

# New Texas Photo Voter ID Requirements

**Background:** During the 2011 legislative session, the Texas Legislature passed SB 14, a bill implementing a photo identification requirement for Texas voters. The Department of Justice denied preclearance, prohibiting the legislation from going into effect in 2012. The State of Texas then sued the Department of Justice in federal court asking for DOJ's decision to be overruled. The D.C. court also denied preclearance, stating in their [opinion](#) that Texas' photo voter id law imposed "strict, unforgiving burdens on the poor" and that it would disproportionately harm minority voters. Unfortunately, due to the Supreme Court invalidating Section 4 of the Voting Rights Act in the *Shelby County v Holder* case, the State is now allowed to implement the photo voter id law. It is estimated that approximately 400,000 – 800,000 Texas voters lacked the required forms of id. Combatting the effects of this new voting barrier will require a massive, coordinated effort to educate and assist voters.

## What's Required?

### Acceptable forms of photo ID for voting:

- Texas driver's license issued by the Texas Department of Public Safety (DPS)
- Texas personal identification card issued by DPS
- Texas concealed handgun license issued by DPS
- United States military identification card containing the person's photograph
- United States citizenship certificate containing the person's photograph
- United States passport

*With the exception of the citizenship certificate, all must be current or expired within 60 days.*

## Exemption/Exceptions:

Voters with a disability may apply with the county voter registrar for a **permanent exemption**. The application must contain written documentation from either the U.S. Social Security Administration evidencing the applicant's disability, or from the U.S. Department of Veterans Affairs evidencing a disability rating of at least 50 percent. In addition, the applicant must state that he or she has no valid form of photo identification. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.

Voters who have a consistent **religious objection** to being photographed and voters who do not have any valid form of photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor, may vote a provisional ballot, appear at the voter registrar's office within six (6) calendar days after election day, and sign an affidavit swearing to the religious objection or natural disaster, in order for your ballot to be counted.

More details can be found on the Texas Secretary of State's website at <http://www.votetexas.gov/register-to-vote/need-id>

If you do not have any of the forms of photo id listed above, you can get a Texas Election Identification Certificate issued by DPS. However, you will need proof of citizenship, proof of identity, and you will need to be registered to vote. Details on how to obtain an EIC can be found on the DPS website at <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>.

Empower The Vote Texas will be conducting trainings for voters and activists about the new requirements as well as assisting voters who do not have any of the required forms of id in obtaining the documents necessary to get a free EIC.

**If you are having trouble obtaining the required id, please contact us at 512-298-2014 or [info@empowerthevotetx.org](mailto:info@empowerthevotetx.org)**

## Procedures for Voting

When a voter arrives at a polling location, the voter will be asked to present one of the seven (7) acceptable forms of photo ID. Election officials will now be required by State law to determine whether the voter's name on the identification provided matches the name on the official list of registered voters ("OLRV"). After a voter presents their ID, the election worker will compare it to the OLRV. If the name on the ID matches the name on the list of registered voters, the voter will follow the regular procedures for voting.

If the name does not match exactly but is "substantially similar" to the name on the OLRV, the voter will be permitted to vote as long as the voter signs an affidavit stating that the voter is the same person on the list of registered voters. If a voter does not have proper identification, the voter will still be permitted to vote provisionally. The voter will have (six) 6 days to present proper identification to the county voter registrar, or the voter's ballot will be rejected.

The "substantially similar" names protocols can be found at <http://tinyurl.com/subsimname>. They are incredibly subjective. So even if you have one of the required forms of id, and it's current, you could still have a problem if your name on the id is not exactly the same as your name on the voter registration list.

### Who's Harmed:

- The D.C. court said the law imposes a "strict, unforgiving burden on the poor."
  - Poorer citizens, especially those working for hourly wages, will likely be less able to take time off work to travel to a DPS office—a problem exacerbated by the fact that wait times in DPS offices can be as long as three hours during busy months of the year. US Ex. 10 at 1. This concern is especially serious given that none of Texas's DPS offices are open on weekends or past 6:00 PM, eliminating for many working people the option of obtaining an EIC on their own time. (D.C. court)
  - The least expensive option for most prospective voters who lack supporting identification will be a certified copy of their birth certificate—which costs at least \$22.
- Minority voters
  - Racial minorities in Texas are disproportionately likely to live in poverty. (D.C. court)
  - According to undisputed U.S. Census data, the poverty rate in Texas is 25.8% for Hispanics and 23.3% for African Americans, compared to just 8.8% for whites. (DC court)
- Rural voters where there is no DPS office. (70 counties have none)
- Voter who don't drive and don't have easy access to transportation. Undisputed census data shows that in Texas, 13.1% of African Americans and 7.3% of Hispanics live in households without access to a motor vehicle, compared with only 3.8% of whites. (DC court)
- No exceptions for
  - Elderly (they can vote by mail, but if they want to vote in person will need id)
  - Young people (Student ids not accepted)
  - Veterans (Military ids, including a Veterans Administration card, w/o photo not accepted)
- Even people who have id may face "matching" issues:
  - Name doesn't exactly match the registration record (the substantially similar name standards are very subjective. Asian Americans and Latinos in particular often experience misspellings of their name by govt workers and some have a legal name but often use their Anglicized name. Issues could also result from typos or name changes, the latter typically effects women but also some men)
  - Photo doesn't look like them (transgender, old picture, subjective opinion of election worker)