

By: Denny

H.B. No. 1549

A BILL TO BE ENTITLED

AN ACT

relating to changes required in election laws to implement the federal Help America Vote Act of 2002.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (e) to read as follows:

(e) Along with a registration application, an applicant may provide a copy of a document described by Section 63.0101 that establishes the applicant's identity.

SECTION 2. Section 13.122, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The secretary of state shall prescribe procedures to inform an applicant of the requirement that before voting for the first time in an election for federal office an applicant must provide a copy of a document described by Section 63.0101 that establishes the applicant's identity. The procedures must include:

(1) providing an instructional sheet to be distributed with the official registration application form describing the requirement; and

(2) a method by which an applicant may submit the document along with the official registration application form.

SECTION 3. Section 18.005(a), Election Code, is amended to read as follows:

(a) Each original and supplemental list of registered

1 voters must:

2 (1) contain the voter's name, residence address, date  
3 of birth, and registration number;

4 (2) be arranged alphabetically by voter name; ~~and~~

5 (3) contain the notation required by Section 15.111;  
6 and

7 (4) identify the voters registered for the first time  
8 who failed to provide a copy of a document described by Section  
9 63.0101 establishing the voter's identity at the time of  
10 registration.

11 SECTION 4. Section 41.007(b), Election Code, is amended to  
12 read as follows:

13 (b) The runoff primary election date is the third ~~[second]~~  
14 Tuesday in April following the general primary election.

15 SECTION 5. Section 52.008(a), Election Code, is amended to  
16 read as follows:

17 (a) The authority responsible for procuring the election  
18 supplies shall ~~[may]~~ have a supply of sample ballots printed.

19 SECTION 6. Section 52.074, Election Code, is amended to  
20 read as follows:

21 Sec. 52.074. PROVISIONAL BALLOT ~~[STUB]~~ FOR CERTAIN VOTERS.

22 ~~[(a)]~~ The authority responsible for having the official ballot  
23 prepared shall have a provisional ~~[detached]~~ ballot ~~[stub]~~ prepared  
24 in a form approved by the secretary of state ~~[as provided by this~~  
25 ~~section]~~ for use by a voter who executes an affidavit in accordance  
26 with Section 63.011 ~~[63.010]~~.

27 ~~[(b) The ballot stub shall be in a form approved by the~~

1 ~~secretary of state and must include:~~

2           ~~[(1) a space for entering the number matching the~~  
3 ~~corresponding ballot number,]~~

4           ~~[(2) spaces for entering the designation of the nature~~  
5 ~~of the election and the date of the election,]~~

6           ~~[(3) the instruction: "Sign ballot stub, enclose in~~  
7 ~~envelope, and give to election officer."; and~~

8           ~~[(4) a space for the voter's signature.]~~

9           SECTION 7. Section 61.005, Election Code, is amended to  
10 read as follows:

11           Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, [~~STUBS,~~  
12 AND ENVELOPES. (a) From the time a presiding judge receives the  
13 official ballots for an election until the precinct returns for  
14 that election have been certified, the presiding judge shall take  
15 the precautions necessary to prevent access to the ballots, ballot  
16 boxes, [~~ballot stubs,~~] and [~~stub~~] envelopes used for provisional  
17 ballots in a manner not authorized by law.

18           (b) The ballots, ballot boxes, [~~ballot stubs,~~] and [~~stub~~]  
19 envelopes used for provisional ballots at a polling place shall be  
20 in plain view of at least one election officer from the time the  
21 polls open for voting until the precinct returns have been  
22 certified.

23           (c) A presiding election judge commits an offense if the  
24 judge fails to prevent another person from handling a ballot box  
25 containing voters' marked ballots or an envelope containing a  
26 voter's provisional ballot [~~voters' signed ballot stubs~~] in an  
27 unauthorized manner or from making an unauthorized entry into the

1 ballot box or envelope. An offense under this subsection is a Class  
2 A misdemeanor.

