

By: Denny

H.B. No. 2309

A BILL TO BE ENTITLED

AN ACT

relating to certain election processes and procedures.

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

SECTION 1. Section 16.0921(c), Election Code, is amended to read as follows:

(c) The registrar may not deliver a confirmation notice resulting from a sworn statement filed after the 75th day before the date of the general election for state and county officers until after the date of that election. This subsection does not apply to a person who submits a registration application [~~registers~~] after the 75th day and prior to the 30th day before the general election for state and county officers.

SECTION 2. Effective January 1, 2006, Section 19.002(d), Election Code, is amended to read as follows:

(d) The comptroller may not issue a warrant if on June 1 of the year in which the warrant is to be issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that the registrar is not in substantial compliance with Section 15.083 [~~14.025~~], 16.032, 18.042, or 18.065 [~~18.063~~] or with rules implementing the registration service program.

SECTION 3. Section 31.0021(a), Election Code, is amended to read as follows:

(a) On forms designed and furnished by the secretary of

1 state for an application for a place on the ballot [~~or a designation~~
2 ~~of a campaign treasurer~~], the secretary shall include a brief
3 summary of:

4 (1) the nepotism prohibition imposed by Chapter 573,
5 Government Code; and

6 (2) a list of the specific kinds of relatives that are
7 included within the prohibited degrees of relationship prescribed
8 by Chapter 573, Government Code.

9 SECTION 4. Section 31.092, Election Code, is amended by
10 adding Subsection (d) to read as follows:

11 (d) In a contract authorized by Subsection (b), the county
12 election officer may not prevent the county chair or the chair's
13 designee from supervising the conduct of the primary election,
14 including the tabulation of results, as required by Chapter 172.

15 SECTION 5. (a) Section 42.006(a), Election Code, is
16 amended to read as follows:

17 (a) Except as otherwise provided by this section, a county
18 election precinct must contain at least 100 but not more than 5,000
19 [~~2,000~~] registered voters.

20 (b) Section 42.006(d), Election Code, is repealed.

21 SECTION 6. Section 51.005(c), Election Code, is amended to
22 read as follows:

23 (c) The secretary of state shall prescribe procedures for
24 determining the number of provisional ballots [~~ballet stubs~~] to be
25 provided.

26 SECTION 7. Section 63.001, Election Code, is amended by
27 amending Subsections (b), (c), (d), and (f) and adding Subsection

1 (g) to read as follows:

2 (b) On offering to vote, a voter must present to an election
3 officer at the polling place the voter's voter registration
4 certificate and either:

5 (1) one form of identification listed in Section
6 63.0101(a); or

7 (2) two different forms of identification listed in
8 Section 63.0101(b) [to an election officer at the polling place].

9 (c) On presentation of the documentation required by
10 Subsection (b) [a registration certificate], an election officer
11 shall determine whether the voter's name on the registration
12 certificate is on the list of registered voters for the precinct.

13 (d) If the voter's name is on the precinct list of
14 registered voters and the voter's identity can be verified from the
15 proof presented, the voter shall be accepted for voting.

16 (f) After determining whether to accept a voter, an election
17 officer shall return the voter's documentation [~~registration~~
18 ~~certificate~~] to the voter.

19 (g) If the requirements for identification prescribed by
20 Subsection (b) are not met, the voter may be accepted for
21 provisional voting only under Section 63.011.

22 SECTION 8. Section 63.006(a), Election Code, is amended to
23 read as follows:

24 (a) A voter who, when offering to vote, presents a voter
25 registration certificate indicating that the voter is currently
26 registered in the precinct in which the voter is offering to vote,
27 but whose name is not on the precinct list of registered voters,

1 shall be accepted for voting if the voter's identity can be verified
2 from the proof presented.

3 SECTION 9. Section 63.007(a), Election Code, is amended to
4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter
6 registration certificate indicating that the voter is currently
7 registered in a different precinct from the one in which the voter
8 is offering to vote, and whose name is not on the precinct list of
9 registered voters, shall be accepted for voting if the voter's
10 identity can be verified from the proof presented and the voter
11 executes an affidavit stating that the voter:

12 (1) is a resident of the precinct in which the voter is
13 offering to vote or is otherwise entitled by law to vote in that
14 precinct;

15 (2) was a resident of the precinct in which the voter
16 is offering to vote at the time that information on the voter's
17 residence address was last provided to the voter registrar;

18 (3) did not deliberately provide false information to
19 secure registration in a precinct in which the voter does not
20 reside; and

21 (4) is voting only once in the election.

