

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:

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

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

6 [~~(2) one form of identification listed in Section~~
7 ~~63.0101(b) accompanied by the declaration described by Subsection~~
8 ~~(i)~~].

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

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

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

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

1 each other or with the list of registered voters. The secretary
2 shall prescribe any special instructions necessary for using the
3 combination forms. [~~The combination forms must include space for
4 an election officer to indicate whether a voter executed a
5 declaration of reasonable impediment under Section 63.001(i).~~]

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

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

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

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

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

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

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

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

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

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

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

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

14 (a) An early voting ballot application must include:

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

17 (1-a) a photograph or copy of a form of photo
18 identification listed in Section 63.0101(a);

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

23 (3) for an application for a ballot to be voted by mail
24 on the ground of age or disability, the address of the hospital,
25 nursing home or other long-term care facility, or retirement
26 center, or of a person related to the applicant within the second
27 degree by affinity or the third degree by consanguinity, as

1 determined under Chapter 573, Government Code, if the applicant is
2 living at that address and that address is different from the
3 address at which the applicant is registered to vote;

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

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

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

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

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

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

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

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

25 (3) spaces for entering an applicant's voter
26 registration number and county election precinct of registration,
27 with a statement informing the applicant that failure to furnish

1 that information does not invalidate the application; and

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

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

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

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

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

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

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

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

27 (H) a statement informing the applicant of the

1 condition prescribed by Section 81.005; ~~and~~

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

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

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

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

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

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

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

19 (2) the confirmation form required by Section 15.051;

20 (3) the voting instruction poster required by Section
21 62.011;

22 (4) ~~[the reasonable impediment declaration required~~
23 ~~by Section 63.001(b)],~~

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

26 (5) ~~[(6)]~~ the provisional ballot affidavit required
27 by Section 63.011;

1 (6) [~~(7)~~] the application for a ballot by mail
2 required by Section 84.011;

3 (7) [~~(8)~~] the carrier envelope and voting
4 instructions required by Section 86.013; and

5 (8) [~~(9)~~] any other voter forms that the secretary of
6 state identifies as frequently used and for which state resources
7 are otherwise available.

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

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

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

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

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

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

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

26 (c) The department shall adopt criteria and a process to
27 determine if an individual is indigent and any other rules or

1 procedures necessary to implement this section.

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

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

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

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

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

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

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

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

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

27 SECTION 13. Subchapter F, Chapter 521, Transportation Code,

1 is amended by adding Section 521.1231 to read as follows:

2 Sec. 521.1231. DESIGNATOR ON LICENSE ISSUED TO NONCITIZEN.

3 A driver's license issued to an applicant who is not a citizen of
4 the United States must:

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

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

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

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

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

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

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

22 (1) Section 63.001(i);

23 (2) Section 63.0013; and

24 (3) Section 63.0101(b).

25 SECTION 16. The changes in law made by this Act apply only
26 to an application to vote an early voting ballot by mail submitted
27 on or after the effective date of this Act. An application to vote

1 an early voting ballot by mail submitted before the effective date
2 of this Act is governed by the law in effect when the application
3 was submitted, and the former law is continued in effect for that
4 purpose.

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

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