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 from the
requirements of Section 63.001(b) on the basis of disability must
include with the person's application:

(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
acceptable under Section 63.0101.

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
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identification other than the registration certificate before being accepted for voting.

SECTION 3. 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 4. Subsection (a), Section 15.022, 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;

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

(4) after receipt of a voter's statement of residence executed under Section 63.0011;
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(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

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

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

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

SECTION 5. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

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

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

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

SECTION 6. Effective September 1, 2011, Section 32.111, Election Code, is amended by adding Subsection (c) to read as
follows:

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

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

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 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 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 list must be printed using a font that is at least 24-point. The notice required under this section must be posted separately from any other notice 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

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(g) and (h) 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 one form of identification described by Section 63.0101 [the voter's voter registration certificate] to an election officer at the polling place.

(c) On presentation of the documentation required under 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 making a determination under this subsection the election officer determines under standards adopted by the secretary of state that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, the voter shall be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

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

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

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

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

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:
   (A) lists the requirements for identification;
   (B) states the procedure for presenting identification under Section 65.0541;
   (C) includes a map showing the location where identification must be presented; and
   (D) 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.

(h) The requirements for identification prescribed by Subsection (b) do not apply to a voter who is disabled and presents the voter's voter registration certificate containing the indication described by Section 15.001(c) on offering to vote.

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

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

SECTION 11. Effective September 1, 2011, Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

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

(c) This section expires September 1, 2017.

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

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

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

(2) in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter:

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

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

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

(D) is voting only once in the election.

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

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

(2) enter the voter’s name on the registration omissions list.

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

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. A [4a. Except as provided by subsection (b), a] voter who does not present a voter registration certificate when offering to vote, and
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whose name is not on the list of registered voters for the precinct
in which the voter is offering to vote, shall be accepted for
provisional voting if the voter executes an affidavit in accordance
with Section 63.011.

[(b) If an election officer can determine from the voter
registrar that the person is a registered voter of the county and
the person presents proof of identification, the affidavit
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 vote is accepted under this subsection, an
election officer shall also indicate beside the voter's name on the
poll list that the vote 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, election identification
certificate, 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;
  [44] United States citizenship certificate [papers]
  issued to the person that contains the person's photograph;
  (4) [45] a United States passport issued to the
  person that has not expired or that expired no earlier than 60 days
  before the date of presentation; or
  (5) a license to carry a concealed handgun issued to
  the person by the Department of Public Safety that has not expired
  or that expired no earlier than 60 days before the date of
  presentation
  (6) official mail addressed to the person by name
  from a governmental entity;
  (7) a copy of a current utility bill, bank statement,
  government check, paycheck, or other government document that shows
  the name and address of the voter; or
  (8) any other form of identification prescribed by
  the secretary of state].

SECTION 15. Section 63.011, Election Code, is amended by
amending Subsections (a) and (b) and adding Subsection (b-1) to
read as follows:
(a) A person to whom Section 63.001(g) [63.008(b)] or 63.009
[63.009(a)] applies may cast a provisional ballot if the person
executes an affidavit stating that the person:
(1) is a registered voter in the precinct in which the
person seeks to vote; and

(2) is eligible to vote in the election.

(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 described by Section 63.0101.

(b-1) The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote 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. Subsection (b), Section 65.054, Election Code, is amended 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;

(2) the person:
(A) meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541;

(B) notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or

(C) executes an affidavit under penalty of perjury that states the voter does not have any identification meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification; and

(3) the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).
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1 Section 63.0101 to the voter registrar for examination; or
2 (2) execute an affidavit described by Section
3 65.054(b)(2)(B) or (C) in the presence of the voter registrar.
4 (b) The secretary of state shall prescribe procedures as
5 necessary to implement this section.
6 SECTION 19. Section 66.0241, Election Code, is amended to
7 read as follows:
8 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
9 must contain:
10 (1) the precinct list of registered voters;
11 (2) the registration correction list;
12 (3) the registration omissions list;
13 (4) any statements of residence executed under Section
14 63.0011; and
15 (5) any affidavits executed under Section 63.006
16 [63.007] or 63.011.