3 SECTION 8. Section 62.006, Election Code, is amended to  
4 read as follows:

5 Sec. 62.006. PLACING BOX [~~AND ENVELOPE~~] FOR DEPOSIT OF  
6 MARKED BALLOTS [~~AND STUBS~~]. The ballot box to be used by the voters  
7 to deposit marked ballots shall be locked. The ballot box and the  
8 box used for the deposit of provisional ballots [envelope no. 5]  
9 shall be placed where they will be in plain view of the election  
10 officers, watchers, and persons waiting to vote.

11 SECTION 9. Section 62.009(c), Election Code, is amended to  
12 read as follows:

13 (c) The provisional ballots [~~with stubs~~] shall be placed  
14 separately from the regular ballots.

15 SECTION 10. Section 62.012, Election Code, is amended to  
16 read as follows:

17 Sec. 62.012. POSTING SAMPLE BALLOT. An [~~If sample ballots~~  
18 ~~are provided for a polling place, an~~] election officer shall post a  
19 sample ballot in one or more locations in the polling place where it  
20 can be read by persons waiting to vote.

21 SECTION 11. Section 63.008, Election Code, is amended by  
22 amending Subsection (b) and adding Subsection (c) to read as  
23 follows:

24 (b) Subsection (a)(2) does not apply to a voter in an  
25 election for federal office for which the list of registered voters  
26 indicates that the voter did not provide a copy of a document  
27 described by Section 63.0101 establishing the voter's identity at

1 the time of initial registration.

2 (c) If the requirements prescribed by Subsection (a) are not  
3 met, the voter may ~~[not]~~ be accepted for provisional voting only  
4 under Section 63.011~~[, and an election officer shall indicate~~  
5 ~~beside the voter's name on the list of registered voters that the~~  
6 ~~voter was rejected under this section]~~.

7 SECTION 12. Section 63.009, Election Code, is amended to  
8 read as follows:

9 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

10 (a) Except as provided by Subsection (b), a voter who does not  
11 present a voter registration certificate when offering to vote, and  
12 whose name is not on the list of registered voters for the precinct  
13 in which the voter is offering to vote, shall be accepted for  
14 provisional voting ~~[if the voter presents proof of identification~~  
15 ~~and executes an affidavit]~~ in accordance with Section 63.011  
16 ~~[63.010]~~.

17 (b) If an election officer can determine from the voter  
18 registrar that the person is a registered voter of the county, the  
19 affidavits required by Sections 63.007 and 63.008 are substituted  
20 for the affidavit required by Section 63.011 ~~[63.010]~~ in complying  
21 with that section. After the voter is accepted under this  
22 subsection, an election officer shall also indicate beside the  
23 voter's name on the poll list that the voter was accepted under this  
24 section.

25 SECTION 13. Sections 63.010(a) and (d), Election Code, are  
26 amended to read as follows:

27 (a) The eligibility of a person offering to vote may be

1 challenged by an election officer, watcher, or any other person  
2 lawfully in the polling place. An election officer must inform a  
3 challenged [~~may not refuse to accept a voter without informing the~~]  
4 voter of the voter's right to vote under the [~~challenge~~] procedure  
5 prescribed by Section 63.011 [~~this section~~].

6 (d) The presiding judge shall inform a voter of a challenge  
7 and of the issues raised by the challenge. [~~The presiding judge~~  
8 ~~shall request the voter to present proof of identification in a form~~  
9 ~~described by Section 63.0101 and to execute an affidavit that~~  
10 ~~states the facts necessary to support the voter's eligibility to~~  
11 ~~vote. On presentation of the required proof of identification and~~  
12 ~~affidavit, the presiding judge shall determine the voter's~~  
13 ~~identity. If the voter fails to present the required proof of~~  
14 ~~identification, the presiding judge cannot verify the voter's~~  
15 ~~identity from the proof presented, or the voter refuses to execute~~  
16 ~~an affidavit, the voter may not be accepted for voting, and an~~  
17 ~~election officer shall indicate on the affidavit or, if none, on a~~  
18 ~~written statement containing the voter's name and any known~~  
19 ~~residence address, and, if applicable, on the list of registered~~  
20 ~~voters beside the voter's name that the voter was rejected under~~  
21 ~~this section. After determining the voter's identity, the~~  
22 ~~presiding judge shall return the documentation of proof to the~~  
23 ~~voter.~~]

