

By: Hilderbran

H.B. No. 250

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification;  
providing penalties.

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

SECTION 1. Effective September 1, 2011, 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 registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

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

SECTION 2. Section 15.022(a), Election Code, is amended to read as follows:

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

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

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

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

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

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

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

10 (7) after receipt of a voter's response under Section  
11 15.053; or

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

14 SECTION 3. Effective September 1, 2011, Subchapter A,  
15 Chapter 31, Election Code, is amended by adding Section 31.012 to  
16 read as follows:

17 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The  
18 secretary of state and the voter registrar of each county that  
19 maintains a website shall provide notice of the identification  
20 requirements for voting prescribed by Chapter 63 on each entity's  
21 respective website. The secretary of state shall prescribe the  
22 wording of the notice to be included on the websites.

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

26 SECTION 4. Effective September 1, 2011, Section 32.111,  
27 Election Code, is amended by adding Subsection (c) to read as

1 follows:

2 (c) The training standards adopted under Subsection (a)  
3 must include provisions on the acceptance and handling of the  
4 identification presented by a voter to an election officer under  
5 Section 63.001.

6 SECTION 5. Effective September 1, 2011, Section 32.114(a),  
7 Election Code, is amended to read as follows:

8 (a) The county clerk shall provide one or more sessions of  
9 training using the standardized training program and materials  
10 developed and provided by the secretary of state under Section  
11 32.111 for the election judges and clerks appointed to serve in  
12 elections ordered by the governor or a county authority. Each  
13 election judge shall complete the training program. Each election  
14 clerk shall complete the part of the training program relating to  
15 the acceptance and handling of the identification presented by a  
16 voter to an election officer under Section 63.001.

17 SECTION 6. Chapter 62, Election Code, is amended by adding  
18 Section 62.016 to read as follows:

19 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
20 POLLING PLACES. The presiding judge shall post in a prominent place  
21 on the outside of each polling location a list of the acceptable  
22 forms of identification. The notice and list must be printed using  
23 a font that is at least 24-point.

24 SECTION 7. Section 63.001, Election Code, is amended by  
25 amending Subsections (b), (c), (d), and (f) and adding Subsection  
26 (g) to read as follows:

27 (b) On offering to vote, a voter must present to an election

1 officer at the polling place one form of identification listed in  
2 Section 63.0101 [~~the voter's voter registration certificate to an~~  
3 ~~election officer at the polling place~~].

4 (c) On presentation of the documentation required under  
5 Subsection (b) [~~a registration certificate~~], an election officer  
6 shall determine whether the voter's name on the documentation  
7 [~~registration certificate~~] is on the list of registered voters for  
8 the precinct.

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

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

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

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

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

25 (A) lists the requirements for identification;

26 (B) states the procedure under Section 65.0541  
27 for presenting identification;

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

3           (D) includes notice that even if all procedures  
4 are followed, there is no guarantee the voter's provisional ballot  
5 will be accepted.

6           SECTION 8. Section 63.0011(a), Election Code, is amended to  
7 read as follows:

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

17           SECTION 9. Effective September 1, 2011, Chapter 63,  
18 Election Code, is amended by adding Section 63.0012 to read as  
19 follows:

20           Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO  
21 CERTAIN VOTERS. (a) An election officer shall distribute written  
22 notice of the identification that will be required for voting  
23 beginning with elections held after January 1, 2012, and  
24 information on obtaining identification without a fee under Section  
25 521.422, Transportation Code, to each voter who, when offering to  
26 vote, presents a form of identification that will not be sufficient  
27 for acceptance as a voter under this chapter beginning with those

1 elections.

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

4 (c) This section expires September 1, 2013.

5 SECTION 10. Section 63.006, Election Code, is amended to  
6 read as follows:

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

16 (1) in the precinct in which the voter is offering to  
17 vote; or

18 (2) in a different precinct from the one in which the  
19 voter is offering to vote and the voter executes an affidavit  
20 stating that the voter:

21 (A) is a resident of the precinct in which the  
22 voter is offering to vote or is otherwise entitled by law to vote in  
23 that precinct;

24 (B) was a resident of the precinct in which the  
25 voter is offering to vote at the time the information on the voter's  
26 residence address was last provided to the voter registrar;

27 (C) did not deliberately provide false

1 information to secure registration in a precinct in which the voter  
2 does not reside; and

3 (D) is voting only once in the election.

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

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

7 (2) enter the voter's name on the registration  
8 omissions list.

9 SECTION 11. Section 63.009(a), Election Code, is amended to  
10 read as follows:

11 (a) A [~~Except as provided by Subsection (b), a~~] voter who  
12 does not present a voter registration certificate when offering to  
13 vote, and whose name is not on the list of registered voters for the  
14 precinct in which the voter is offering to vote, shall be accepted  
15 for provisional voting if the voter executes an affidavit in  
16 accordance with Section 63.011.

