

By: Fraser, et al.

S.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

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

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

(i) An applicant who wishes to receive an exemption on the basis of disability from the requirements of Section 63.001(b) must include a certification from a physician that the person has a disability as defined by Section 21.002, Labor Code, with the person's application.

SECTION 2. Section 15.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the certification requirements of Section 13.002(i) must contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

SECTION 3. Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

(a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter

1 registration certificate issued under Section 13.142 or renewal  
2 registration certificate issued under Section 14.001.

3 (b) The secretary of state shall prescribe the wording of  
4 the notice to be included on the certificate under this section.

5 SECTION 4. Subsection (a), Section 15.022, Election Code,  
6 is amended to read as follows:

7 (a) The registrar shall make the appropriate corrections in  
8 the registration records, including, if necessary, deleting a  
9 voter's name from the suspense list:

10 (1) after receipt of a notice of a change in  
11 registration information under Section 15.021;

12 (2) after receipt of a voter's reply to a notice of  
13 investigation given under Section 16.033;

14 (3) after receipt of a registration omissions list and  
15 any affidavits executed under Section 63.006 [~~63.007~~], following an  
16 election;

17 (4) after receipt of a voter's statement of residence  
18 executed under Section 63.0011;

19 (5) before the effective date of the abolishment of a  
20 county election precinct or a change in its boundary;

21 (6) after receipt of United States Postal Service  
22 information indicating an address reclassification;

23 (7) after receipt of a voter's response under Section  
24 15.053; or

25 (8) after receipt of a registration application or  
26 change of address under Chapter 20.

27 SECTION 5. Subchapter A, Chapter 31, Election Code, is

1 amended by adding Section 31.012 to read as follows:

2       Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The  
3 secretary of state and the voter registrar of each county that  
4 maintains a website shall provide notice of the identification  
5 requirements for voting prescribed by Chapter 63 on each entity's  
6 respective website in each language in which voter registration  
7 materials are available. The secretary of state shall prescribe  
8 the wording of the notice to be included on the websites.

9       (b) The secretary of state shall conduct a statewide effort  
10 to educate voters regarding the identification requirements for  
11 voting prescribed by Chapter 63.

12       (c) The county clerk of each county shall post in a  
13 prominent location at the clerk's office a physical copy of the  
14 notice prescribed under Subsection (a) in each language in which  
15 voter registration materials are available.

16       SECTION 6. Section 32.111, Election Code, is amended by  
17 adding Subsection (c) to read as follows:

18       (c) The training standards adopted under Subsection (a)  
19 must include provisions on the acceptance and handling of the  
20 identification presented by a voter to an election officer under  
21 Section 63.001.

22       SECTION 7. Subsection (a), Section 32.114, Election Code,  
23 is amended to read as follows:

24       (a) The county clerk shall provide one or more sessions of  
25 training using the standardized training program and materials  
26 developed and provided by the secretary of state under Section  
27 32.111 for the election judges and clerks appointed to serve in

elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The notice and list must be printed using a font that is at least 24-point. The notices required under this section shall be posted separately from all other notices required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Except as provided by Subsection (h), on [On] offering to vote, a voter must present to an election officer at the polling place one form of identification listed in Section 63.0101 [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the documentation [registration certificate] is on the list of registered voters for the precinct. If in determining whether a voter's name is on the

1 list of registered voters the election officer determines that the  
2 voter's name on the documentation is substantially similar but does  
3 not match exactly the name on the list, the voter shall be accepted  
4 for voting as otherwise required by this section if the voter  
5 submits an affidavit stating that the voter is the person on the  
6 list of registered voters.

7 (d) If the voter's name is on the precinct list of  
8 registered voters and the voter's identity can be verified from the  
9 documentation presented under Subsection (b), the voter shall be  
10 accepted for voting.

11 (f) After determining whether to accept a voter, an election  
12 officer shall return the voter's documentation [~~registration~~  
13 ~~certificate~~] to the voter.

14 (g) If the requirements for identification prescribed by  
15 Subsection (b) are not met, the voter may be accepted for  
16 provisional voting only under Section 63.011. For a voter who is  
17 not accepted for voting under this section, an election officer  
18 shall:

19 (1) inform the voter of the voter's right to cast a  
20 provisional ballot under Section 63.011; and

21 (2) provide the voter with written information, in a  
22 form prescribed by the secretary of state, that:

23 (A) lists the requirements for identification;

24 (B) states the procedure for presenting  
25 identification under Section 65.0541;

26 (C) includes a map showing the location where  
27 identification must be presented; and

1                   (D) includes notice that even if all procedures  
2 are followed, there is no guarantee that a provisional ballot will  
3 be accepted.