17 SECTION 20. Subtitle B, Title 7, Transportation Code, is
18 amended by adding Chapter 521A to read as follows:
19 CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE
20 Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE.
21 (a) The department shall issue an election identification
22 certificate to a person who states that the person is obtaining the
23 certificate for the purpose of satisfying Section 63.001(b),
24 Election Code, and does not have another form of identification
25 described by Section 63.0101, Election Code, and:
26 (1) who is a registered voter in this state and
27 presents a valid voter registration certificate; or

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

(b) The department may not collect a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) An election identification certificate may not be used or accepted as a personal identification certificate.

(d) An election officer may not deny the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) An election identification certificate must be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. The department may cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) The department may require each applicant for an original or renewal election identification certificate to furnish to the department the information required by Section 521.142.

(g) The department may cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) A certificate expires on a date specified by the department, except that a certificate issued to a person 70 years of age or older expires on a date specified by the department.
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SECTION 21. Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 22. Effective September 1, 2011:

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

(2) as soon as practicable, the county clerk of each county shall provide a 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 in amending Subsection (b), Section 64.012, Election Code, 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. Effective September 1, 2011, 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
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1 expires January 1, 2013.
2
3 SECTION 25. Every provision in this Act and every
4 application of the provisions in this Act are severable from each
5 other. If any application of any provision in this Act to any
6 person or group of persons or circumstances is found by a court to
7 be invalid, the remainder of this Act and the application of the
8 Act's provisions to all other persons and circumstances may not be
9 affected. All constitutionally valid applications of this Act
10 shall be severed from any applications that a court finds to be
11 invalid, leaving the valid applications in force, because it is the
12 legislature's intent and priority that the valid applications be
13 allowed to stand alone. Even if a reviewing court finds a provision
14 of this Act invalid in a large or substantial fraction of relevant
15 cases, the remaining valid applications shall be severed and
16 allowed to remain in force.
17
18 SECTION 26. Except as otherwise provided by this Act, this
19 Act takes effect January 1, 2012.
President of the Senate

I hereby certify that S.B. No. 14 passed the Senate on January 26, 2011, by the following vote: Yeas 19, Nays 11; April 5, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; April 11, 2011, House granted request of the Senate; May 9, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 19, Nays 12.

Speaker of the House

I hereby certify that S.B. No. 14 passed the House, with amendments, on March 24, 2011, by the following vote: Yeas 101, Nays 48, one present not voting; April 11, 2011, House granted request of the Senate for appointment of Conference Committee; May 16, 2011, House adopted Conference Committee Report by the following vote: Yeas 98, Nays 46, one present not voting.

Secretary of the Senate

Chief Clerk of the House

Approved:

27 MAY '11

Governor

Secretary of State

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BILL ANALYSIS

Senate Research Center

S.B. 14
By: Fraser et al.
Committee of the Whole
8/3/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, to vote a regular ballot, voters are only required to present a voter registration certificate to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on Election Day, it leaves a potential loophole for fraud. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. On Election Day, an election judge must accept a voter if a voter registration certificate is valid, even if the judge suspects that the voter is not the person listed on the certificate.

S.B. 14 amends current law relating to requirements to vote, including presenting proof of identification, and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.002, Election Code, by adding Subsection (i), to require an applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability to include with the person's application written documentation from the United States Social Security Administration evidencing the applicant has been determined to have a disability, or from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent, and a statement in a form prescribed by the secretary of state (SOS) that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 2. Amends Section 15.001, Election Code, by adding Subsection (c), to require that a certificate issued to a voter who meets the certification requirements of Section 13.002(i) 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. Amends Subchapter A, Chapter 15, Election Code, effective September 1, 2011, by adding Section 15.005, as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) Requires the voter registrar of each county (registrar) to provide notice of the identification requirements for voting prescribed by Chapter 63 (Accepting Voter) and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 (Initial Registration Certificate) or renewal registration certificate issued under Section 14.001 (Renewal Registration Certificate).

(b) Requires SOS to prescribe the wording of the notice to be included on the certificate under this section.