17 SECTION 12. Section 63.0101, Election Code, is amended to  
18 read as follows:

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

22 (1) a driver's license or personal identification card  
23 issued to the person by the Department of Public Safety that has not  
24 expired [~~or a similar document issued to the person by an agency of~~  
25 ~~another state, regardless of whether the license or card has~~  
26 ~~expired~~];

27 (2) a United States military identification card that

1 contains the person's photograph and has not expired [~~form of~~  
2 ~~identification containing the person's photograph that establishes~~  
3 ~~the person's identity~~];

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

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

9 (4) [~~(5)~~] a United States passport issued to the  
10 person that has not expired [~~+~~

11 [~~(6) official mail addressed to the person by name~~  
12 ~~from a governmental entity~~];

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

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

18 SECTION 13. Section 63.011, Election Code, is amended by  
19 amending Subsections (a) and (b) and adding Subsection (b-1) to  
20 read as follows:

21 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or  
22 63.009(a) applies may cast a provisional ballot if the person  
23 executes an affidavit stating that the person:

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

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

27 (b) A form for an affidavit required by this section must

1 ~~[shall]~~ be printed on an envelope in which the provisional ballot  
2 voted by the person may be placed and must include:

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

5           (2) a space for an election officer to indicate  
6 whether the person presented a form of identification described by  
7 Section 63.0101 and the form of identification presented.

8           (b-1) The affidavit form may include space for disclosure of  
9 any necessary information to enable the person to register to vote  
10 under Chapter 13. The secretary of state shall prescribe the form  
11 of the affidavit under this section.

12           SECTION 14. Section 64.012(b), Election Code, is amended to  
13 read as follows:

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

17           SECTION 15. Section 65.054(b), Election Code, is amended to  
18 read as follows:

19           (b) A provisional ballot shall ~~[may]~~ be accepted ~~[only]~~ if  
20 the board determines that, from the information in the affidavit or  
21 contained in public records, the person is eligible to vote in the  
22 election and has not previously voted in that election and the voter  
23 meets the identification requirements of Section 63.001(b) at the  
24 time the ballot was cast or in the period prescribed under Section  
25 65.0541.

26           SECTION 16. Subchapter B, Chapter 65, Election Code, is  
27 amended by adding Section 65.0541 to read as follows:

1       Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
2 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
3 voting under Section 63.011 because the voter does not meet the  
4 identification requirements of Section 63.001(b) may, not later  
5 than the sixth day after the date of the election, present proof of  
6 identification that meets the requirements of Section 63.001(b) to  
7 the voter registrar for examination by the early voting ballot  
8 board.

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

11       SECTION 17. Section 66.0241, Election Code, is amended to  
12 read as follows:

13       Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4  
14 must contain:

- 15           (1) the precinct list of registered voters;  
16           (2) the registration correction list;  
17           (3) the registration omissions list;  
18           (4) any statements of residence executed under Section  
19 63.0011; and  
20           (5) any affidavits executed under Section 63.006  
21 [~~63.007~~] or 63.011.

22       SECTION 18. Section 521.422, Transportation Code, is  
23 amended by amending Subsection (a) and adding Subsection (d) to  
24 read as follows:

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

- 27           (1) \$15 for a person under 60 years of age;

1 (2) \$5 for a person 60 years of age or older; and

2 (3) \$20 for a person subject to the registration  
3 requirements under Chapter 62, Code of Criminal Procedure.

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

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

10 (2) who is eligible for registration under Section  
11 13.001, Election Code, and submits a registration application to  
12 the department.

13 SECTION 19. Sections 63.007, 63.008, and 63.009(b),  
14 Election Code, are repealed.

15 SECTION 20. Effective September 1, 2011:

16 (1) as soon as practicable, the secretary of state  
17 shall adopt the training standards and develop the training  
18 materials required to implement the change in law made by this Act  
19 to Section 32.111, Election Code; and

20 (2) as soon as practicable, the county clerk of each  
21 county shall provide a session of training under Section 32.114,  
22 Election Code, using the standards adopted and materials developed  
23 to implement the change in law made by this Act to Section 32.111,  
24 Election Code.

25 SECTION 21. (a) The change in law made by this Act applies  
26 only to an offense committed on or after January 1, 2012. For  
27 purposes of this section, an offense is committed before January 1,

1 2012, if any element of the offense occurs before that date.

2 (b) An offense committed before January 1, 2012, is covered  
3 by the law in effect when the offense was committed, and the former  
4 law is continued in effect for that purpose.

5 SECTION 22. Effective September 1, 2011, state funds  
6 disbursed under Chapter 19, Election Code, for the purpose of  
7 defraying expenses of the voter registrar's office in connection  
8 with voter registration may also be used for additional expenses  
9 arising out of this Act related to coordinating voter registration  
10 drives or to other activities designed to expand voter  
11 registration. This section expires January 1, 2013.

12 SECTION 23. Except as otherwise provided by this Act, this  
13 Act takes effect January 1, 2012.