4           (h) The requirements for identification prescribed by  
5 Subsection (b) do not apply to a voter who presents the voter's  
6 voter registration certificate on offering to vote and:

7                   (1) was 70 years of age or older on January 1, 2012, as  
8 indicated by the date of birth on the voter's voter registration  
9 certificate; or

10                   (2) is disabled and the voter's voter registration  
11 certificate contains the indication described by Section  
12 15.001(c).

13           SECTION 10. Subsection (a), Section 63.0011, Election Code,  
14 is amended to read as follows:

15           (a) Before a voter may be accepted for voting, an election  
16 officer shall ask the voter if the voter's residence address on the  
17 precinct list of registered voters is current and whether the voter  
18 has changed residence within the county. If the voter's address is  
19 omitted from the precinct list under Section 18.005(c), the officer  
20 shall ask the voter if the voter's residence, if [as] listed, on  
21 identification presented by the voter under Section 63.001(b) [the  
22 voter's voter registration certificate] is current and whether the  
23 voter has changed residence within the county.

24           SECTION 11. Chapter 63, Election Code, is amended by adding  
25 Section 63.0012 to read as follows:

26           Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO  
27 CERTAIN VOTERS. (a) An election officer shall distribute written

1 notice of the identification that will be required to vote in  
2 elections held after January 1, 2012, and information on obtaining  
3 identification without a fee under Section 521.422, Transportation  
4 Code, to each voter who, when offering to vote, presents a form of  
5 identification that will not be sufficient for acceptance as a  
6 voter under this chapter beginning with those elections.

7 (b) The secretary of state shall prescribe the wording of  
8 the notice and establish guidelines for distributing the notice.

9 (c) This section expires September 1, 2017.

10 SECTION 12. Section 63.006, Election Code, is amended to  
11 read as follows:

12 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~  
13 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to  
14 vote, presents the documentation required under Section 63.001(b)  
15 ~~[a voter registration certificate indicating that the voter is~~  
16 ~~currently registered in the precinct in which the voter is offering~~  
17 ~~to vote]~~, but whose name is not on the precinct list of registered  
18 voters, shall be accepted for voting if the voter also presents a  
19 voter registration certificate indicating that the voter is  
20 currently registered:

21 (1) in the precinct in which the voter is offering to  
22 vote; or

23 (2) in a different precinct from the one in which the  
24 voter is offering to vote and the voter executes an affidavit  
25 stating that the voter:

26 (A)(i) is a resident of the precinct in which the  
27 voter is offering to vote or is otherwise entitled by law to vote in

1 that precinct; or

2 (ii) was a resident of the precinct in which  
3 the voter is offering to vote at the time the information on the  
4 voter's residence address was last provided to the voter registrar;

5 (B) did not deliberately provide false  
6 information to secure registration in a precinct in which the voter  
7 does not reside; and

8 (C) is voting only once in the election.

9 (b) After the voter is accepted, an election officer shall:

10 (1) indicate beside the voter's name on the poll list  
11 that the voter was accepted under this section; and

12 (2) if applicable, enter on the registration omissions  
13 list the precinct of the voter's registration as indicated by the  
14 voter's registration certificate.

15 SECTION 13. Section 63.009, Election Code, is amended to  
16 read as follows:

17 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.  
18 A [(a) Except as provided by Subsection (b), a] voter who does not  
19 present a voter registration certificate when offering to vote, and  
20 whose name is not on the list of registered voters for the precinct  
21 in which the voter is offering to vote, shall be accepted for  
22 provisional voting if the voter executes an affidavit in accordance  
23 with Section 63.011.

24 ~~[(b) If an election officer can determine from the voter~~  
25 ~~registrar that the person is a registered voter of the county and~~  
26 ~~the person presents proof of identification, the affidavits~~  
27 ~~required by Sections 63.007 and 63.008 are substituted for the~~



~~affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

SECTION 14. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form ~~[as proof]~~ of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not ~~[or a similar document issued to the person by an agency of another state, regardless of whether the license or card has]~~ expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation ~~[form of identification containing the person's photograph that establishes the person's identity];~~

(3) a ~~[birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity,~~

~~[(4)]~~ United States citizenship certificate ~~[papers]~~ issued to the person that contains the person's photograph;

(4) [(5)] a United States passport issued to the person that has not expired or that expired no earlier than 60 days

1 before the date of presentation; or

2 (5) a license to carry a concealed handgun issued to  
3 the person by the Department of Public Safety

