

BILL ANALYSIS

Senate Research Center
85R8919 JRJ-D

S.B. 5
By: Huffman et al.
State Affairs
3/10/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 5 addresses concerns raised by a federal appellate court through changes in the Texas Election Code to the procedure by which a voter presents identification to an election clerk. Specifically, S.B. 5 allows for a voter to cast a ballot if the voter has a reasonable impediment to acquiring a form of identification specified in Section 63.0101(a), Election Code.

Additionally, S.B. 5 provides an avenue for the secretary of state (SOS) to provide election identification certificates. This is achieved by codifying a program that the SOS has previously enacted to provide election identification certificates across the state.

As proposed, S.B. 5 amends current law relating to requiring a voter to present proof of identification and provides a criminal penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 31.013, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 31, Election Code, by adding Section 31.013, as follows:

Sec. 31.013. MOBILE LOCATIONS FOR OBTAINING IDENTIFICATION. (a) Requires the secretary of state (SOS) to 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). Authorizes a mobile unit to be used at special events or at the request of a constituent group.

(b) Requires the SOS to, in establishing the program, consult with the Department of Public Safety (DPS) on the program's creation, security relating to the issuance, best practices in issuing, and equipment required to issue an election identification certificate.

(c) Prohibits the SOS from charging a fee to a group that requests a mobile unit established under this section.

(d) Authorizes the SOS to, deny a request for a mobile unit established under this section, if the SOS cannot ensure the required security or other necessary elements of the program.

(e) Requires the SOS to adopt rules necessary for the implementation of this section.

SECTION 2. Amends Section 63.001, Election Code, by amending Subsections (b) and (d) and adding Subsection (i), as follows:

(b) Requires a voter, except as provided by Subsection (h) (relating to an exception in the identification requirements for a voter who is disabled), on offering to vote, to present to an election officer at the polling place one form of photo identification listed in Section 63.0101(a), or one form of identification listed in Section 63.0101(b) accompanied by the declaration described by Subsection (i), rather than one form of identification described by Section 63.0101.

(d) Prohibits an election officer from questioning the reasonableness of an impediment sworn to by a voter in a declaration described by Subsection (i).

(i) Requires an election officer, if the requirement for identification prescribed by Subsection (b)(1) is not met, to notify the voter that the voter may be accepted for voting if the voter meets the requirements for identification prescribed by Subsection (b)(2) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1). Provides that a person is subject to prosecution for perjury under Chapter 37 (Perjury and Other Falsification), Penal Code, or Section 63.0013 for a false statement or false information on the declaration. Requires the SOS to prescribe the form of the declaration. Sets forth the required contents for the prescribed declaration form.

SECTION 3. Amends Chapter 63, Election Code, by adding Section 63.0013, as follows:

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

(b) Provides that an offense under this section is a felony of the third degree.

SECTION 4. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. (a) Creates this subsection from existing text and makes no further changes to this subsection.

(b) Sets forth the requirements for certain documentation that is acceptable as proof of identification under this chapter.

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

SECTION 5. Amends Section 272.011(b), Election Code, as follows:

(b) Requires the SOS to prepare the translation for election materials required to be provided in a language other than English or Spanish for the following state prescribed voter forms:

(1) to (3) makes no changes to these subdivisions;

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

(5) to (9) Redesignates existing Subdivisions (4), (5), (6), (7) and (8) as Subdivisions (5), (6), (7), (8), and (9) and makes no further changes to these subdivisions.

SECTION 6. Amends Section 521A.001(a), Transportation Code, to require DPS to issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101(a), rather than by Section 63.0101, Election Code.

SECTION 7. Effective date: January 1, 2018.