By: Denny H.B. No. 1706

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. Section 63.001, Election Code, is amended by

amending Subsections (b), (c), (d), and (f) and adding Subsection

(g) to read as follows:

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

officer at the polling place the voter's voter registration

certificate and either:

(1) one form of identification listed in Section

63.0101(a); or

(2) two different forms of identification listed in

Section 63.0101(b) [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 registration

certificate is on the list of registered voters for the precinct.

(d) If the voter's name is on the precinct list of

registered voters and the voter's identity can be verified from the

proof presented, 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
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Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011.

SECTION 2. Section 63.006(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, 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, shall be accepted for voting if the voter's identity can be verified from the proof presented.

SECTION 3. Section 63.007(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, presents a voter registration certificate indicating that the voter is currently registered in a different precinct from the one in which the voter is offering to vote, and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter's identity can be verified from the proof presented and the voter executes an affidavit stating that the voter:

(1) 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;

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

(3) did not deliberately provide false information to secure registration in a precinct in which the voter does not
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1 reside; and
2 (4) is voting only once in the election.
3 SECTION 4. Section 63.008(a), Election Code, is amended to
4 read as follows:
5 (a) A voter who does not present a voter registration
6 certificate when offering to vote, but whose name is on the list of
7 registered voters for the precinct in which the voter is offering to
8 vote, shall be accepted for voting if the voter executes an
9 affidavit stating that the voter does not have the voter's voter
10 registration certificate in the voter's possession at the polling
11 place at the time of offering to vote and the voter's identity can
12 be verified from the proof presented

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

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
(a) The following documentation is an acceptable form 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
expired or that expired no earlier than two years before the date of
presentation [or a similar document issued to the person by an
agency of another state, regardless of whether the license or card
has expired];

(2) a United States military identification card that
contains the person's photograph [form of identification
containing the person's photograph that establishes the person's

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(3) a valid employee identification card that contains the person’s photograph and is issued by an employer of the person in the ordinary course of the employer’s business; 

(4) a United States citizenship certificate issued to the person that contains the person’s photograph; 

(5) a United States passport issued to the person; 

(6) a student identification card issued by a public or private institution of higher education located in Texas that contains the person’s photograph; or 

(7) a license to carry a concealed handgun issued to the person by the Department of Public Safety.

(b) The following documentation is acceptable as proof of identification under this chapter:

(1) 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; 

(2) official mail addressed to the person by name from a governmental entity; 

(3) a certified copy of 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 papers issued to the person;
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(5) an original or certified copy of the person's marriage license or divorce decree;
(6) court records of the person's adoption, name change, or sex change;
(7) an identification card issued to the person by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
(8) a temporary driving permit issued to the person by the Department of Public Safety;
(9) a pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;
(10) a library card that contains the person's name issued to the person by a public library located in this state; or
(11) a hunting or fishing license issued to a person by the Parks and Wildlife Department [**
(8) any other form of identification prescribed by the secretary of state].

SECTION 6. Section 63.011(a), Election Code, is amended to read as follows:
(a) A person to whom Section 63.001(g), 63.008(b), or 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.
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SECTION 7. Section 521.422, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

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

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

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

(d) The department may not collect a fee for a personal identification certificate issued to a person who executes an affidavit stating that the person is financially unable to pay the required fee and:

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

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

SECTION 8. This Act takes effect September 1, 2005.
TO: Honorable Mary Denny, Chair, House Committee on Elections

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

IN RE: HB1706 by Denny (Relating to requiring a voter to present proof of identification.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB1706, As Introduced: an impact of $0 through the biennium ending August 31, 2007.

General Revenue-Related Funds, Five-Year Impact:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
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<tr>
<td>2006</td>
<td>$0</td>
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<tr>
<td>2007</td>
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<td>2008</td>
<td>$0</td>
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<tr>
<td>2009</td>
<td>$0</td>
</tr>
<tr>
<td>2010</td>
<td>$0</td>
</tr>
</tbody>
</table>

All Funds, Five-Year Impact:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Revenue (Loss) from TEXAS MOBILITY FUND 365</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>$(130,110)</td>
</tr>
<tr>
<td>2007</td>
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<tr>
<td>2010</td>
<td>$(130,110)</td>
</tr>
</tbody>
</table>

Fiscal Analysis

The bill amends Election Code to require a voter to present additional identification items in addition to the voter registration certificate and expands the current list of documentation acceptable as proof of identification. It also amends Transportation Code to allow the Department of Public Safety to issue a personal identification certificate (ID) at no cost to individuals who execute an affidavit stating they are unable to pay the required fee. A resulting revenue loss to the Texas Mobility Fund is anticipated.

Methodology

The estimate is based on the total number of ID holders who were registered to vote in 2004 multiplied by the product of the U.S. Census' estimated population living below the poverty level in Texas multiplied by the $15 cost for original and renewal issuances of a personal IDs.

Local Government Impact
No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 405 Department of Public Safety

**LBB Staff:** JOB, LB, SJ, NR, KJG