24 SECTION 14. Section 63.0101, Election Code, is amended to  
25 read as follows:

26 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
27 The following documentation is acceptable as proof of

1 identification under this chapter:

2 (1) a driver's license or personal identification card  
3 issued to the person by the Department of Public Safety or a similar  
4 document issued to the person by an agency of another state,  
5 regardless of whether the license or card has expired;

6 (2) a form of identification containing the person's  
7 photograph that establishes the person's identity;

8 (3) a birth certificate or other document confirming  
9 birth that is admissible in a court of law and establishes the  
10 person's identity;

11 (4) United States citizenship papers issued to the  
12 person;

13 (5) a United States passport issued to the person;

14 (6) ~~[pre-printed checks containing the person's name  
15 that are issued for a financial institution doing business in this  
16 state,~~

17 ~~[(7)]~~ official mail addressed to the person by name  
18 from a governmental entity;

19 (7) a copy of a current utility bill, bank statement,  
20 government check, paycheck, or other government document that shows  
21 the name and address of the voter ~~[(8) two other forms of  
22 identification that establish the person's identity];~~ or

23 (8) ~~[(9)]~~ any other form of identification prescribed  
24 by the secretary of state.

25 SECTION 15. Chapter 63, Election Code, is amended by adding  
26 Section 63.011 to read as follows:

27 Sec. 63.011. PROVISIONAL VOTING. (a) A person described by

1 Section 63.008(c) or 63.009(a) or a person who is challenged under  
2 Section 63.010 may cast a provisional ballot if the person executes  
3 an affidavit stating that the person:

4 (1) is a registered voter in the precinct in which the  
5 person seeks to vote; and

6 (2) is eligible to vote in the election.

7 (b) A form for the affidavit shall be printed on an envelope  
8 in which the provisional ballot voted by the person may be placed  
9 and must include a space for entering the identification number of  
10 the provisional ballot voted by the person. The affidavit form may  
11 include space for voluntary disclosure of any relevant information  
12 necessary to determine whether the person is eligible to vote. The  
13 secretary of state shall prescribe the form of the affidavit under  
14 this section.

15 (c) After executing the affidavit, the person shall be given  
16 a provisional ballot for the election. An election officer shall  
17 record the number of the ballot on the space provided on the  
18 affidavit.

19 (d) An election officer shall enter "provisional vote" on  
20 the poll list beside the name of each voter who is accepted for  
21 voting under this section.

22 SECTION 16. Section 64.001, Election Code, is amended to  
23 read as follows:

24 Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT[~~7~~ DEPOSIT  
25 ~~OF STUB~~]. (a) After a voter is accepted for voting, the voter shall  
26 select a ballot, go to a voting station, and prepare the ballot[~~7~~  
27 ~~except as provided by Subsection (b)~~].



1 (b) A voter who executes an affidavit in accordance with  
2 Section 63.011 [~~63.010~~] shall select a provisional ballot [~~with a~~  
3 ~~stub and, before going to a voting station:~~

4 [~~(1) unclip the stub and envelope from the ballot,~~

5 [~~(2) sign the stub and enclose it in the envelope, and~~

6 [~~(3) seal the envelope and give it to an election~~  
7 ~~officer.~~

8 [~~(c) The election officer shall deposit the ballot stub~~  
9 ~~enclosed in its envelope in envelope no. 5].~~

10 SECTION 17. Section 64.008, Election Code, is amended to  
11 read as follows:

12 Sec. 64.008. DEPOSITING BALLOT. (a) Except as provided by  
13 Subsection (b), after [~~After~~] a voter has marked the ballot, the  
14 voter shall fold the ballot to conceal the way it is marked but to  
15 expose the presiding judge's signature, and shall deposit it in the  
16 ballot box used for the deposit of marked ballots.

