

Identification Requirements for Texas

General Identification Requirements

All Texas voters must present their voter registration certificate before voting. Voters who do not present their voter registration certificates may vote after presenting ID and signing an affidavit stating that their voter registration certificates are not in their possession. Voters who did not provide a driver's license or Social Security number upon registration must also present proof of identification before voting.

Tex. Elec. Code §63.008(prior to amendment by S.B. 14), Secretary of State's Texas Voting Pamphlet, available at (<http://www.sos.state.tx.us/elections/pamphlets/largepamp.shtml>) (last accessed June 1, 2012).

Acceptable ID includes at least one of the following:

- Driver's license or Department of Public Safety ID Card from Texas or another state, current or expired;
- A form of ID containing the person's photo that establishes the person's identity;
- A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;
- U.S. citizenship papers;
- U.S. passport;
- Official mail addressed to the person, by name, from a governmental entity;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address, or;
- Any other form of ID prescribed by the secretary of state.

Tex. Elec. Code §§ 63.001, 63.0101, 63.006, 63.008 (prior to amendment by S.B. 14), Texas Secretary of State's "Need ID?" Guide, available at (<http://votetexas.gov/register-to-vote/need-id>) (last accessed June 1, 2012).

ID For Early In-Person Voting or Voting by Mail

Early in-person voters must provide the same ID as in-person voters on Election Day.

Voters voting early by mail must indicate on the application for a mail ballot their voter registration number and the name and address under which they are registered.

Voters who did not provide a driver's license or Social Security number upon registration must submit proof of identification with their mail-in ballots, if voting by mail.

Tex. Elec. Code §§84.002, 86.001 (prior to amendment by S.B. 14), Texas Secretary of State's "Need ID?" Guide, available at (<http://votetexas.gov/register-to-vote/need-id>) (last accessed June 1, 2012), Secretary of State's Texas Voting Pamphlet, available at (<http://www.sos.state.tx.us/elections/pamphlets/largepamp.shtml>) (last accessed June 1, 2012).

Voting Without ID

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 in which the voter is offering to vote, may still vote after presenting other proof of identification and executing an affidavit stating that the voter does not have the voter registration certificate in the voter's possession. *Tex. Elec. Code §63.008 (prior to amendment by S.B. 14).*

A voter with an incorrect certificate whose name does not appear on the list of registered voters may vote a provisional ballot. *Tex. Elec. Code §63.007(prior to amendment by S.B. 14).*

A voter who does not present a voter registration certificate who cannot present other identification or whose name is not on the list of registered voters may vote a provisional ballot. *Tex. Elec. Code §§63.008-63.009 (prior to amendment by S.B. 14).*

Provisional Ballots: The provisional ballot will be counted if the early voting ballot board determines the voter is eligible and did not already cast a vote in this election, based on information from the affidavits or public records. Provisional voters will receive a notice in the mail by the 10th day after the local canvass advising them if their provisional ballots were counted, and if they were not counted, the reason why. *Tex. Elec. Code §65.054 (prior to amendment by S.B. 14); Texas Secretary of State's FAQ Page, available at <http://votetexas.gov/faq/registration>.*

Changes to Voter ID Pending Court Review

Texas passed a stricter ID law in January 2011, but the Department of Justice denied preclearance of the law under the Voting Rights Act. Currently, the new law is not in force. If Texas obtains preclearance in federal court, the new ID law might be enforced for the general

election on November 6. Under the new law, all voters would have to present one of the following forms of photo ID, which may not be expired for longer than 60 days:

- a driver's license
- election identification certificate
- Department of Public Safety ID card
- U.S. military ID with a photo
- U.S. citizenship certificate containing a photo
- U.S. passport
- Photo license to carry a concealed handgun.

Voters who are disabled may vote without photo ID by presenting a voter registration certificate indicating they are exempt.

Tex. Elec. Code §§63.001, 63.0101.

For more information, visit www.fairelectionsnetwork.com.

This Guide was prepared by FELN staff who are not licensed to practice law in Texas and FELN intends that the information contained herein is used only as a general guide. This document should not be used as a substitute for consultation with a licensed Texas legal professional.

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