

By: Castro

H.B. No. 3138

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the registration of voters at a polling place and  
3 related procedures.

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

5 SECTION 1. Section 13.042(c), Election Code, is amended to  
6 read as follows:

7 (c) An application submitted after the 24th [~~34th~~] day and  
8 before the 19th [~~29th~~] day before the date of an election in which  
9 any qualified voter of the county is eligible to vote shall be  
10 delivered not later than 5 p.m. of the 19th [~~29th~~] day before  
11 election day.

12 SECTION 2. Sections 13.143(a) and (e), Election Code, are  
13 amended to read as follows:

14 (a) Except as provided by Subsections (b) and (e), if an  
15 applicant's registration application is approved, the registration  
16 becomes effective on the 20th [~~30th~~] day after the date the  
17 application is submitted to the registrar or on the date the  
18 applicant becomes 18 years of age, whichever is later.

19 (e) If the 20th [~~30th~~] day before the date of an election is  
20 a Saturday, Sunday, or legal state or national holiday, an  
21 application is considered to be timely if it is submitted to the  
22 registrar on or before the next regular business day.

23 SECTION 3. Section 18.042(a), Election Code, is amended to  
24 read as follows:

1           (a) On a date specified by the secretary of state that is  
2 [Not later than the 20th day] before the date of the general primary  
3 election and the date of the general election for state and county  
4 officers, the registrar shall file with the secretary of state a  
5 statement of the number of persons whose voter registrations in the  
6 county and in each county election precinct will be effective on  
7 election day.

8           SECTION 4. Subchapter A, Chapter 61, Election Code, is  
9 amended by adding Section 61.013 to read as follows:

10           Sec. 61.013. PRESENCE OF DEPUTY REGISTRAR. The registrar  
11 shall require a deputy registrar appointed under Section 12.006 or  
12 a volunteer deputy registrar appointed under Section 13.031 to be  
13 present at each polling place in the county on election day to  
14 provide for the registration of voters under Section 63.010.

15           SECTION 5. Chapter 63, Election Code, is amended by adding  
16 Section 63.010 to read as follows:

17           Sec. 63.010. REGISTRATION AT POLLING PLACE; VOTING  
18 PROCEDURES. (a) This section applies to the conduct of voting and  
19 to the registration of voters notwithstanding and in addition to  
20 other applicable provisions of this code.

21           (b) A person who would be eligible to vote in an election  
22 under Section 11.001, but for the requirement to be a registered  
23 voter, shall be accepted for voting in the precinct of the person's  
24 residence if, on the day the person offers to vote, the person  
25 submits a voter registration application that complies with Section  
26 13.002 to the deputy registrar present at the polling place and:

27           (1) presents proof of identification in a form

1 described by Section 63.0101 that also establishes the person's  
2 residence; or

3 (2) submits an affidavit that:

4 (A) is executed by the person in the presence of  
5 the deputy registrar;

6 (B) states the person's residence address or, if  
7 the residence has no address, states:

8 (i) the address at which the person  
9 receives mail; and

10 (ii) a concise description of the location  
11 of the person's residence; and

12 (C) states that the information submitted on the  
13 voter registration application by the affiant is true.

14 (c) Persons voting under this section shall be processed  
15 separately at the polling place from persons who are voting under  
16 regular procedures.

17 (d) The secretary of state shall prescribe the procedures  
18 necessary to implement this section, including the method for  
19 adding a voter accepted under this section to the registration  
20 list, and to ensure the proper and orderly conduct of elections.

21 SECTION 6. This Act takes effect September 1, 2005.