

BILL ANALYSIS

S.B. 5
By: Huffman
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note concerns raised by the federal judiciary regarding the procedure by which a voter presents proof of identification to an election clerk to be accepted as a voter in Texas. S.B. 5 seeks to address these concerns by expanding the list of acceptable forms of identification, extending the period within which an expired form of identification may still be accepted for voting, and providing for the establishment of mobile locations for obtaining identification certificates for voting purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

S.B. 5 amends the Election Code to require the secretary of state to establish a program using mobile units to provide election identification certificates to voters for the purpose of satisfying the voter identification requirement for acceptance as a voter. The bill authorizes a mobile unit to be used at special events or at the request of a constituent group and prohibits the secretary of state from charging a fee to a group that requests such a mobile unit. The bill requires the secretary of state, in establishing the program, to 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. The bill authorizes the secretary of state to deny a request for a mobile unit if the secretary of state cannot ensure the required security or other necessary elements of the program. The bill requires the secretary of state to adopt rules necessary for the implementation of the program.

S.B. 5 includes as acceptable proof of identification for purposes of satisfying the voter identification requirement to be accepted as a voter a government document that shows the name and address of the voter, including the voter's voter registration certificate; a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and that establishes the person's identity; or one of the following documents that shows the name and address of the voter: a copy of a current utility bill, a bank statement, a government check, or a paycheck. The bill changes the period within which an otherwise acceptable form of photo identification can have expired to still be accepted as a form of photo identification for voting purposes from no earlier than 60 days before the date of presentation to no earlier than two years

before that date. The bill authorizes a person 70 years of age or older to use an otherwise valid authorized form of identification that has expired for the purposes of voting.

S.B. 5 requires an election officer to notify a voter who has not met the photo identification requirement to be accepted as a voter that the voter may be accepted for voting if the voter presents another accepted form of identification and executes a declaration declaring the voter has a reasonable impediment to meeting the photo identification requirement. The bill requires the secretary of state to prescribe the form of the declaration form and sets out required contents of the form. The bill requires an election officer to affix to the declaration the voter registration number of a voter accepted for voting by executing such a declaration either in numeric or bar code form. The bill subjects a person to prosecution for perjury under the Penal Code for a false statement or false information on the declaration and creates a third degree felony offense for a person who intentionally makes such a false statement or provides such false information. The bill prohibits an election officer from questioning the reasonableness of an impediment sworn to by a voter in such a declaration.

S.B. 5 requires the form prescribed by the secretary of state combining any forms used in connection with the acceptance of voters at polling places with each other or with the list of registered voters to include space for an election officer to indicate whether a voter executed a declaration of reasonable impediment. The bill includes the reasonable impediment declaration form among the election materials for which the secretary of state is required to prepare a translation in a language other than English or Spanish.

S.B. 5 amends the Transportation Code to make a conforming change.

EFFECTIVE DATE

January 1, 2018.