

By: Menéndez, Johnson

S.B. No. 116

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

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

SECTION 1. Section 13.002(i), Election Code, is amended to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must submit:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have ~~[a form of]~~ identification required by Section 63.001(b) in a form described by [acceptable under] Section 63.0101.

SECTION 2. Sections 63.001(b) and (i), 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) (1), (2), or (3) accompanied by the declaration described by Subsection (i);

(3) two forms of identification listed under Section 63.0101(b), including one form that contains the voter's current address; or

(4) two forms of identification listed under Section 63.0101(b)(4) accompanied by the declaration described by Subsection (i).

(i) If the requirement for identification prescribed by Subsection (b)(1) or (3) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by Subsection (b)(2) or (4) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1) or (3). A person is subject to prosecution for perjury under Chapter 37, Penal Code, or under Section 63.0013 for a false statement or false information on the declaration. The secretary of state shall prescribe the form of the declaration. The form shall include:

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

(2) a statement that the voter swears or affirms that the information contained in the declaration is true, that the

1 person described in the declaration is the same person appearing at  
2 the polling place to sign the declaration, and that the voter faces  
3 a reasonable impediment to procuring the identification prescribed  
4 by Subsection (b)(1) or (3);

5 (3) a place for the voter to indicate one of the  
6 following impediments:

7 (A) lack of transportation;

8 (B) lack of birth certificate or other documents  
9 needed to obtain the identification prescribed by Subsection  
10 (b)(1);

11 (C) work schedule;

12 (D) lost or stolen identification;

13 (E) disability or illness;

14 (F) family responsibilities; and

15 (G) the identification prescribed by Subsection  
16 (b)(1) or (3) has been applied for but not received;

17 (4) a place for the voter to sign and date the  
18 declaration;

19 (5) a place for the election judge to sign and date the  
20 declaration;

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

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

26 SECTION 3. Sections [63.0101](#)(a) and (b), Election Code, are  
27 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 tribal document that:

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

and

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

(7) any other official government document issued to the voter and containing the voter's name, address, and photograph.

(b) The following documentation is acceptable as proof of identification under this chapter:

(1) a government document that shows the name and address of the voter, including the voter's voter registration certificate;

(2) one of the following documents that shows the name and address of the voter:

(A) a copy of a current utility bill;

(B) a bank or credit union statement;

(C) a government check; or

(D) a paycheck or pension plan statement; ~~or~~

(3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the voter's ~~[person's]~~ identity; or

(4) two of the following documents issued or delivered to the voter, one of which must contain the name and address of the voter:

(A) a Medicare, Medicaid, or Department of Veterans Affairs identification card or other health insurance identification card;

(B) a Department of Defense identification card;

(C) a social security identification card;

(D) a label on a prescription drug container;

(E) an identity bracelet issued by a hospital or long-term care facility;

(F) a credit or debit card;

(G) an identification card issued by an employer;

1                   (H) a student identification card issued by a  
2 public or private high school or institution of higher education;

3                   (I) a library card;

4                   (J) a Texas Department of Criminal Justice  
5 document indicating release or parole;

6                   (K) a fishing or hunting license;

7                   (L) a lease or mortgage for real property;

8                   (M) a motor vehicle title;

9                   (N) an insurance certificate, policy  
10 declaration, or other document demonstrating proof of insurance;

11                   (O) a letter from a public or private school or  
12 institution of higher education;

13                   (P) a personal check;

14                   (Q) an official Native American tribal document  
15 that is issued by a tribe that is federally recognized and located  
16 in this state;

17                   (R) a blood donor card;

18                   (S) a public transportation card;

19                   (T) a property tax assessment;

20                   (U) a form prescribed by the Internal Revenue  
21 Service;

22                   (V) a letter from a public conservator,  
23 court-appointed guardian, or trustee;

24                   (W) a letter of confirmation of residence, letter  
25 of stay, admission form, or statement of benefits from:

26                   (i) a student residence;

27                   (ii) a nursing home or other long-term care

facility or a retirement center;

(iii) a shelter; or

(iv) a soup kitchen;

(X) a document listed in Subdivision (1), (2), or

(3); or

(Y) another government document containing the  
voter's name.

SECTION 4. Section 63.011(b), Election Code, is amended to  
read as follows:

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

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

(2) a space for an election officer to indicate  
whether the person presented ~~[a form of]~~ identification required by  
Section 63.001(b) in a form described by Section 63.0101.

SECTION 5. Section 65.0541(a), Election Code, is amended to  
read as follows:

(a) A voter who is accepted for provisional voting under  
Section 63.011 because the voter does not meet the identification  
requirements of Section 63.001(b) may, not later than the sixth day  
after the date of the election:

(1) present ~~[a form of]~~ identification required by  
Section 63.001(b) in a form described by Section 63.0101 to the  
voter registrar for examination; or

(2) execute an affidavit described by Section

1 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

2 SECTION 6. Section 86.006(a-1), Election Code, is amended  
3 to read as follows:

4 (a-1) The voter may deliver a marked ballot in person to the  
5 early voting clerk's office only while the polls are open on  
6 election day. A voter who delivers a marked ballot in person must  
7 present identification required by Section 63.001(b) in a [an  
8 ~~acceptable]~~ form ~~[of identification]~~ described by Section 63.0101.

9 SECTION 7. This Act takes effect September 1, 2023.