22 SECTION 10. Section 63.008(a), Election Code, is amended to
23 read as follows:

24 (a) A voter who does not present a voter registration
25 certificate when offering to vote, but whose name is on the list of
26 registered voters for the precinct in which the voter is offering to
27 vote, shall be accepted for voting if the voter executes an

1 affidavit stating that the voter does not have the voter's voter
2 registration certificate in the voter's possession at the polling
3 place at the time of offering to vote and the voter's identity can
4 be verified from the proof presented [~~voter presents proof of~~
5 ~~identification in a form described by Section 63.0101~~].

6 SECTION 11. Section 63.0101, Election Code, is amended to
7 read as follows:

8 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

9 (a) The following documentation is an acceptable form [~~as proof~~] of
10 photo identification under this chapter:

11 (1) a driver's license or personal identification card
12 issued to the person by the Department of Public Safety that has not
13 expired or that expired no earlier than two years before the date of
14 presentation [~~or a similar document issued to the person by an~~
15 ~~agency of another state, regardless of whether the license or card~~
16 ~~has expired~~];

17 (2) a United States military identification card that
18 contains the person's photograph [~~form of identification~~
19 ~~containing the person's photograph that establishes the person's~~
20 ~~identity~~];

21 (3) a valid employee identification card that contains
22 the person's photograph and is issued by an employer of the person
23 in the ordinary course of the employer's business [~~birth~~
24 ~~certificate or other document confirming birth that is admissible~~
25 ~~in a court of law and establishes the person's identity~~];

26 (4) a United States citizenship certificate [~~papers~~]
27 issued to the person that contains the person's photograph;

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

2 (6) a student identification card issued by a public
3 or private institution of higher education located in Texas that
4 contains the person's photograph [~~official mail addressed to the~~
5 ~~person by name from a governmental entity~~]; or

6 (7) a license to carry a concealed handgun issued to
7 the person by the Department of Public Safety.

8 (b) The following documentation is acceptable as proof of
9 identification under this chapter:

10 (1) a copy of a current utility bill, bank statement,
11 government check, paycheck, or other government document that shows
12 the name and address of the voter;

13 (2) official mail addressed to the person by name from
14 a governmental entity;

15 (3) a certified copy of a birth certificate or other
16 document confirming birth that is admissible in a court of law and
17 establishes the person's identity;

18 (4) United States citizenship papers issued to the
19 person;

20 (5) an original or certified copy of the person's
21 marriage license or divorce decree;

22 (6) court records of the person's adoption, name
23 change, or sex change;

24 (7) an identification card issued to the person by a
25 governmental entity of this state or the United States for the
26 purpose of obtaining public benefits, including veteran's
27 benefits, Medicaid, or Medicare;

1 (8) a temporary driving permit issued to the person by
2 the Department of Public Safety;

3 (9) a pilot's license issued to the person by the
4 Federal Aviation Administration or another authorized agency of the
5 United States;

6 (10) a library card that contains the person's name
7 issued to the person by a public library located in this state; or

8 (11) a hunting or fishing license issued to a person by
9 the Parks and Wildlife Department [~~or~~

10 ~~[(8) any other form of identification prescribed by~~
11 ~~the secretary of state].~~

12 SECTION 12. Section 63.011(a), Election Code, is amended to
13 read as follows:

14 (a) A person to whom Section 63.001(g), 63.008(b), or
15 63.009(a) applies may cast a provisional ballot if the person
16 executes an affidavit stating that the person:

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

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

20 SECTION 13. (a) Sections 68.051(a) and (b), Election Code,
21 are amended to read as follows:

22 (a) Not later than January [~~February~~] 1 of each
23 even-numbered [~~odd-numbered~~] year, the lieutenant governor,
24 speaker of the house of representatives, and secretary of state
25 shall each appoint six persons to serve on an elections advisory
26 committee in connection with the tabulation and reporting of
27 election results under this chapter.

1 (b) Each member of the committee serves a two-year term
2 beginning on January [~~February~~] 1 of even-numbered [~~odd-numbered~~]
3 years.

4 (b) The term of an appointed member of the elections
5 advisory committee serving on the effective date of this Act ends on
6 December 31, 2005.

7 SECTION 14. Section 86.007(f), Election Code, is amended to
8 read as follows:

9 (f) If the envelope does not bear the cancellation mark or
10 receipt mark as required by Subsection (e)(3), a delivery under
11 Subsection (d)(1) is presumed to be timely if the other
12 requirements under this section are met. Section 1.006 does not
13 apply to Subsection (d)(3) [~~(d)(3)(A)~~].

