By: Fraser S.B. No. 363

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 (h) 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 by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(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;
S.B. No. 363

(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 certified copy of a document providing proof that the applicant is a United States citizen.

(h) 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
S.B. No. 363

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 a form of identification that matches a name on the statewide computerized voter registration list maintained by the secretary of state and contains the voter's photograph [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 form of identification 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
S.B. No. 363

certified to the voter.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter shall be accepted for provisional voting only under Section 63.011.

SECTION 4. 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 of identification presented under Section 63.001(b).

SECTION 5. 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 of identification presented under Section 63.001(b) 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 6. 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 of identification presented under
Section 63.001(b) [voter presents proof of identification in a form
described by Section 63.0101].

SECTION 7. 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
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 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).
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 8. 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 has not previously voted in
that election; and

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

(A) at the time the ballot is cast, or

(B) in the period prescribed under Section
65.0541.

SECTION 9. 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) may submit
proof of identification to the voter registrar by personal delivery.
S.B. No. 363

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:

(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 proof of identification as
provided under this section.

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

SECTION 10. Section 63.0101, Election Code, is repealed.

SECTION 11. 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 12. This Act takes effect September 1, 2009.