17 (b) After a voter has marked a provisional ballot, the  
18 voter shall enclose the ballot in the envelope on which the voter's  
19 executed affidavit is printed. The person shall seal the envelope  
20 and deposit it in a box available for the deposit of provisional  
21 ballots.

22 (c) At the time a person casts a provisional ballot under  
23 Subsection (b), an election officer shall give the person written  
24 information describing how the person may use the free access  
25 system established under Section 65.059 to obtain information on  
26 the disposition of the person's vote.

27 SECTION 18. Subchapter A, Chapter 64, Election Code, is

1 amended by adding Section 64.0081 to read as follows:

2 Sec. 64.0081. DEPOSIT OF CERTAIN BALLOTS. The presiding  
3 judge shall provide a separate ballot box to be used for depositing  
4 marked ballots of a voter who is permitted, under a state or federal  
5 court order, to cast a ballot in an election for a federal office  
6 after the time allowed by Subchapter B, Chapter 41.

7 SECTION 19. Sections 65.001-65.015, Election Code, are  
8 designated as Subchapter A, Chapter 65, Election Code, and a  
9 heading is added to that subchapter to read as follows:

10 SUBCHAPTER A. COUNTING VOTES GENERALLY

11 SECTION 20. Subchapter A, Chapter 65, Election Code, as  
12 designated by this Act, is amended by adding Section 65.0071 to read  
13 as follows:

14 Sec. 65.0071. TALLYING LATE VOTES IN CERTAIN ELECTIONS.

15 (a) In an election for federal office in which a state or federal  
16 court order has extended the time for voting beyond the time allowed  
17 by Subchapter B, Chapter 41, the tally list shall contain a separate  
18 space for tallying the votes of a voter who is permitted to cast a  
19 ballot after the time allowed by that subchapter.

20 (b) A vote tallied under Subsection (a) shall be added to  
21 the total votes received by a candidate, political party, or  
22 measure.

23 SECTION 21. Section 65.009, Election Code, is amended by  
24 adding Subsection (d) to read as follows:

25 (d) The intent of the voter in marking a ballot may be  
26 determined by:

27 (1) a distinguishing mark adjacent to the name of a

1 candidate or political party or a voting choice associated with a  
2 proposition;

3 (2) an oval, box, or similar marking clearly drawn  
4 around the name of a candidate or political party or a voting choice  
5 associated with a proposition;

6 (3) a line drawn through:

7 (A) the names of all candidates in a manner that  
8 indicates a preference for the candidates not marked if the names of  
9 the candidates not marked do not exceed the number of persons that  
10 may be elected to that office;

11 (B) the name of each political party except one  
12 in a manner that clearly indicates a preference for the political  
13 party not marked; or

14 (C) a voting choice associated with a proposition  
15 in a manner that clearly indicates a preference for the other voting  
16 choice associated with the proposition; or

17 (4) any other evidence that clearly indicates the  
18 intent of the voter in choosing a candidate or political party or  
19 deciding on a proposition.

20 SECTION 22. Section 65.010(a), Election Code, is amended to  
21 read as follows:

22 (a) The following ballots may not be counted:

23 (1) a ballot that is not provided to the voter at the  
24 polling place;

25 (2) two or more ballots that are folded together in a  
26 manner indicating that they were folded together when deposited in  
27 the ballot box;

1           (3) a write-in envelope containing a write-in vote  
2 without an attached ballot;

3           (4) a ballot that has not been deposited in the ballot  
4 box used for the deposit of marked ballots; or

5           (5) a provisional ballot that is not accepted under  
6 Subchapter B [~~with an unsigned stub~~].

7           SECTION 23. Chapter 65, Election Code, is amended by adding  
8 Subchapter B to read as follows:

9           SUBCHAPTER B. VERIFICATION AND COUNTING OF PROVISIONAL BALLOTS

10           Sec. 65.051. DUTY OF EARLY VOTING BALLOT BOARD. (a) The  
11 early voting ballot board shall verify and count provisional  
12 ballots as provided by this subchapter not later than the seventh  
13 day after the date of an election.