14 SECTION 15. Section 87.041(e), Election Code, is amended to
15 read as follows:

16 (e) In making the determination under Subsection (b)(2),
17 the board may also compare the signatures with the signature on the
18 voter's registration application to confirm that the signatures are
19 those of the same person [~~match~~] but may not use the registration
20 application signature to determine that the signatures are not
21 those of the same person [~~do not match~~].

22 SECTION 16. Section 101.004, Election Code, is amended by
23 amending Subsections (i) and (k) and adding Subsection (l) to read
24 as follows:

25 (i) Except as provided by Subsection (l), for [~~For~~] purposes
26 of determining the date a federal postcard application is submitted
27 to the early voting clerk, an application is considered to be

1 submitted on the date it is placed and properly addressed in the
2 United States mail. The date indicated by the post office
3 cancellation mark is considered to be the date the application was
4 placed in the mail unless proven otherwise. For purposes of an
5 application made under Subsection (e):

6 (1) an application that does not contain a
7 cancellation mark is considered to be timely if it is received by
8 the early voting clerk on or before the 22nd day before election
9 day; and

10 (2) if the 30th day before the date of an election is a
11 Saturday, Sunday, or legal state or national holiday, an
12 application is considered to be timely if it is submitted to the
13 early voting clerk on or before the next regular business day.

14 (k) If the applicant submits the missing information before
15 the time prescribed by Subsection (e)(1), the applicant is entitled
16 to receive a full ballot to be voted by mail under this chapter. If
17 the applicant submits the missing information after the time
18 prescribed by Subsection (e)(1), the applicant is entitled to
19 receive a full ballot to be voted by mail for the next election that
20 occurs:

21 (1) in the same calendar year; and

22 (2) after the 30th day [~~at least 30 days~~] after the
23 date the information is submitted.

24 (1) For purposes of determining the end of the period that
25 an application may be submitted under Subsection (f)(1), an
26 application is considered to be submitted at the time it is received
27 by the early voting clerk.

1 SECTION 17. Section 253.100, Election Code, is amended by
2 amending Subsection (a) and adding Subsection (e) to read as
3 follows:

4 (a) A corporation, acting alone or with one or more other
5 corporations, may make one or more political expenditures to
6 finance the establishment or administration of a general-purpose
7 committee, including an expenditure:

8 (1) for the maintenance and operation of a
9 general-purpose committee, such as:

10 (A) rent;

11 (B) office equipment;

12 (C) utilities; or

13 (D) secretarial or clerical assistance and
14 professional services necessary for the proper administrative
15 operation of the committee; and

16 (2) to support the regular functions of the committee,
17 including conducting committee meetings to make decisions relating
18 to the committee's support, recording committee decisions, and
19 preparing and delivering committee contributions.

20 (e) In issuing an advisory opinion under Subchapter D,
21 Chapter 571, Government Code, on the question of whether a
22 political expenditure is for the establishment or administration of
23 a general-purpose committee, the commission may consider relevant
24 federal election laws and opinions for guidance.

25 SECTION 18. Section 272.009(b), Election Code, is amended
26 to read as follows:

27 (b) If the number of election clerks appointed under

1 Subsection (a) is insufficient to serve the needs of the
2 Spanish-speaking voters in the election, the authority appointing
3 election judges for the election [~~holding the election~~] shall
4 appoint at least one clerk who is fluent in both English and Spanish
5 to serve at a central location to provide assistance for
6 Spanish-speaking voters. On a primary election day, the county
7 chairs of each party holding a primary shall each appoint one clerk
8 under this subsection.

9 SECTION 19. Section 305.0062(a), Government Code, is
10 amended to read as follows:

11 (a) The report filed under Section 305.006 must also contain
12 the total expenditures described by Section 305.006(b) that are
13 directly attributable to members of the legislative or executive
14 branch. The expenditures must be stated in only one of the
15 following categories:

- 16 (1) state senators;
- 17 (2) state representatives;
- 18 (3) elected or appointed state officers, other than
19 those described by Subdivision (1) or (2);
- 20 (4) legislative agency employees;
- 21 (5) executive agency employees;
- 22 (6) the immediate family of a member of the
23 legislative or executive branch; [~~and~~]
- 24 (7) children, other than dependent children, of and
25 other guests invited by an individual described by Subdivision (1),
26 (2), (3), (4), (5), or (6); and
- 27 (8) events to which all legislators are invited.