SECTION 4. Amends Section 15.022(a), Election Code, as follows:

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

(1)-(2) Makes no changes to these subdivisions;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 (Voter With Correct Certificate Who Is Not On List), rather than Section 63.007 (Voter With Incorrect Certificate Who Is Not On List), following an election; or

(4)-(8) Makes no changes to these subdivisions.

SECTION 5. Amends Subchapter A, Chapter 31, Election Code, effective September 1, 2011, by adding Section 31.012, as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Requires SOS and the registrar of each county that maintains a website to provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website in each language in which voter registration materials are available. Requires SOS to prescribe the wording of the notice to be included on the websites.

(b) Requires SOS to conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

(c) Requires the county clerk of each county to post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

SECTION 6. Amends Section 32.111, Election Code, effective September 1, 2011, by adding Subsection (c), to require that the training standards adopted under Subsection (a) (relating to a requirement that SOS adopt standards of training in election law and procedure for presiding or alternate election judges, develop materials for a standardized curriculum for that training, and distribute the materials to certain entities that hold certain elections) include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure For Accepting Voter).

SECTION 7. Amends Section 32.114(a), Election Code, effective September 1, 2011, to require each election clerk to 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. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

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

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

(b) Requires a voter, except as provided by Subsection (h), on offering to vote, to present to an election officer at the polling place one form of identification described by Section 63.0101 (Documentation Of Proof Of Identification), rather than the voter's voter registration certificate.

(c) Requires an election officer, on presentation of the documentation required under Subsection (b), rather than on presentation of a registration certificate, to determine whether the voter's name on the documentation, rather than on the registration certificate, is on the list of registered voters for the precinct. Requires the voter, if in making a
determination under this subsection the election officer determines under standards adopted by SOS that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, to be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

(d) Requires that the voter be accepted for voting, if, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b).

(f) Requires an election officer, after determining whether to accept a voter, to return the voter's documentation, rather than the voter's registration certificate, to the voter.

(g) Provides that if the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011 (Provisional Voting). Requires an election officer, for a voter who is not accepted for voting under this section, to:

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

(2) provide the voter with written information, in a form prescribed by SOS, that:

(A) lists the requirements for identification,

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

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

(D) 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.

(h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who is disabled and presents the voter's voter registration certificate containing the indication described by Section 15.001(c) on offering to vote.

SECTION 10. Amends Section 63.0011(a), Election Code, to require the election officer, if the voter's address is omitted from the precinct list under Section 18.005(c) (relating to the exclusion, under certain conditions, from the original or supplemental list of registered voters the residence address of a voter who is a federal judge, a state judge, or the spouse of a federal judge or state judge), to ask the voter if the voter's residence, if listed on identification presented by the voter under Section 63.001(b), rather than as listed on the voter's voter registration certificate, is current and whether the voter has changed residence within the county.

SECTION 11. Amends Chapter 63, Election Code, effective September 1, 2011, by adding Section 63.0012, as follows:

Sec. 63.0012 NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) Requires an election officer to distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Chapter 521A, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) Requires SOS to prescribe the wording of the notice and establish guidelines for distributing the notice.
(c) Provides that this section expires on September 1, 2017.

SECTION 12. Amends Section 63.006, Election Code, as follows:

Sec. 63.006. New heading: VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST. (a) Requires a voter who, when offering to vote, presents the documentation required under Section 63.001(b), rather than presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, to be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, or in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter is a resident of the precinct in which the voter is offering to vote and is otherwise entitled by law to vote in that precinct, was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar, did not deliberately provide false information to secure registration in a precinct in which the voter does not reside, and is voting only once in the election.

(b) Requires an election officer, after the voter is accepted, to indicate beside the voter's name on the poll list that the voter was accepted under this section, and enter the voter's name on the registration omissions list.

SECTION 13. Amends Section 63.009, Election Code, as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. Deletes existing Subsection (a) designation. Requires a voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, to be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011, and deletes an exception under existing Subsection (b). Deletes existing Subsection (b) providing that, if an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section, and requiring an election officer, after the voter is accepted under this subsection, to also indicate beside the voter's name on the poll list that the voter was accepted under this section.

