

BILL ANALYSIS

Senate Research Center

C.S.H.B. 218
By: Brown, Betty et al. (Fraser)
State Affairs
5/1/2007
Committee Report (Substituted)

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.

C.S.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 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 2. 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 3. 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 4. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f), and adding Subsection (g), as follows:

(b) Requires a voter to present to an election officer the voter's voter registration certificate at the polling place and either 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 documentation presented under Subsection (b).

(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.

SECTION 5. 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 documentation presented under Section 63.001(b).

SECTION 6. Amends Section 63.007(a), Election Code, to make a conforming change.

SECTION 7. 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 documentation presented under Section 63.001(b), rather than if the voter presents proof of identification in a form described by Section 63.0101.

SECTION 8. 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). Deletes existing text relating to certain documents.

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

SECTION 9. 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 10. 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 issued 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 11. Requires the secretary of state as soon as practicable after the effective date of this Act to adopt the training standards and develop the training materials required to implement Section 32.111 (Training Standards for Election Judges), 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, to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 12. 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 issued under Section 13.142 (Initial Registration Certificate), Election Code, or renewal registration certificate issued under Section 14.001 (Renewal Registration Certificate), Election Code. Requires the secretary of state to prescribe the wording of such a notice.

SECTION 13. Requires the secretary of state and the voter registrar of each county that maintains a website to provide notice of the change in identification requirements of voting contained in this Act on each entity's respective websites. Requires the secretary of state to prescribe the wording of such a notice.

SECTION 14. (a) Effective date, except as provided by Subsection (b): January 1, 2008.

(b) Effective date of SECTIONS 1, 2, 11, 12, and 13: September 1, 2007.