By: Fraser, et al.  

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A BILL TO BE ENTITLED

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. 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 2. 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
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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;

(5) before the effective date of the abolition 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 3. 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. 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.

SECTION 4. 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 5. 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 6. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:
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 notice and list must be printed using a font that is at least 24-point.

SECTION 7. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) to read as follows:
(b) Except as provided by Subsection (h), on [â€”] offering to vote, a voter must present to an election officer at the polling place one form of identification listed in Section 63.0101 [â€” voter's voter registration certificate to an election officer at
(c) On presentation of the documentation required by Subsection (b) [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.

(d) If 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 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
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...includes notice that even if all procedures are followed, there is no guarantee a provisional ballot will be accepted.

(h) The requirements for identification prescribed by Subsection (b) do not apply to a voter who:

(1) presents the voter's voter registration certificate on offering to vote; and

(2) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate.

SECTION 8. 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 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 9. 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 to vote in elections held after January 1, 2012, and information on obtaining...
identification without a fee under Section 521.422, 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, 2013.

SECTION 10. 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, shall be accepted for voting if the voter also presents a
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 from the one in which the
voter is offering to vote and the voter executes an affidavit
stating that the voter:

(A)(i) 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; or

(ii) 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;
(B) did not deliberately provide false
information to secure registration in a precinct in which the voter
does not reside; and
(C) 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) if applicable, enter on the registration omissions
list the precinct of the voter's registration as indicated by the
voter's registration certificate.

SECTION 11. Section 63.009, Election Code, is amended to
read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
A [4(a)]. Except as provided by Subsection (b), an 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, shall be accepted for
provisional voting if the voter executes an affidavit in accordance
with Section 63.011.

(4b) 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 voter is accepted under this subsection, an
election officer shall also indicate beside the voter's name on the
poll list that the voter was accepted under this section.)

SECTION 12. 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 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;

  (2)  a United States military identification card that
contains the person's photograph that has not expired [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; or

  [4] [45] a United States passport issued to the
person that has not expired[

  [45] official mail addressed to the person by name
from a governmental entity;

  [47] 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
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[(b) any other form of identification prescribed by
the secretary of state].

SECTION 13. Subsections (a) and (b), Section 63.011, Election Code, are amended to read as follows:

(a) A person to whom Section 63.009(c) [63.009(b)] or 63.009
appplies 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 a form of identification described by Section 63.0101.

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 14. 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 15. 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, 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 the person meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541.

SECTION 16. 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 meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election, present proof of identification to the voter registrar for examination by the early voting ballot board.

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

SECTION 17. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

(1) the precinct list of registered voters;
(2) the registration correction list;
(3) the registration omissions list;
(4) any statements of residence executed under Section 63.0011; and
(5) any affidavits executed under Section 63.006
(a) Except as provided by Subsection (d), 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 states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, 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 19. Effective January 1, 2012, Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 20. As soon as practicable after the effective date of this section:

(1) 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
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(2) 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 21. The change in law made by this Act 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 22. 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 expires January 1, 2013.

SECTION 23. (a) Except as provided by Subsection (b) of
this section, this Act takes effect January 1, 2012.

(b) The changes in law made by Sections 1, 3, 4, 5, 9, 20,
and 22 of this Act take effect September 1, 2011.