

By: Smith of Tarrant

H.B. No. 401

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. Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.007 to read as follows:

Sec. 12.007. TEXAS VOTER IDENTIFICATION CARD. (a) Each voter registrar shall issue Texas voter identification cards to registered voters to be used only for the purpose of meeting the identification requirements of Section 63.001(b). The voter registrar must provide at least one place in the county to accept applications for and issue Texas voter identification cards. The voter registrar may not charge an application fee or a fee for the issuance of a Texas voter identification card.

(b) A person who has a valid driver's license or personal identification card issued to the person by the Department of Public Safety is not eligible for a Texas voter identification card.

(c) The Texas voter identification card issued to a person must:

- (1) be captioned "TEXAS VOTER IDENTIFICATION CARD";
- (2) contain a prominent statement that under Texas law the card is valid only as identification for voting purposes;
- (3) be laminated;
- (4) contain a digital color photograph of the person;

1 and

2 (5) include the following information relating to the
3 person:

4 (A) full legal name;

5 (B) residence address;

6 (C) birth date;

7 (D) date the identification card was issued;

8 (E) sex;

9 (F) height;

10 (G) weight;

11 (H) eye color;

12 (I) the county where the identification card was
13 issued, including a county number to be assigned for each county by
14 the secretary of state; and

15 (J) any other information or identification as
16 required by rule of the secretary of state.

17 (d) The application form for a Texas voter identification
18 card must elicit the information required under Subsection (c) and
19 any other information required by rule of the secretary of state.
20 The application must be signed and sworn to by the applicant.

21 (e) The following information must be presented to and
22 verified by the voter registrar before the voter registrar issues a
23 Texas voter identification card to a person:

24 (1) a photo identification document, or an
25 identification document that includes both the person's full legal
26 name and date of birth;

27 (2) documentation showing the person's date of birth;

1 (3) evidence that the person is registered to vote in
2 this state; and

3 (4) documentation showing the person's name and
4 address of principal residence.

5 (f) A Texas voter identification card remains valid if the
6 person to whom it was issued resides at the same address and remains
7 qualified to vote. A person who changes residence within the state
8 must surrender the card to the voter registrar of the new county of
9 residence and may apply for and receive a Texas voter
10 identification card issued by the new county of residence if the
11 person is otherwise eligible under this section. A person who moves
12 residence outside the state or who ceases to be qualified to vote
13 must surrender the person's Texas voter identification card to the
14 voter registrar who issued the card.

15 (g) The secretary of state shall provide each voter
16 registrar with the necessary equipment, forms, supplies, and
17 training for the production of the Texas voter identification cards
18 and shall maintain the equipment.

19 (h) The secretary of state shall adopt rules for the
20 administration of this section.

21 SECTION 2. Effective January 1, 2012, Section 63.001,
22 Election Code, is amended by amending Subsections (b), (c), (d),
23 and (f) and adding Subsection (g) to read as follows:

24 (b) On offering to vote, a voter must present one form of
25 identification listed in Section 63.0101 [~~the voter's voter~~
26 ~~registration certificate~~] to an election officer at the polling
27 place.

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

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

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

13 (g) A voter shall be accepted for provisional voting only
14 under Section 63.011 if the requirement for identification
15 prescribed by Subsection (b) is not met.

16 SECTION 3. Effective January 1, 2012, Section 63.007,
17 Election Code, is amended to read as follows:

18 Sec. 63.007. VOTER WITH REQUIRED DOCUMENTATION [INCORRECT
19 CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to
20 vote, presents the documentation required under Section 63.001 [a
21 voter registration certificate indicating that the voter is
22 currently registered in a different precinct from the one in which
23 the voter is offering to vote], and whose name is not on the
24 precinct list of registered voters, shall be accepted for voting if
25 the voter presents a voter registration certificate indicating that
26 the voter is currently registered:

27 (1) in the precinct in which the voter is offering to

1 vote; or

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

5 (A) [~~(1)~~] is a resident of the precinct in which
6 the voter is offering to vote or is otherwise entitled by law to
7 vote in that precinct;

8 (B) [~~(2)~~] was a resident of the precinct in which
9 the voter is offering to vote at the time that information on the
10 voter's residence address was last provided to the voter registrar;

11 (C) [~~(3)~~] did not deliberately provide false
12 information to secure registration in a precinct in which the voter
13 does not reside; and

14 (D) [~~(4)~~] is voting only once in the election.

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

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

18 (2) enter on the registration omissions list the
19 precinct of the voter's registration as indicated by the voter's
20 registration certificate.

