

## **BILL ANALYSIS**

C.S.H.B. 719  
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Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The right to vote is a sacred one in our democracy, which should be protected by the state. Under current law, the secretary of state is required to establish a hotline for voters to report existing or potential abuse of their voting rights. The average voter, however, may not be aware of all of the rights protected by state or federal law with regard to voting. For these voters, the hotlines are not useful if they are not accompanied by additional information. In 2002, the federal government passed the Help America Vote Act, part of which required states to educate voters of their voting rights. CSHB 719 requires the publication of voting rights information, which would include the number for the state-monitored voting rights hotline.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Secretary of State in SECTION 2 (Sec. 62.0115, Election Code) of this bill.

### **ANALYSIS**

CSHB 719 amends the Election Code by requiring the secretary of state to adopt rules providing for publicizing voter's rights. The bill provides that these rule must require that a notice of those rights be posted:

- in a prominent location at each polling place;
- on the secretary of state's website;
- through material published by the secretary of state; or
- in another manner designed to give voters notice of their rights.

CSHB 719 also provides specific voting rights that the notice must include, requires the secretary of state to prescribe the form and content of the notice, and authorizes the secretary of state to revise the content of the notice as necessary to accurately reflect current law.

The bill requires that a notice informing voters of the number for the voting rights hotline be included in the public notice of voters' rights. The bill deletes the provisions relating specifically to the manner of posting and form for a separate notice of the voting rights hotline.

The bill provides that these provisions apply only to elections ordered on or after September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by adding the right to file an administrative complaint with the secretary of state concerning a violation of voting procedures to the list of rights that must be included on the notice of voters' rights. The substitute also modifies provisions relating to the

right to vote a ballot and view written instructions, rather than receiving a ballot with written instructions, to reflect changes in voting system technology.