4 ~~[(6) official mail addressed to the person by name~~  
5 ~~from a governmental entity;~~

6 ~~[(7) a copy of a current utility bill, bank statement,~~  
7 ~~government check, paycheck, or other government document that shows~~  
8 ~~the name and address of the voter; or~~

9 ~~[(8) any other form of identification prescribed by~~  
10 ~~the secretary of state].~~

11 SECTION 15. Subsections (a) and (b), Section 63.011,  
12 Election Code, are amended to read as follows:

13 (a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009  
14 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person  
15 executes an affidavit stating that the person:

16 (1) is a registered voter in the precinct in which the  
17 person seeks to vote; and

18 (2) is eligible to vote in the election.

19 (b) A form for an affidavit required by this section shall  
20 be printed on an envelope in which the provisional ballot voted by  
21 the person may be placed and must include a space for entering the  
22 identification number of the provisional ballot voted by the person  
23 and a space for an election officer to indicate whether the person  
24 presented a form of identification described by Section 63.0101.

25 The affidavit form may include space for disclosure of any  
26 necessary information to enable the person to register to vote  
27 under Chapter 13. The secretary of state shall prescribe the form

of the affidavit under this section.

SECTION 16. Subsection (b), Section 64.012, Election Code, is amended to read as follows:

(b) An offense under this section is a felony of the second ~~[third]~~ degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony ~~[Class A misdemeanor]~~.

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ 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; and

(2) the person:

(A) meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541; or

(B) executes an affidavit under penalty of perjury stating that:

(i) the voter:

(a) is indigent and is unable to obtain proof of identification without the payment of a fee; or

(b) has a religious objection to being photographed; and

(ii) the voter has not been challenged or required to vote a provisional ballot for any other reason.

1       (e) In this section, "indigent" has the meaning assigned by  
2 Section 51.941(e), Government Code.

3       SECTION 18. Subchapter B, Chapter 65, Election Code, is  
4 amended by adding Section 65.0541 to read as follows:

5       Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
6 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
7 voting under Section 63.011 because the voter does not meet the  
8 identification requirements of Section 63.001(b) may, not later  
9 than the sixth day after the date of the election:

10       (1) present proof of identification described by  
11 Section 63.0101 to the voter registrar for examination; or

12       (2) execute an affidavit described by Section  
13 65.054(b)(2)(B) in the presence of the voter registrar.

14       (b) The secretary of state shall prescribe procedures as  
15 necessary to implement this section.

16       SECTION 19. Section 66.0241, Election Code, is amended to  
17 read as follows:

18       Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4  
19 must contain:

20       (1) the precinct list of registered voters;  
21       (2) the registration correction list;  
22       (3) the registration omissions list;  
23       (4) any statements of residence executed under Section  
24 63.0011; and

25       (5) any affidavits executed under Section 63.006  
26 [63.007] or 63.011.

27       SECTION 20. Section 521.422, Transportation Code, is

1 amended by amending Subsection (a) and adding Subsection (d) to  
2 read as follows:

3 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for  
4 a personal identification certificate is:

- 5 (1) \$15 for a person under 60 years of age;  
6 (2) \$5 for a person 60 years of age or older; and  
7 (3) \$20 for a person subject to the registration  
8 requirements under Chapter 62, Code of Criminal Procedure.

9 (d) The department may not collect a fee for a personal  
10 identification certificate issued to a person who states that the  
11 person is obtaining the personal identification certificate for the  
12 purpose of satisfying Section 63.001(b), Election Code, and:

13 (1) who is a registered voter in this state and  
14 presents a valid voter registration certificate; or

15 (2) who is eligible for registration under Section  
16 13.001, Election Code, and submits a registration application to  
17 the department.

18 SECTION 21. Effective January 1, 2012, Sections 63.007 and  
19 63.008, Election Code, are repealed.

20 SECTION 22. As soon as practicable after the effective date  
21 of this section:

22 (1) the secretary of state shall adopt the training  
23 standards and develop the training materials required to implement  
24 the change in law made by this Act to Section 32.111, Election Code;  
25 and

26 (2) the county clerk of each county shall provide a  
27 session of training under Section 32.114, Election Code, using the

standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 23. The change in law made by this Act applies only to an offense committed on or after January 1, 2012. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 24. State funds disbursed under Chapter 19, Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section expires January 1, 2013.

SECTION 25. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 82nd Legislature.

SECTION 26. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2012.

(b) The changes in law made by Sections 3, 5, 6, 7, 11, 22, and 24 of this Act take effect September 1, 2011.