SECTION 14. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. Provides that the following documentation is an acceptable form of photo identification under this chapter: a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety (DPS) that has not expired or that expired no earlier than 60 days before the date of presentation; 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; a United States citizenship certificate issued to the person that contains the person's photograph; a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or a license to carry a concealed handgun issued to the person by DPS that has not expired or that expired no earlier than 60 days before the date of presentation. Deletes existing text providing that the following documentation is acceptable as proof of identification under this chapter: a driver's license or personal identification card issued to the person by DPS or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired; a form of identification containing the person's photograph that establishes the person's identity, a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity; United States citizenship papers issued to the person; a United States passport issued to the person; or official mail addressed to the

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person by name from a governmental entity; a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter, or any other form of identification prescribed by SOS.

SECTION 15. Amends Section 63.011, Election Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Authorizes a person to whom Section 63.001(g) or 63.009, rather than Section 63.008(b) or 63.009(a), applies to cast a provisional ballot if the person executes 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.

(b) Requires that a form for an affidavit required by this section be printed on an envelope in which the provisional ballot voted by the person may be placed and include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

(b-1) Creates this subsection from existing text. Makes no further changes to this subsection.

SECTION 16. Amends Section 64.012(b), Election Code, to provide that an offense under this section is a felony of the second, rather than third, degree unless the person is convicted of an attempt, and in that case, the offense is a state jail felony, rather than a Class A misdemeanor.

SECTION 17. Amends Section 65.054(b), Election Code, to require, rather than authorize, that a provisional ballot be accepted if the early voting ballot board (board) determines, rather than only if the board determines, that 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; the person meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541, notwithstanding Chapter 110, Civil Practice and Remedies Code, executes an affidavit under penalty of perjury that states the voter has a religious objection to being photographed and the voter has consistently refused to be photographed for any governmental purpose from the time the voter has held this belief; or executes an affidavit under penalty of perjury that states the voter does not have any identification meeting the requirements of Section 63.001(b) as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than 45 days before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification; and the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

SECTION 18. Amends Subchapter B, Chapter 65, Election Code, by adding Section 65.0541, as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) Authorizes 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) to, not later than the sixth day after the date of the election, present a form of identification described by Section 63.0101 to the voter registrar for examination, or execute an affidavit described by Section 65.054(b)(2)(B) or (C) in the presence of the voter registrar.

(b) Requires SOS to prescribe procedures as necessary to implement this section.

SECTION 19. Amends Section 66.0241, Election Code, to require that Envelope no. 4 contain the precinct list of registered voters, the registration correction list, the registration omissions list, any statements of residence executed under Section 63.0001, and any affidavits executed under Section 63.006 or 63.011, rather than Section 63.007 or 63.011.
SECTION 20. Amends Subtitle B, Title 7, Transportation Code, by adding Chapter 521A, as follows:

CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE. (a) Requires DPS to issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and who is a registered voter in this state and presents a valid voter registration certificate, or who is eligible for registration under Section 13.001, Election Code, and submits a registration application to DPS.

(b) Prohibits DPS from collecting a fee for an election identification certificate or a duplicate election identification certificate issued under this section.

(c) Prohibits an election identification certificate from being used or accepted as a personal identification certificate.

(d) Prohibits an election officer from denying the holder of an election identification certificate the ability to vote because the holder has an election identification certificate rather than a driver's license or personal identification certificate issued under this subtitle.

(e) Requires that an election identification certificate be similar in form to, but distinguishable in color from, a driver's license and a personal identification certificate. Authorizes DPS to cooperate with the secretary of state in developing the form and appearance of an election identification certificate.

(f) Authorizes DPS to require each applicant for an original or renewal election identification certificate to furnish to DPS the information required by Section 521.142.

(g) Authorizes DPS to cancel and require surrender of an election identification certificate after determining that the holder was not entitled to the certificate or gave incorrect or incomplete information in the application for the certificate.

(h) Provides that a certificate expires on a date specified by DPS, except that a certificate issued to a person 70 years of age or older does not expire.


