of the United States must:

(1)  have a substantially different design from a driver's license issued to a person who is a citizen; and

(2)  display the word "NONCITIZEN" on both the front and back of the license.

SECTION 14.  Subchapter R, Chapter 521, Transportation Code, is amended by adding Section 521.4268 to read as follows:

Sec. 521.4268.  EXEMPTION FOR INDIGENT INDIVIDUALS. (a) In this section, "indigent" means a person who is not financially able to afford a fee under this chapter.

(b)  An indigent individual is entitled to an exemption from the payment of fees under this chapter for the issuance of a driver's license or personal identification certificate.

(c)  The department shall adopt criteria and a process to determine if an individual is indigent and any other rules or procedures necessary to implement this section.

SECTION 15.  The following provisions of the Election Code are repealed:

(1)  Section 63.001(i);

(2)  Section 63.0013; and

(3)  Section 63.0101(b).

SECTION 16.  The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 17.  The changes in law made by this Act apply only to a license to carry a handgun, personal identification certificate, or driver's license issued or renewed on or after the effective date of this Act. A license to carry a handgun, personal identification certificate, or driver's license issued or renewed before the effective date of this Act is governed by the law in effect when the license or certificate was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 18.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.