14           (b) Except as provided by this subchapter, the conduct of  
15 the board is governed by the same procedures as are provided by  
16 Chapter 87.

17           Sec. 65.052. DUTY OF VOTER REGISTRAR. The voter registrar  
18 of the county in which a provisional ballot is cast shall provide  
19 assistance as requested by the early voting ballot board in  
20 executing its authority under this subchapter.

21           Sec. 65.053. DELIVERY OF PROVISIONAL BALLOTS. The  
22 presiding judge of an election precinct shall deliver in person to a  
23 member of the early voting ballot board the box containing each  
24 envelope containing a provisional ballot that was cast in the  
25 precinct.

26           Sec. 65.054. ACCEPTING PROVISIONAL BALLOT. (a) The early  
27 voting ballot board shall examine each affidavit executed under

1 Section 63.011 and determine whether to accept the provisional  
2 ballot of the voter who executed the affidavit.

3 (b) A provisional ballot may be accepted only if the board  
4 determines that, from the information in the affidavit or contained  
5 in public records, the person is eligible to vote in the election.

6 (c) If a provisional ballot is accepted, the board shall  
7 enter the voter's name on a list of voters whose provisional ballots  
8 are accepted.

9 (d) If a provisional ballot is rejected, the board shall  
10 indicate the rejection by marking "rejected" on the envelope  
11 containing the provisional ballot.

12 Sec. 65.055. DISPOSITION OF ACCEPTED PROVISIONAL BALLOT AND  
13 AFFIDAVIT. (a) The early voting ballot board shall open each  
14 envelope containing an accepted provisional ballot without  
15 defacing the affidavit located on the outside of the envelope and  
16 shall remove the ballot.

17 (b) The board shall place the ballot in a ballot box  
18 containing all the provisional ballots accepted for voting in the  
19 election.

20 (c) For each accepted provisional ballot, the board shall  
21 place the corresponding envelope on which is printed the voter's  
22 affidavit executed under Section 63.011 in a sealed envelope and  
23 shall deliver the envelope to the general custodian of election  
24 records, to be retained for the period for preserving precinct  
25 election returns.

26 Sec. 65.056. DISPOSITION OF REJECTED PROVISIONAL BALLOT.

27 (a) The early voting ballot board shall place the envelopes

1 containing rejected provisional ballots in an envelope and shall  
2 seal the envelope. More than one envelope may be used if necessary.

3 (b) The envelope for the rejected provisional ballots must  
4 indicate the date and identity of the election, be labeled  
5 "rejected provisional ballots," and be signed by the board's  
6 presiding judge.

7 (c) A board member shall deliver the envelope containing the  
8 rejected provisional ballots to the general custodian of election  
9 records to be preserved for the period for preserving the precinct  
10 election records. The envelope may not be placed in the box  
11 containing the accepted provisional ballots.

12 Sec. 65.057. PROCESSING ACCEPTED PROVISIONAL BALLOTS. (a)  
13 The early voting ballot board shall count accepted provisional  
14 ballots as follows:

15 (1) for ballots to be counted manually, in the manner  
16 provided by Subchapter D, Chapter 87;

17 (2) for ballots to be counted by automatic tabulating  
18 equipment at a central counting station, in the manner provided by  
19 Subchapter F, Chapter 87; and

20 (3) for ballots to be counted by any other means, in  
21 the manner provided by rules adopted by the secretary of state.

22 (b) On counting the ballots under Subsection (a), the board  
23 shall report the results to the local canvassing authority for the  
24 election.

25 Sec. 65.058. PRESERVATION OF PROVISIONAL VOTING RECORDS  
26 GENERALLY. The returns of provisional ballots that are accepted,  
27 the accepted ballots, and other provisional voting records shall be

1 preserved after the election in the same manner as the  
2 corresponding precinct election returns.