SECTION 22. Provides that, effective September 1, 2011:

(1) as soon as practicable, SOS is required to adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111 (Training Standards For Election Judges), Election Code; and

(2) as soon as practicable, the county clerk of each county is required to provide a session of training under Section 32.114 (Public County Training Program), 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. Provides that the change in law made by this Act in amending Section 64.012(b), Election Code, applies only to an offense committed on or after January 1, 2012. Provides that 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. Provides that 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. Authorizes state funds disbursed under Chapter 19 (Financing Voter Registration), Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration, effective September 1, 2011, to also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. Provides that this section expires January 1, 2013.

SECTION 25. Severability clause.

SECTION 26. Effective date, except as otherwise provided by this Act: January 1, 2012.
TO: Honorable David Dewhurst, Lieutenant Governor, Senate

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB14 by Fraser (Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for SB14, As Passed 2nd House: a negative impact of ($2,024,000) through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

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<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
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<td>2012</td>
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All Funds, Five-Year Impact:

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<tr>
<td>2013</td>
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<td>$0</td>
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<tr>
<td>2016</td>
<td>$0</td>
</tr>
</tbody>
</table>

Fiscal Analysis

The bill would exempt certain disabled voters from presenting additional identification for voting, other than the voter registration certificate, if the voter submits written document from the United States Social Security Administration evidencing the applicant has a disability or the Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent along with a statement that the applicant does not have an acceptable form of identification. The bill would also require voter registration certificates to contain an indication that the disabled voter is exempted from presenting additional identification, other than the voter registration certificate, before being accepted for voting.

The bill would require the voter registrar of each county to provide a notice of identification requirements for voting with each initial voter registration certificate or renewal registration certificate.
issued. The Secretary of State (SOS) and the voter registrar of each county that maintains a website would be required to post on their websites, in each language in which voter registration materials are available, a notice of the identification requirements, and county clerks would be required to post a physical copy in each language voter registration materials are available. SOS would be required to prescribe the wording of these notices. SOS would also be required to establish a statewide effort to educate voters regarding the identification requirements for voting and would be required to include education targets at low-income and minority voters.

The bill would require training standards to include instructions on the acceptance and handling of the identification presented by a voter to an election officer and each election clerk would be required to complete this training.

The presiding judge at each polling place would be required to post in a prominent location outside of the location a list of the acceptable forms of identification and the list would have to be separate from any other notices.

The Secretary of State would be required to develop standards for accepting voters when determining whether the voter’s name on the voter’s form of identification is substantially similar when the name does not match exactly with the name on the list of registered voters and the voter submits an affidavit stating that the voter is the person on the list of registered voters.

The Secretary of State would be required to prescribe the wording for written notifications of the identification requirements for voting beginning with elections held after January 1, 2012 and election officers would be required to provide this written notification of voting identification requirements to voters who do not meet identification requirements. This section would expire September 1, 2017.

The Secretary of State would be required to prescribe procedures for voters who provisionally vote without proper identification to present proof of identification to the voter registrar not later than the sixth day after the date of the election.

The bill would require a temporary license issued by the Department of Public Safety (DPS) to include the photograph of the person to whom the license is issued and would require the temporary license to be issued on the day of application. DPS would be allowed to issue a temporary license without a photograph of the license holder until the applicant has time to appear and be photographed and a license with a photograph is issued.

The Department of Public Safety (DPS) would be prohibited from collecting a fee for a personal identification certificate or a duplicate personal identification certificate issued to a person who states that they are obtaining the personal identification certificate to meet voting identification requirements and does not have another form of acceptable identification and that person meets certain other voter registration criteria.

The bill would repeal Sections 63.007 and 63.008 of the Election Code related to voters with incorrect certificates who are not on the voter list and voters without certificates who are not on the voter list.

The Secretary of State (SOS) would be required to adopt the training standards and to develop training materials as soon as practicable after September 1, 2011. Each county clerk would be required to provide a session of training using the standards adopted by and the materials developed by SOS as soon as practicable as well.

The bill would change an offense under this section after January 1, 2012 to a second degree felony from a third degree felony unless the person is convicted of an attempt, in which case, the offense would be a state jail felony instead of a Class A misdemeanor.

