

BILL ANALYSIS

C.S.S.B. 1647
By: Duncan
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

With the implementation of the federal Help America Vote Act, the election process in Texas has become increasingly complex. In an effort to address some of the issues that have arisen in recent years, C.S.S.B. 1647 amends the Election Code in several areas.

C.S.S.B. 1647 amends the Election Code to reflect the current identification verification process used by the secretary of state with the statewide voter registration list; allow for alternative dispute resolution for contract negotiations; allow for more joint elections; expand the pool of potential poll workers to include students; allow certain voters to vote in a joint election if the voter's residence has changed; reduce the burden on political subdivisions that must lease electronic voting systems; and reduce the confusion relating to the calculation of a recount deposit.

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

SECTION 1. Amends Section 13.072, Election Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

(a) Requires the registrar, unless the registrar challenges the applicant, to approve the application if the registrar determines that an application complies with Section 13.002 and indicates that the applicant is eligible for registration and, except as provided by Subsection (e) or (f), for an applicant who has not included a statement described by Section 13.002(c)(8), the registrar verifies certain information with the secretary of state.

(e) Requires the registrar to approve the application of an applicant who otherwise meets the qualifications for registration but states on the application that the applicant has not been issued an identification number described by Section 13.002(c)(8). Requires the registrar to mark the list of registered voters with an annotation indicating that the voter whose application is approved under this subsection is required to provide a document or a copy of a document described by Section 63.0101 the first time the voter seeks to vote by appearing for voting in person or applying for a ballot to be voted by mail.

(f) Requires the voter registrar, if the secretary of state is unable to verify the applicant's Texas driver's license number, the number of a personal identification card issued to the applicant by the Department of Public Safety (DPS), or the last four digits of the applicant's social security number, to approve the application and mark the list of registered voters with an annotation indicating that the voter whose application is approved under this subsection is required to provide a document or a copy of a document described by Section 63.0101 the first time the voter seeks to vote by appearing for voting in person or applying for a ballot to be voted by mail.

SECTION 2. Amends Section 18.005(a), Election Code, to require each original and supplemental list of registered voters to identify each voter who failed to provide an identification number described by Section 13.002(c)(8) and each voter whose identification number was not able to be verified by the secretary of state with an annotation indicating that the

voter is required to provide a document or a copy of a document described by Section 63.0101 the first time the voter seeks to vote.

SECTION 3. Amends Subchapter D, Chapter 31, Election Code, by adding Section 31.101, as follows:

Sec. 31.101. DISPUTE RESOLUTION FOR CONTRACT NEGOTIATION. (a) Authorizes the secretary of state, at the request of a party or on its own, to refer parties unable to agree to a contract under Section 31.092 or 31.093 to an alternative dispute resolution process.

(b) Requires, for any alternative dispute resolution process, the parties, or the secretary of state if the parties do not agree, to select an impartial third party whose qualifications meet the requirements of Section 154.052, Civil Practice and Remedies Code. Authorizes the services of a qualified impartial third party to be obtained through an agreement with the Center for Public Policy Dispute Resolution at The University of Texas School of Law or an alternative dispute resolution system established under Chapter 152 (Alternative Dispute Resolution System Established by Counties), Civil Practice and Remedies Code.

(c) Requires the cost of the alternative dispute resolution process to be specified in the agreement between the parties and the Center for Public Policy Dispute Resolution or the alternative dispute resolution system established under Chapter 152, Civil Practice and Remedies Code.

(d) Authorizes the secretary of state, if the parties do not resolve their conflict through the alternative dispute resolution process, to prescribe the terms of the contract or instruct the parties not to enter into a contract.

SECTION 4. Amends Section 32.051, Election Code, by amending Subsection (c) and adding Subsection (f), as follows:

(c) Makes a conforming change.

(f) Authorizes a person who is 16 years of age or older, a United States citizen, and a student of good standing at a public or private secondary school to be an election clerk. Requires the county clerk or elections administrator of a county in which a student will serve as an election clerk as provided by this section to work with the county's secondary schools to identify students eligible to serve as clerks under this section. Prohibits more than two clerks eligible under this section from serving at a polling place, except that not more than four clerks eligible under this section may serve at any countywide polling place. Requires a school district to excuse a student from attending school for the purpose of serving as an election clerk under this section.

SECTION 5. Amends Section 63.0011, Election Code, by adding Subsection (b-1) as follows:

(b-1) Authorizes a voter to vote in a joint election held in accordance with Chapter 271 on November uniform election date, if the voter's residence address is not current because the voter has changed residence within the county, if otherwise eligible, in the election precinct in which the voter is registered if the voter resides in one or more of the political subdivisions participating in the joint election at that precinct. A voter eligible under this subsection is required to receive a joint election ballot that includes all candidates and measures that are included in the joint election at that precinct, notwithstanding Section 11.001(a) (2).

SECTION 6. Amends Section 123.032(d), Election Code, to delete existing text making the amount of money owed in this section chargeable for each day the county-owned equipment is leased.

SECTION 7. Amends Section 212.112, Election Code, to amend the amount of the recount deposit by establishing a flat rate and delete existing text relating to the amount of the recount deposit.

SECTION 8. Amends Section 25.087(b), Education Code, to require a school district to excuse a student from attending school for the purpose of serving as an election clerk.

SECTION 9. (a) Provides that, except as provided by Subsection (b) of this section, the changes in law made by this Act apply only to an election ordered on or after September 1, 2007.

(b) Provides that Sections 13.072(e) and (f), Election Code, as added by this Act, apply only to a person who submits an application to register to vote on or after the effective date of this Act.

SECTION 10. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 1647 differs from the S.B. 1647 by simply adding a new SECTION 5, which authorizes a voter to vote in a joint election held in accordance with Chapter 271 on November uniform election date, if the voter's residence address is not current because the voter has changed residence within the county, if otherwise eligible, in the election precinct in which the voter is registered if the voter resides in one or more of the political subdivisions participating in the joint election at that precinct. A voter eligible under this subsection is required to receive a joint election ballot that includes all candidates and measures that are included in the joint election at that precinct, notwithstanding Section 11.001(a) (2). S.B. 1647 does not include this language.