

## **BILL ANALYSIS**

Senate Research Center

H.B. 218  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, voters are only required to present a voter registration certificate to a poll worker to vote in a regular election. While this practice attempts to ensure that only registered voters receive a ballot on Election Day, it leaves a potential loophole for fraud, as individuals are not required to show identification to register to vote. As a result, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for those applications. Requiring verification of an individual's identity at the polling place, in addition to the voter registration certificate, may lessen the chance of such fraud occurring.

H.B. 218 requires that a voter present proof of identification when offering to vote.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.122(a), Election Code, to include a space or box for indicating whether the applicant for voter registration has served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated an injury during that service (service-disabled veteran), and to include a space or box for indicating whether the applicant is a widow or widower of a person who served in active military, naval, or air service (military widow or widower), in addition to the other statements and spaces for entering information that are required to appear on a voter registration application form. Makes conforming changes.

SECTION 2. Amends Section 15.001(a), Election Code, to include an indication on a voter registration certificate that the voter is a service-disabled veteran or a military widow or widower. Makes a conforming change.

SECTION 3. Amends Section 32.111, Election Code, by adding Subsection (c) to require the training standards adopted under Subsection (a) of this section (Training Standards for Election Judges) to include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure for Accepting Voter), Election Code.

SECTION 4. Amends Section 32.114(a), Election Code, to require each election clerk to complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election official under Section 63.001.

SECTION 5. Requires the secretary of state to adopt the training standards and develop the training materials required, and for the county clerk of each county to provide a session of training under Section 32.114 (Public County Training Program), Election Code, using the standards adopted and the materials developed, as soon as practicable after the effective date of this act to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 6. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Requires the presiding judge to post a list of the acceptable forms of photographic and nonphotographic identification in a prominent place on the outside of each polling location. Requires the notice and list to be printed in at least 24-point font.

SECTION 7. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f), and adding Subsections (g) through (k), as follows:

(b) Requires a voter to present to an election officer the voter's voter registration certificate at the polling place and, except as provided by Subsection (j) or (k), one form of identification listed in Section 63.101(a) (relating to certain acceptable forms of photo identification) or two different forms of identification listed in Section 63.101(b) (regarding certain documentation considered acceptable as proof of identification).

(c) Deletes existing text referring to a registration certificate and replaces it with text referring to the documentation required by Subsection (b).

(d) Requires the voter to be accepted for voting 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.

(f) Makes a conforming change.

(g) Authorizes the acceptance of a voter for provisional voting only under Section 63.011 (Provisional Voting), Election Code, if the requirements for identification prescribed by Subsection (b) are not met. Requires an election officer to inform a voter who is not accepted for voting under this section of the voter's right to cast a provisional ballot under that section.

(h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and is 80 years of age or older as indicated by the date of birth on the voter's voter registration certificate.

(i) Sets forth certain provisions for voting in a precinct located in a county that the governor proclaimed to be in a state of disaster due to a weather related event, notwithstanding Subsection (b), (c), (d), or (g).

(j) Provides that a voter who presents a voter registration certificate that indicates the voter is a service-disabled veteran is not required to provide any identification in addition to that certificate.

(k) Provides that a voter who presents a voter registration certificate that indicates the voter is a military widow or widower is not required to provide any identification in addition to that certificate.

SECTION 8. Amends Section 63.006(a), Election Code, to require that a voter whose registration certificate indicates that the voter is currently registered in the percent in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, be accepted for voting if the voter's identity can be verified from the proof presented.

SECTION 9. Amends Section 63.007(a), Election Code, to make a conforming change.

SECTION 10. Amends Section 63.008(a), Election Code, to require that 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, 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, rather than if the voter presents proof of identification in a form described by Section 63.0101.

SECTION 11. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. (a) Creates this subsection from existing text. Sets forth certain documentation that constitutes an acceptable form of photo identification, rather than proof of identification, under this chapter (Accepting Voter).

(b) Sets forth certain documentation that constitutes acceptable proof of identification under this chapter.

SECTION 12. Amends Section 63.011(a), Election Code, to include a person to whom Section 63.001(g) applies as a person who is authorized to cast a provisional ballot if the person executes an affidavit with certain statements.

SECTION 13. Amends Section 521.422, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Sets forth certain fees for the issuance of a personal identification certificate, except as provided by Subsection (d).

(d) Prohibits the Texas Department of Transportation from collecting a fee for a personal identification certificate to a person who states that the person is obtaining said certificate for the sole purpose of satisfying Section 63.001(b)(1), Election Code, and who meets other certain criteria.

SECTION 14. Requires the voter registrar of each county to provide notice of the change in identification requirements of voting contained in this Act with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008. Requires the secretary of state to prescribe the form of such a notice.

SECTION 15. Effective date: September 1, 2007.