3 Sec. 65.059. NOTICE TO PROVISIONAL VOTER. The early voting  
4 ballot board shall implement a system, under rules adopted by the  
5 secretary of state, to allow a person who casts a provisional ballot  
6 under Section 63.011 to obtain access free of charge to information  
7 on the disposition of the person's ballot. The system:

8 (1) must allow the person to determine whether the  
9 person's ballot was counted, and, if the person's ballot was not  
10 accepted, must indicate the reason why;

11 (2) must provide the information only to the person  
12 who cast the provisional ballot; and

13 (3) may involve the use of a toll-free telephone  
14 number or the Internet.

15 SECTION 24. Section 66.003, Election Code, is amended to  
16 read as follows:

17 Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a)  
18 Four [~~Five~~] envelopes shall be furnished to each polling place for  
19 use in assembling and distributing the precinct election records.

20 (b) The envelopes shall be labeled and addressed as follows:

21 (1) "Envelope No. 1," addressed to the presiding  
22 officer of the local canvassing authority;

23 (2) "Envelope No. 2," addressed to the general  
24 custodian of election records;

25 (3) "Envelope No. 3," addressed to the presiding  
26 judge; and

27 (4) "Envelope No. 4," addressed to the voter

1 registrar [~~and~~  
2                   ~~[(5) "Envelope No. 5," addressed to the general~~  
3 ~~custodian of election records]~~].

4           SECTION 25. Section 66.021(b), Election Code, is amended to  
5 read as follows:

6           (b) The judge shall seal envelopes no. 1, no. 2, and no. 4 [~~and~~  
7 ~~no. 5]~~ and lock ballot boxes no. 3 and no. 4 as soon as they are  
8 ready for distribution.

9           SECTION 26. Section 66.051(b), Election Code, is amended to  
10 read as follows:

11           (b) The presiding judge shall deliver envelope no. 2,  
12 [~~envelope no. 5,~~] ballot box no. 3, and ballot box no. 4 and its key  
13 in person to the general custodian of election records.

14           SECTION 27. Sections 66.058(b), (c), and (d), Election  
15 Code, are amended to read as follows:

16           (b) The voted ballots [~~and ballot stubs]~~ shall be preserved  
17 securely in a locked room in the locked ballot box [~~or sealed~~  
18 ~~envelope, as applicable,~~] in which they are delivered to the  
19 general custodian of election records. Except as permitted by this  
20 code, a ballot box containing voted ballots [~~or an envelope~~  
21 ~~containing ballot stubs]~~ may not be opened during the preservation  
22 period.

23           (c) If during the preservation period an authorized entry is  
24 made into a ballot box containing voted ballots [~~or an envelope~~  
25 ~~containing ballot stubs]~~, when the purpose for the entry is  
26 fulfilled, the box [~~or envelope]~~ shall be relocked [~~or resealed, as~~  
27 ~~applicable]~~, and the box and key [~~or envelope]~~ returned to the



1 custodian.

2 (d) A custodian of a ballot box containing voted ballots [~~or~~  
3 ~~an envelope containing ballot stubs~~] commits an offense if, during  
4 the preservation period prescribed by Subsection (a), the  
5 custodian:

6 (1) makes an unauthorized entry into the box [~~or~~  
7 ~~envelope~~]; or

8 (2) fails to prevent another person from handling the  
9 box [~~or envelope~~] in an unauthorized manner or from making an  
10 unauthorized entry into the box [~~or envelope~~].

11 SECTION 28. Section 66.059, Election Code, is amended to  
12 read as follows:

13 Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION  
14 RECORDS. (a) On written application by the presiding officer of  
15 the local canvassing authority or the presiding judge of the  
16 election precinct, a district judge of the county in which a ballot  
17 box containing voted ballots [~~or an envelope containing ballot~~  
18 ~~stubs~~] is in custody may order the box [~~or envelope~~] opened to  
19 retrieve an election record that was erroneously placed in the box  
20 [~~or envelope~~].

