A BILL TO BE ENTITLED

AN ACT
relating to the procedures for registering to vote and accepting a voter at a polling place.

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

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

(c) A registration application must include:
(1) the applicant's first name, middle name, if any, last name, and former name, if any;
(2) the month, day, and year of the applicant's birth;
(3) a statement that the applicant is a United States citizen;
(4) a statement that the applicant is a resident of the county;
(5) a statement that the applicant has not been determined mentally incompetent by a final judgment of a court;
(6) a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001;
(7) the applicant's residence address or, if the residence has no address, the address at which the applicant receives mail and a concise description of the location of the applicant's residence;
(8) the following information:

(A) the applicant's Texas driver's license number

or the number of a personal identification card issued by the

Department of Public Safety or a statement by the applicant that the

applicant has not been issued a driver's license or personal

identification card; or

(B) if the applicant has not been issued a number

described by Paragraph (A), the last four digits of the applicant's

social security number or a statement by the applicant that the

applicant has not been issued a social security number;

(9) if the application is made by an agent, a statement

of the agent's relationship to the applicant; [and]

(10) the city and county in which the applicant

formerly resided; and

(11) a copy of a document providing proof that the

applicant is a United States citizen.

(e) The following documentation is acceptable as proof of

citizenship under Subsection (c)(11):

(1) a birth certificate or other document confirming

birth that is admissible in a court of law;

(2) United States citizenship papers issued to the

applicant; or

(3) an unexpired United States passport issued to the

applicant.

SECTION 2. Section 13.121(a), Election Code, is amended to

read as follows:

(a) The officially prescribed application form for
registration by mail must be in the form of [a] business reply mail [postcard], unless another form or system is used under Subsection (b), with postage paid by the state. The secretary of state shall design the form to enhance the legibility of its contents.

SECTION 3. 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 Subsection (b)(1) or (2) are not met, the voter shall be accepted for provisional voting only under Section 63.011.
SECTION 4. Chapter 63, Election Code, is amended by adding
Section 63.0012 to read as follows:

Sec. 63.0012. USE OF ADDRESS ON IDENTIFICATION. (a) This
section applies only to a voter who:

(1) presents a registration certificate;

(2) is on the list of registered voters for the
precinct; and

(3) confirms that the address on the list of
registered voters is current under Section 63.0011.

(b) In verifying the identity of a voter described by
Subsection (a) under Section 63.001, an election officer may not
consider whether the voter's address on a form described by Section
63.001(b)(1) or (2) matches the voter's address on the registration
certificate or the list of registered voters.

SECTION 5. 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 6. 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
reside; and
4. is voting only once in the election.

SECTION 7. Section 63.008(a), Election Code, is amended to
read as follows:

(a) A voter who does not present a voter registration
certificate when offering to vote, but whose name is on the list of
registered voters for the precinct in which the voter is offering to
vote, shall be accepted for voting if the voter executes an
affidavit stating that the voter does not have the voter's voter
registration certificate in the voter's possession at the polling
place at the time of offering to vote and the voter's identity can
be verified from the proof presented [voter presents proof of
identification in a form described by Section 63.0101].

SECTION 8. 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 or the equivalent agency of another state 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 identity];

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

(4) a United States citizenship certificate [papers]
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 that contains the person's photograph [official mail addressed to the person by name from a governmental entity];

(7) a license to carry a concealed handgun issued to the person by the Department of Public Safety;
(8) an identification card issued by a state agency of this state that contains the person's photograph; or

(9) an identification card that contains the person's photograph and is issued by a county elections administrator or a county clerk.

(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;

(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 [or]

(12) any other form of identification prescribed by 
the secretary of state].

c. The commissioners court of a county may authorize the 
county elections administrator or the county clerk, as applicable, 
to issue photo identification cards that may be used as proof of a 
voter’s identification under Subsection (a).

SECTION 9. Sections 63.011(a) and (b), Election Code, are 
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 
exects 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 the affidavit shall be printed on an envelope 
in which the provisional ballot voted by the person may be placed 
and must 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 proof of 
identification as required by Section 63.001(b)(1) or (2).
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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 10. Section 65.054(b), Election Code, is amended to
read as follows:

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

(1) 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

(2) the voter presents proof of identification as
required by Section 63.001(b)(1) or (2):

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

(B) in the period prescribed under Section
65.0541.

SECTION 11. Subchapter B, Chapter 65, Election Code, is
amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
voting under Section 63.011 because the voter does not present
proof of identification as required by Section 63.001(b)(1) or (2)
may submit proof of identification to the voter registrar by
personal delivery or by mail for examination by the early voting
ballot board not later than the fifth day after the date of the
election.

(b) The early voting ballot board shall accept a provisional
ballot under Section 65.054 if the voter:
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(1) presents proof of identification in the manner
required by this section; and

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

(c) The office of the voter registrar shall be open on a
Saturday that falls within the five-day period described by
Subsection (a) for a voter to present identification as provided
under this section.

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

SECTION 12. 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.
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SECTION 13. The change in law made by this Act to Section
13.002, Election Code, applies only to an application for voter
registration that is submitted on or after the effective date of
this Act.

SECTION 14. This Act takes effect September 1, 2007.