

## **BILL ANALYSIS**

C.S.H.B. 186  
By: Hochberg  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current state law does not require an election officer to provide the voter with a signed, written statement explaining why a voter was not accepted to vote. To provide the state with information to reduce the number of eligible voters that are not accepted, the state should require an election officer to provide a signed, written statement explaining why that voter was rejected and require the secretary of the state to review these statements in order to be able to make recommendations to the legislature on how to reduce the number of eligible voters not accepted to vote. House Bill 186 would require that an election officer provide a voter with a signed, written statement explaining why the voter was not accepted to vote and require that a notice of the voter's right to receive the signed, written explanation be posted at the polling place. The bill will require the secretary of state to review these statements in order to be able to make recommendations to the legislature on how to reduce the number of eligible voters not accepted to vote.

### **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**

Committee Substitute House Bill 186 amends the Election Code by requiring an election officer to provide to the voter a signed statement on a form, prescribed by the secretary of state, for every voter that is not accepted for the purpose of voting. The form prescribed contains all the reasons why the voter was not accepted for voting and the circumstances under which a voter may vote a provisional ballot. The bill requires that one copy of the statement be retained by the election officer and returned to the general custodian of election records of the county. The bill provides that copies of the statements collected become public record. C.S.H.B. 186 requires that the secretary of state, to the extent practicable, prescribe the use of existing forms to provide the statement in order to minimize the number of forms needed at polling place. The bill requires that the secretary of state study the copies of the filings and make recommendations biennially to the legislature of any changes that could reduce the number of eligible voters not being accepted for the purpose of voting.

The bill amends the Election Code by requiring an instruction poster to include information regarding the right to receive a written explanation if an individual is not accepted to cast a ballot. The bill amends the Election Code to include the right to receive a written and signed explanation if the voter is not accepted to cast a ballot in the publicized public notice of voter's rights.

### **EFFECTIVE DATE**

September 1, 2007.

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

The differences between C.S.H.B. 186 and H.B. 186 are found in SECTION 1. C.S.H.B. 186 requires that the signed statement given to the voter, who is not accepted, contain the circumstances under which the voter may vote a provisional ballot. The substitute requires that

C.S.H.B. 186 80(R)

copies of the required signed statements, rather than the statement itself, be retained as public record and reviewed by the secretary of state. C.S.H.B. 186 requires that the secretary of state prescribe the use of existing forms to provide the statement in order to cut down on the number of forms needed at polling place.