1 SECTION 20. Section 305.024(a), Government Code, is amended
2 to read as follows:

3 (a) Except as provided by Section 305.025, a person
4 registered under Section 305.005 or a person on the registrant's
5 behalf and with the registrant's consent or ratification may not
6 offer, confer, or agree to confer to an individual described by
7 Section 305.0062(a)(1), (2), (3), (4), (5), (6), or (7) [~~a member of~~
8 ~~the legislative or executive branch~~]:

9 (1) a loan, including the guarantee or endorsement of
10 a loan;

11 (2) a gift of cash or a negotiable instrument as
12 described by Section 3.104, Business & Commerce Code;

13 (3) an expenditure for transportation and lodging;

14 (4) an expenditure or series of expenditures for
15 entertainment that in the aggregate exceed \$500 in a calendar year;

16 (5) an expenditure or series of expenditures for gifts
17 that in the aggregate exceed \$500 in a calendar year;

18 (6) an expenditure for an award or memento that
19 exceeds \$500; or

20 (7) an expenditure described by Section
21 305.006(b)(1), (2), (3), or (6) unless the registrant is present at
22 the event.

23 SECTION 21. Section 305.025, Government Code, is amended to
24 read as follows:

25 Sec. 305.025. EXCEPTIONS. Section 305.024 does not
26 prohibit:

27 (1) a loan in the due course of business from a

1 corporation or other business entity that is legally engaged in the
2 business of lending money and that has conducted that business
3 continuously for more than one year before the loan is made;

4 (2) a loan or guarantee of a loan or a gift made or
5 given by a person related within the second degree by affinity or
6 consanguinity to the member of the legislative or executive branch;

7 (3) necessary expenditures for transportation and
8 lodging when the purpose of the travel is to explore matters
9 directly related to the duties of a member of the legislative or
10 executive branch, such as fact-finding trips, including attendance
11 at informational conferences or an event described by Subdivision
12 (4), but not including attendance at merely ceremonial events or
13 pleasure trips;

14 (4) necessary expenditures for transportation, ~~and~~
15 lodging, food and beverages, and incidental entertainment provided
16 in connection with a conference, seminar, educational program, or
17 similar event in which the member renders services, such as
18 addressing an audience or engaging in a seminar, to the extent that
19 those services are more than merely perfunctory;

20 (5) an incidental expenditure for transportation as
21 determined by commission rule; or

22 (6) a political contribution as defined by Section
23 251.001, Election Code.

24 SECTION 22. Section 36.07(b), Penal Code, is amended to
25 read as follows:

26 (b) This section does not prohibit a public servant from
27 accepting transportation, ~~and~~ lodging, food and beverages, and

1 incidental entertainment [expenses] in connection with a
2 conference, educational program, or similar event in which the
3 public servant renders services, such as addressing an audience or
4 engaging in a seminar, to the extent that:

5 (1) the [those] services rendered are more than merely
6 perfunctory; and

7 (2) the expenditures are reported as required by
8 Chapter 305, Government Code, if applicable [~~, or from accepting~~
9 ~~meals in connection with such an event~~].

10 SECTION 23. Section 521.422, Transportation Code, is
11 amended by amending Subsection (a) and adding Subsection (d) to
12 read as follows:

13 (a) Except as provided by Subsection (d), the [The] fee for
14 a personal identification certificate is:

15 (1) \$15 for a person under 60 years of age;

16 (2) \$5 for a person 60 years of age or older; and

17 (3) \$20 for a person subject to the registration
18 requirements under Chapter 62, Code of Criminal Procedure.

19 (d) The department may not collect a fee for a personal
20 identification certificate issued to a person who executes an
21 affidavit stating that the person is financially unable to pay the
22 required fee and:

23 (1) who is a registered voter in this state and
24 presents a valid voter registration certificate; or

25 (2) who is eligible for registration under Section
26 13.001, Election Code, and submits a registration application to
27 the department.

1 SECTION 24. Sections 305.0062(a), 305.024(a), and 305.025,
2 Government Code, as amended by this Act, apply only to an
3 expenditure or the reporting of an expenditure made on or after
4 September 1, 2005. An expenditure or the reporting of an
5 expenditure made before September 1, 2005, is governed by the law in
6 effect on the date the expenditure was made, and the former law is
7 continued in effect for that purpose.

8 SECTION 25. (a) The change in law made by this Act applies
9 only to an offense committed on or after September 1, 2005. For
10 purposes of this section, an offense is committed before September
11 1, 2005, if any element of the offense occurs before that date.

12 (b) An offense committed before September 1, 2005, is
13 covered by the law in effect when the offense was committed, and the
14 former law is continued in effect for that purpose.

15 SECTION 26. This Act takes effect September 1, 2005.