

BILL ANALYSIS

C.S.H.B. 304
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that under current state law, individuals may obtain a driver's license, commercial driver's license, or personal identification certificate without providing proof of U.S. citizenship and that, while these forms of identification can be used for various purposes, the ability for a voter to use them as photo identification in elections without properly verifying one's eligibility to vote is a potential cause for concern. The bill author has also informed the committee that ensuring only U.S. citizens vote in Texas elections is critical to maintaining election integrity and public confidence in the democratic process. C.S.H.B. 304 seeks to address these issues by providing for a new limited validity for voting designator on driver's licenses, commercial driver's licenses, and personal identification certificates issued to individuals who have not provided proof of U.S. citizenship and by establishing that, if a voter presents a form of identification with such a designator, they must also provide proof of U.S. citizenship to be accepted for voting.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 304 amends the Election Code and Transportation Code to provide for the display of a limited validity for voting designator on a personal identification certificate, driver's license, or commercial driver's license for an applicant who does not provide proof of U.S. citizenship at the time of application for the certificate or license and to provide for the acceptance of a voter who presents such identification displaying the designator.

Limited Validity for Voting Designator

C.S.H.B. 304 requires a personal identification certificate or driver's license issued to a person who does not provide proof of U.S. citizenship at the time the person applies for the personal identification certificate or driver's license to display on the back of the certificate or license a designator reading "VALID FOR VOTING ONLY WITH VERIFICATION OF ELIGIBILITY."

C.S.H.B. 304 requires the Department of Public Safety (DPS) to include on each commercial driver's license issued under the Texas Commercial Driver's License Act to a person who did not provide proof of the person's U.S. citizenship at the time the person applied for the license

a designator displayed on the back of the license reading "VALID FOR VOTING ONLY WITH VERIFICATION OF ELIGIBILITY."

C.S.H.B. 304 requires the electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate to include whether the license or certificate displays a limited validity for voting designator required under the bill's provisions.

Acceptance of a Voter Displaying a Limited Validity for Voting Designator

C.S.H.B. 304 conditions the acceptance of a voter who presents as photo identification a personal identification certificate, driver's license, or commercial driver's license with a limited validity for voting designator on the voter also presenting proof of the voter's U.S. citizenship. The bill authorizes the acceptance of a voter for provisional voting if the voter does not present the proof of citizenship and requires an election officer to do the following with respect to such a voter:

- inform the voter of the voter's right to cast a provisional ballot; and
- provide the voter with written information, in a form prescribed by the secretary of state, that does the following:
 - lists the requirements for identification;
 - states the procedure for presenting identification for applicable provisional ballots;
 - includes a map showing the location where identification must be presented; and
 - includes notice that if all procedures are followed and the voter is found to be eligible to vote and is voting in the correct precinct, the voter's provisional ballot will be accepted.

The bill conditions the acceptance of such a voter for provisional voting on the person executing an affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote and is eligible to vote in the election. The bill authorizes such a voter, not later than the sixth day after the date of the election, to present proof of the voter's U.S. citizenship.

Applicability

C.S.H.B. 304 applies only to a personal identification certificate, driver's license, or commercial driver's license issued or renewed on or after the bill's effective date. A personal identification certificate, driver's license, or commercial driver's license issued or renewed before the bill's effective date is governed by the law in effect when the certificate or license was issued or renewed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

March 1, 2026.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 304 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute require a personal identification certificate or driver's license issued to a person who does not provide proof of U.S. citizenship at the time the person applies for the personal identification certificate or driver's license to display a limited validity for voting designator. However, the substitute specifies that the designator must be displayed on the back of the certificate or license, whereas the introduced did not.

The substitute includes a requirement absent from the introduced for DPS to include on each commercial driver's license issued under the Texas Commercial Driver's License Act to a person

who did not provide proof of the person's U.S. citizenship at the time the person applied for the license a limited validity for voting designator displayed on the back of the license. Accordingly, the substitute expands the applicability of the bill's procedural provision to include a commercial driver's license.

The substitute includes a requirement absent from the introduced for the electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate to include whether the license or certificate displays a limited validity for voting designator.

Both the introduced and the substitute condition the acceptance of a voter who presents as photo identification a personal identification certificate or driver's license with a limited validity for voting designator on the voter also presenting proof of the voter's U.S. citizenship and authorize the acceptance of a such a voter for provisional voting if the voter does not present the proof of citizenship. However, the substitute also conditions the acceptance of a voter who presents as photo identification a commercial driver's license with such a designator on the voter also presenting proof of the voter's U.S. citizenship and authorizes the acceptance of such a voter for provisional voting if the voter does not present the proof of citizenship, whereas the introduced did not.

The substitute changes the bill's effective date from September 1, 2025, as in the introduced, to March 1, 2026.