21 (b) The district judge shall post a notice of the date,  
22 hour, and place for opening the box [~~or envelope~~] on the bulletin  
23 board used for posting notices of the meetings of the governing body  
24 of the political subdivision served by the general custodian of  
25 election records. The notice must remain posted continuously for  
26 the 24 hours immediately preceding the hour set for opening the box  
27 [~~or envelope~~].

1 (c) Any interested person may observe the opening of the box  
2 [~~or envelope~~].

3 (d) The district judge shall issue the orders necessary to  
4 safeguard the contents of a ballot box [~~or envelope~~] opened under  
5 this section.

6 SECTION 29. Section 67.003, Election Code, is amended to  
7 read as follows:

8 Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing  
9 authority shall convene to conduct the local canvass at the time set  
10 by the canvassing authority's presiding officer:

11 (1) on the eighth [~~seventh~~] day after election day for  
12 the general election for state and county officers; or

13 (2) not earlier than the eighth [~~third~~] day or later  
14 than the 11th [~~sixth~~] day after election day for an election other  
15 than the general election for state and county officers.

16 SECTION 30. Section 86.002, Election Code, is amended by  
17 adding Subsection (f) to read as follows:

18 (f) For an election for a federal office, if the list of  
19 registered voters indicates that the voter did not provide a copy of  
20 a document described by Section 63.0101 establishing the voter's  
21 identity at the time of initial registration, the clerk shall  
22 provide with the balloting materials notice to the voter that the  
23 voter must provide a copy of a document described by Section 63.0101  
24 establishing the voter's identity when returning the ballot. The  
25 secretary of state shall prescribe the form of the notice.

26 SECTION 31. Section 86.005, Election Code, is amended by  
27 adding Subsection (f) to read as follows:

1       (f) If the voter is required to provide a copy of a document  
2 described by Section 63.0101 establishing the voter's identity, the  
3 voter shall include the copy in the official carrier envelope.

4       SECTION 32. Subchapter C, Chapter 87, Election Code, is  
5 amended by adding Section 87.0411 to read as follows:

6       Sec. 87.0411. ACCEPTANCE OF NEW VOTER IN ELECTION FOR  
7 FEDERAL OFFICE. A ballot for which notice was provided under  
8 Section 86.002(f) may be accepted only if:

9               (1) the voter provided the required documentation of  
10 the voter's identity; or

11               (2) the early voting ballot board determines that the  
12 person is eligible to vote.

13       SECTION 33. Section 101.005(c), Election Code, is amended  
14 to read as follows:

15       (c) An application shall be treated as if it requests a  
16 ballot for:

17               (1) a runoff election that results from an election  
18 for which a ballot is requested; and

19               (2) each election for a federal office, including a  
20 primary or runoff election, that occurs on or before the date of the  
21 second general election for state and county officers that occurs  
22 after the date the application is submitted.

23       SECTION 34. Section 101.006(a), Election Code, is amended  
24 to read as follows:

25       (a) The submission of a federal postcard application that  
26 complies with the applicable requirements by an unregistered  
27 applicant constitutes registration by the applicant only for the

1 purpose of voting in the election for which a ballot is requested  
2 and each election for a federal office that occurs on or before the  
3 date of the second general election for state and county officers  
4 that occurs after the date the application is submitted.

5 SECTION 35. Section 122.001, Election Code, is amended by  
6 amending Subsection (a) and adding Subsection (d) to read as  
7 follows:

8 (a) A voting system may not be used in an election unless the  
9 system:

10 (1) preserves the secrecy of the ballot;

11 (2) is suitable for the purpose for which it is  
12 intended;

13 (3) operates safely, efficiently, and accurately and  
14 complies with the error rate standards of the voting system  
15 standards adopted by the Federal Election Commission;

16 (4) is safe from fraudulent or unauthorized  
17 manipulation;

18 (5) permits voting on all offices and measures to be  
19 voted on at the election;

20 (6) prevents counting votes on offices and measures on  
21 which the voter is not entitled to vote;

22 (7) prevents counting votes by the same voter for more  
23 than one candidate for the same office or, in elections in which a  
24 voter is entitled to vote for more than one candidate for the same  
25 office, prevents counting votes for more than the number of  
26 candidates for which the voter is entitled to vote;

27 (8) prevents counting a vote on the same office or

1 measure more than once;

2 (9) permits write-in voting;

3 (10) is capable of permitting straight-party voting;

4 and

5 (11) is capable of providing records from which the  
6 operation of the voting system may be audited.

