

BILL ANALYSIS

C.S.H.B. 490
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Upon receipt of a voter registration application, a volunteer deputy registrar is required to issue a receipt to the individual applying for registration to vote, but the actual voter registration card is often sent to the applicant by mail. In some cases, an eligible applicant does not receive a voter registration card by the election date. Under current law, with certain exceptions, a voter is required to present a voter registration card to an election officer to be accepted for voting in an election. CSHB 490 requires election officers in certain elections to accept a voter with a receipt but no registration card for provisional voting.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 490 amends the Election Code by modifying the information that the receipt of an application to register to vote (receipt) must contain. The bill adds:

- the address of the applicant, including the city and postal zip code; and
- the statement: "This is an official receipt of an application to register to vote. This receipt may be submitted by a voter in place of a voter registration certificate in an election that occurs at least 30 days after the date the application to register is completed."

to the information that the receipt must contain. The bill requires the secretary of state to prescribe the form of the receipt.

The bill requires election officers to accept a voter who presents such a receipt when offering to vote for provisional voting. The bill requires the election officer to attach the receipt to the executed affidavit required for provisional voting and to maintain the provisional ballot in a separate envelope for delivery to the early voting ballot board. The bill requires the early voting ballot board to accept a provisional ballot if certain conditions are met. These procedures apply only to an election held in a county with a population of 2.1 million or more or to an election where the authority holding the election chooses to use the procedures in the election.

EFFECTIVE DATE

September 1, 2003. Provisions relating to provisional voting take effect January 1, 2004, if legislation relating to the implementation of the federal Help America Vote Act of 2002 become law.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 490 modifies the original by removing the requirement that the receipt be prepared in triplicate, with one copy being retained by the volunteer deputy registrar. The substitute adds the provision requiring the secretary of state to prescribe the form of the receipt.

The substitute modifies the original by requiring an election officer to accept a voter who presents such a receipt for provisional voting, rather than regular voting. The substitute removes the conditions that the voter complete a voter registration application at the polling place and that the election judge review the voter registration application, in order for the voter to be accepted for voting.

The substitute narrows the application of the bill to elections in counties with a population of 2.1 million or more or elections where the authority holding the election chooses. The substitute changes the effective date to January 1, 2004 for provisions relating to provisional voting.