

By: Huffman, et al.

S.B. No. 5

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification;
providing a criminal penalty.

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

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. MOBILE LOCATIONS FOR OBTAINING IDENTIFICATION. (a) The secretary of state shall establish a program using mobile units to provide election identification certificates to voters for the purpose of satisfying the requirements of Section 63.001(b). A mobile unit may be used at special events or at the request of a constituent group.

(b) In establishing the program, the secretary of state shall consult with the Department of Public Safety on the creation of the program, security relating to the issuance of an election identification certificate, best practices in issuing an election identification certificate, and equipment required to issue an election identification certificate.

(c) The secretary of state may not charge a fee to a group that requests a mobile unit established under this section.

(d) If the secretary of state cannot ensure the required security or other necessary elements of the program, the secretary of state may deny a request for a mobile unit established under this section.

1 (e) The secretary of state shall adopt rules necessary for
2 the implementation of this section.

3 SECTION 2. Section 63.001, Election Code, is amended by
4 amending Subsections (b) and (d) and adding Subsection (i) to read
5 as follows:

6 (b) Except as provided by Subsection (h), on offering to
7 vote, a voter must present to an election officer at the polling
8 place:

9 (1) one form of photo identification listed in
10 [described by] Section 63.0101(a); or

11 (2) one form of identification listed in Section
12 63.0101(b) accompanied by the declaration described by Subsection
13 (i) [63.0101].

14 (d) If, as determined under Subsection (c), the voter's name
15 is on the precinct list of registered voters and the voter's
16 identity can be verified from the documentation presented under
17 Subsection (b), the voter shall be accepted for voting. An election
18 officer may not question the reasonableness of an impediment sworn
19 to by a voter in a declaration described by Subsection (i).

20 (i) If the requirement for identification prescribed by
21 Subsection (b)(1) is not met, an election officer shall notify the
22 voter that the voter may be accepted for voting if the voter meets
23 the requirement for identification prescribed by Subsection (b)(2)
24 and executes a declaration declaring the voter has a reasonable
25 impediment to meeting the requirement for identification
26 prescribed by Subsection (b)(1). A person is subject to
27 prosecution for perjury under Chapter 37, Penal Code, or Section

1 63.0013 for a false statement or false information on the
2 declaration. The secretary of state shall prescribe the form of the
3 declaration. The form shall include:

4 (1) a notice that a person is subject to prosecution
5 for perjury under Chapter 37, Penal Code, or Section 63.0013 for a
6 false statement or false information on the declaration;

7 (2) a statement that the voter swears or affirms that
8 the information contained in the declaration is true, that the
9 person described in the declaration is the same person appearing at
10 the polling place to sign the declaration, and that the voter faces
11 a reasonable impediment to procuring the identification prescribed
12 by Subsection (b)(1);

13 (3) a place for the voter to indicate one of the
14 following impediments:

15 (A) lack of transportation;

16 (B) lack of birth certificate or other documents
17 needed to obtain the identification prescribed by Subsection
18 (b)(1);

19 (C) work schedule;

20 (D) lost or stolen identification;

21 (E) disability or illness;

22 (F) family responsibilities; and

23 (G) the identification prescribed by Subsection
24 (b)(1) has been applied for but not received;

25 (4) a place for the voter to sign and date the
26 declaration;

27 (5) a place for the election judge to sign and date the

1 declaration;

2 (6) a place to note the polling place at which the
3 declaration is signed; and

4 (7) a place for the election judge to note which form
5 of identification prescribed by Subsection (b)(2) the voter
6 presented.

7 SECTION 3. Chapter 63, Election Code, is amended by adding
8 Section 63.0013 to read as follows:

9 Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE
10 IMPEDIMENT. (a) A person commits an offense if the person
11 knowingly makes a false statement or provides false information on
12 a declaration executed under Section 63.001(i).

13 (b) An offense under this section is a felony of the third
14 degree.

15 SECTION 4. Section 63.0101, Election Code, is amended to
16 read as follows:

17 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

18 (a) The following documentation is an acceptable form of photo
19 identification under this chapter:

20 (1) a driver's license, election identification
21 certificate, or personal identification card issued to the person
22 by the Department of Public Safety that has not expired or that
23 expired no earlier than 60 days before the date of presentation;

24 (2) a United States military identification card that
25 contains the person's photograph that has not expired or that
26 expired no earlier than 60 days before the date of presentation;

27 (3) a United States citizenship certificate issued to

1 the person that contains the person's photograph;

2 (4) a United States passport issued to the person that
3 has not expired or that expired no earlier than 60 days before the
4 date of presentation; or

5 (5) a license to carry a handgun issued to the person
6 by the Department of Public Safety that has not expired or that
7 expired no earlier than 60 days before the date of presentation.

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

10 (1) a government document that shows the name and
11 address of the voter, including the voter's voter registration
12 certificate;

13 (2) one of the following documents that shows the name
14 and address of the voter:

15 (A) a copy of a current utility bill;

16 (B) a bank statement;

17 (C) a government check; or

18 (D) a paycheck; or

19 (3) a certified copy of a domestic birth certificate
20 or other document confirming birth that is admissible in a court of
21 law and establishes the person's identity.

22 (c) A person 70 years of age or older may use a form of
23 identification listed in Subsection (a) that has expired for the
24 purposes of voting if the identification is otherwise valid.

25 SECTION 5. Section 272.011(b), Election Code, is amended to
26 read as follows:

27 (b) The secretary of state shall prepare the translation for

1 election materials required to be provided in a language other than
2 English or Spanish for the following state prescribed voter forms:

3 (1) voter registration application form required by
4 Section 13.002;

5 (2) the confirmation form required by Section 15.051;

6 (3) the voting instruction poster required by Section
7 62.011;

8 (4) the reasonable impediment declaration required by
9 Section 63.001(b);

10 (5) the statement of residence form required by
11 Section 63.0011;

12 (6) [~~5~~] the provisional ballot affidavit required
13 by Section 63.011;

14 (7) [~~6~~] the application for a ballot by mail
15 required by Section 84.011;

16 (8) [~~7~~] the carrier envelope and voting
17 instructions required by Section 86.013; and

18 (9) [~~8~~] any other voter forms that the secretary of
19 state identifies as frequently used and for which state resources
20 are otherwise available.

21 SECTION 6. Section 521A.001(a), Transportation Code, is
22 amended to read as follows:

23 (a) The department shall issue an election identification
24 certificate to a person who states that the person is obtaining the
25 certificate for the purpose of satisfying Section 63.001(b),
26 Election Code, and does not have another form of identification
27 described by Section 63.0101(a) [~~63.0101~~], Election Code, and:

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

3 (2) who is eligible for registration under Section
4 [13.001](#), Election Code, and submits a registration application to
5 the department.

6 SECTION 7. This Act takes effect January 1, 2018.