21 SECTION 4. Section 63.009(a), Election Code, is amended to
22 read as follows:

23 (a) A [~~Except as provided by Subsection (b), a~~] voter who
24 does not present a voter registration certificate when offering to
25 vote, and whose name is not on the list of registered voters for the
26 precinct in which the voter is offering to vote, shall be accepted
27 for provisional voting if the voter executes an affidavit in

1 accordance with Section 63.011.

2 SECTION 5. Section 63.0101, Election Code, is amended to
3 read as follows:

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

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

13 (2) a United States military identification card that
14 contains the person's photograph [~~form of identification~~
15 ~~containing the person's photograph that establishes the person's~~
16 ~~identity~~];

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

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

22 (4) [~~(5)~~] a United States passport issued to the
23 person;

24 (5) a license to carry a concealed handgun issued to
25 the person by the Department of Public Safety that contains the
26 person's photograph;

27 (6) a student identification card issued by a public

1 or private institution of higher education that contains the
2 person's photograph [~~official mail addressed to the person by name~~
3 ~~from a governmental entity~~];

4 (7) a valid identification card that contains the
5 person's photograph and is issued by:

6 (A) an agency or institution of the federal
7 government;

8 (B) an agency, institution, or political
9 subdivision of this state; or

10 (C) a tribal organization; or

11 (8) a Texas voter identification card issued under
12 Section 12.007 [~~copy of a current utility bill, bank statement,~~
13 ~~government check, paycheck, or other government document that shows~~
14 ~~the name and address of the voter; or~~

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

17 SECTION 6. Effective January 1, 2012, Sections 63.011(a)
18 and (b), Election Code, are amended to read as follows:

19 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or
20 63.009(a) applies may cast a provisional ballot if the person
21 executes an affidavit stating that the person:

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

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

25 (b) A form for an affidavit required by this section must
26 [~~shall~~] be printed on an envelope in which the provisional ballot
27 voted by the person may be placed and must include a space for

1 entering the identification number of the provisional ballot voted
2 by the person and a space for an election officer to indicate
3 whether the person presented proof of identification as required by
4 Section 63.001(b). The affidavit form may include space for
5 disclosure of any necessary information to enable the person to
6 register to vote under Chapter 13. The secretary of state shall
7 prescribe the form of the affidavit under this section.

8 SECTION 7. Effective January 1, 2012, Section 65.054(b),
9 Election Code, is amended to read as follows:

10 (b) A provisional ballot may be accepted only if:

11 (1) the board determines that, from the information in
12 the affidavit or contained in public records, the person is
13 eligible to vote in the election and has not previously voted in
14 that election; and

15 (2) the voter presents proof of identification as
16 required by Section 63.001(b):

17 (A) at the time the ballot was cast; or

18 (B) in the period prescribed under Section
19 65.0541.

20 SECTION 8. Effective January 1, 2012, Subchapter B, Chapter
21 65, Election Code, is amended by adding Section 65.0541 to read as
22 follows:

23 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
24 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
25 voting under Section 63.011 because the voter does not present
26 proof of identification as required by Section 63.001(b) may, not
27 later than the seventh business day after the date of the election,

1 present proof of identification to the voter registrar for
2 examination by the early voting ballot board.

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

5 SECTION 9. Effective January 1, 2012, Section 521.422,
6 Transportation Code, is amended by amending Subsection (a) and
7 adding Subsection (d) to read as follows:

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

- 10 (1) \$15 for a person under 60 years of age;
11 (2) \$5 for a person 60 years of age or older; and
12 (3) \$20 for a person subject to the registration
13 requirements under Chapter 62, Code of Criminal Procedure.

14 (d) The department may not collect a fee for a personal
15 identification certificate issued to a person who:

- 16 (1) executes an affidavit stating that the person:
17 (A) is obtaining the personal identification
18 certificate for the purpose of satisfying Section 63.001(b),
19 Election Code; and
20 (B) does not have another form of identification
21 acceptable under Section 63.0101, Election Code; and

- 22 (2) is:
23 (A) a registered voter in this state and presents
24 a valid voter registration certificate; or
25 (B) eligible for registration under Section
26 13.001, Election Code, and submits a registration application to
27 the department.

1 SECTION 10. Effective January 1, 2012, Sections 63.006,
2 63.008, and 63.009(b), Election Code, are repealed.

3 SECTION 11. As soon as practicable after September 1, 2011,
4 the secretary of state shall adopt the rules and training standards
5 and develop the training materials required to implement the change
6 in law made by this Act in adding Section 12.007, Election Code.

7 SECTION 12. Except as otherwise provided by this Act, this
8 Act takes effect September 1, 2011.