7 (d) For an election for federal office in which a state or  
8 federal court order has extended the time for voting beyond the time  
9 allowed by Subchapter B, Chapter 41, a voting system must provide a  
10 separate count of the votes cast after the time allowed by that  
11 subchapter.

12 SECTION 36. Section 124.006, Election Code, is amended to  
13 read as follows:

14 Sec. 124.006. IMPLEMENTATION OF PROVISIONAL BALLOT [~~STUB~~]  
15 SYSTEM. The secretary of state shall prescribe the form of a  
16 provisional ballot [~~stub and ballot for use with a stub~~] and the  
17 necessary procedures to implement the casting of a provisional  
18 ballot as described by Section 63.011 and the verification and  
19 processing of provisional ballots under Subchapter B, Chapter 65,  
20 for [~~ballot stub system prescribed by Section 52.074 for use with~~]  
21 each voting system used in this state.

22 SECTION 37. Section 172.116(b), Election Code, is amended  
23 to read as follows:

24 (b) The committee shall convene to conduct the local canvass  
25 at the county seat not earlier than 6 p.m. on the second [~~first~~]  
26 Thursday or later than 1 p.m. on the second [~~first~~] Friday after  
27 election day at the hour specified by the county chair.

1 SECTION 38. Sections 203.012(a) and (b), Election Code, are  
2 amended to read as follows:

3 (a) The commissioners court shall convene to conduct the  
4 local canvass not later than the 10th [~~third~~] day after election  
5 day.

6 (b) The governor shall conduct the state canvass not later  
7 than the 14th [~~seventh~~] day after election day.

8 SECTION 39. Section 213.007(a), Election Code, is amended  
9 to read as follows:

10 (a) On presentation by a recount committee chair of a  
11 written order signed by the recount supervisor, the custodian of  
12 voted ballots, voting machines or test materials or programs used  
13 in counting electronic voting system ballots shall make the  
14 ballots, machines, or materials or programs, including the records  
15 from which the operation of the voting system may be audited,  
16 available to the committee.

17 SECTION 40. Section 221.008, Election Code, is amended to  
18 read as follows:

19 Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT.  
20 A tribunal hearing an election contest may cause secured ballot  
21 boxes, [~~envelopes,~~] voting machines, voting devices, or other  
22 equipment used in the election to be unsecured to determine the  
23 correct vote count or any other fact that the tribunal considers  
24 pertinent to a fair and just disposition of the contest.

25 SECTION 41. Sections 273.041, 273.042, and 273.043,  
26 Election Code, are amended to read as follows:

27 Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the

1 investigation of criminal conduct in connection with an election, a  
2 grand jury, on finding probable cause to believe an offense was  
3 committed, may request a district judge of the county served by the  
4 grand jury to order an examination of the voted ballots [~~and the~~  
5 ~~ballot stubs~~] in the election.

6       Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a  
7 grand jury for an examination of voted ballots [~~and ballot stubs~~], a  
8 district judge may order the custodian of the ballots [~~and ballot~~  
9 ~~stubs~~] and the custodian of the keys to the ballot boxes to deliver  
10 the ballot boxes and the [~~7~~] keys[~~, and envelopes~~] to the grand  
11 jury.

12       Sec. 273.043. CONDUCT OF EXAMINATION. The examination of  
13 ballots [~~and ballot stubs~~] under this subchapter shall be conducted  
14 in secret before the grand jury.

15       SECTION 42. Sections 62.0081, 63.010(e) and (f), 65.005(d),  
16 66.0242, and 66.058(h), Election Code, are repealed.

17       SECTION 43. This Act takes effect January 1, 2004.