The bill would expand the uses of state funds disbursed under Chapter 19 of the Election Code to include additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section would expire January 1, 2013.
The bill would state that if any provision in the bill is found by a court to be invalid, the remainder of the bill would be allowed to stand alone.

Sections pertaining to providing notice of voter identification requirements, providing voter identification training, providing voter education to the public, and expanding the uses of voter registration funds would be effective September 1, 2011. The remainder of the bill would be effective January 1, 2012.

Methodology

The fiscal impact of the bill excluding technology costs is estimated to be $2,000,000 million for fiscal year 2012 out of the General Revenue Fund. The estimate includes $0.5 million to research and develop ways to inform the public of the new identification requirements. Additional costs are estimated to be $1.5 million for media advertisements: television ($750,000), radio ($300,000), print ($300,000), and internet ($150,000). The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

The Secretary of State would also be required to prescribe the wording for voter identification requirement notifications in each language voter registration materials are available, develop training materials on voter identification requirements, and develop standards for accepting voters when determining whether the voter’s name on the voter’s form of identification is substantially similar to the name on the list of registered voters. It is assumed that any fiscal implication associated with these responsibilities could be absorbed within existing resources.

The fiscal impact of expanding the uses of funds disbursed under Chapter 19 of the Election Code to include coordinating voter registration drives or other activities designed to expand voter registration is unknown because it is not known how many voter registration drives or other activities designed to expand voter registration would occur.

The fiscal impact of the costs and revenue loss from the prohibition of DPS to collect a fee for a personal identification certificate and duplicate personal identification certificate issued to a person seeking the certificate for the purpose of voting is unknown because it is not known how many people would make a request for a personal identification certificate for voting.

Technology

The technology fiscal impact of the bill is estimated to be $24,000 for programming costs associated with creating an indicator on voter registration certificates for voters with certain disabilities. The notification would inform election officers at polling places that voters with certain disabilities are exempted from presenting additional identification other than the voter registration certificate. The Secretary of State indicates that federal funds associated with the Help America Vote Act (HAVA) may be available for use but the agency would first need to verify this with the federal government.

It is assumed that the state’s online portal would need to be modified to allow the Department of Public Safety (DPS) to transmit photographs to be printed on duplicate personal identification certificates. If the DPS and the state's online portal systems are compatible for transmission, it is assumed that the fiscal impact of this could be absorbed within existing resources. If the systems are not compatible, it is assumed there would be additional costs.

Local Government Impact

The bill would require counties to notify registered voters of changes online if the county maintains a website, at polling locations, and included with voter registration certificates. Election clerks would be required to undergo training regarding accepted forms of voter identification. The bill would also require an applicant who wishes to receive an exemption from certain voter identification requirements on the basis of disability to include with the person's application documentation that the applicant has been determined to have a disability.

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Texas Association of Counties (TAC) gathered the following information from counties:

Bexar County stated that due to limited space on current registration certificates, larger cards would be necessary resulting in additional costs of $381,256 for cards, printing and postage. Bexar County also reported costs of $1,500 for providing voter ID informational posters in Spanish and English in 24-point font, and $2,500 in new costs per election regarding printing new forms and provisional envelopes for information for voters not accepted for voting because of failure to present the required identification. Bexar County also anticipates $50,000 in new costs associated with scanning disability affidavits and another $50,000 associated with being required to validate provisional envelopes.

Brazoria County estimated that the county clerk would be responsible $1,500 in new costs to reprint provisional envelopes. The Brazoria County Tax Assessor-Collector anticipates $40,159 in new costs associated with printing provisional envelopes, in addition to the costs of printing new voter information (Brazoria County reported that these costs would vary depending on the specific requirements of the information to be provided).

Tarrant County anticipated a one-time cost of $8,000 to reprint provisional balloting materials and provide new notices.

Comal County anticipated approximately $30,000 in new costs per election for staff at voting precincts and the early voting ballot board. The Comal County Tax Office reported costs of $2,860 to print identification requirements, $22,700 for envelopes, and $19,880 for postage to comply with the provisions of the bill.

Source Agencies: 307 Secretary of State, 313 Department of Information Resources, 405 Department of Public Safety

LBB Staff: JOB, SD, MS, BTA, KKR