

By: Hochberg

H.B. No. 186

Substitute the following for H.B. No. 186:

By: Bohac

C.S.H.B. No. 186

A BILL TO BE ENTITLED

AN ACT

1
2 relating to information provided to a voter who is not accepted for
3 voting.

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

5 SECTION 1. Section 63.001, Election Code, is amended by
6 adding Subsections (g) and (h) to read as follows:

7 (g) An election officer who determines not to accept a voter
8 shall provide the voter with a statement signed by the election
9 officer listing all reasons why that voter was not accepted and the
10 circumstances under which a voter may vote a provisional ballot.
11 The statement shall be on a form prescribed by the secretary of
12 state. The form shall include a list of common reasons for not
13 accepting a voter and a space or box next to each reason to indicate
14 whether the reason applies to the voter, and a space or box to
15 indicate whether the voter was offered the opportunity to cast a
16 provisional ballot. The secretary of state, to the extent
17 practicable, shall prescribe the use of existing forms to provide
18 the statement required by this subsection to minimize the number of
19 forms needed at a polling place. The election officer shall retain a
20 copy of the statement and submit the copy to the general custodian
21 of election records when the election returns are submitted. The
22 copy is a public record.

23 (h) The secretary of state shall study copies of signed
24 statements under Subsection (g) on file with general custodians of

1 election records and shall recommend to the legislature at least
2 biennially any changes to reduce the number of eligible voters not
3 accepted.

4 SECTION 2. Section 62.011(d), Election Code, is amended to
5 read as follows:

6 (d) The poster must also include the following information:

7 (1) the date of the election and the hours during which
8 the polling place is open;

9 (2) general information on voting rights under state
10 and federal laws, including information on the right of an
11 individual to cast a provisional ballot, the right to receive a
12 written and signed explanation if an individual is not accepted to
13 cast a ballot, and the individuals to contact if a person believes
14 these rights have been violated; and

15 (3) general information on state and federal laws that
16 prohibit acts of fraud or misrepresentation.

17 SECTION 3. Section 62.0115(b), Election Code, is amended to
18 read as follows:

19 (b) Except as revised by the secretary of state under
20 Subsection (d), the notice must state that a voter has the right to:

21 (1) vote a ballot and view written instructions on how
22 to cast a ballot;

23 (2) vote in secret and free from intimidation;

24 (3) receive up to two additional ballots if the voter
25 mismarks, damages, or otherwise spoils a ballot;

26 (4) request instructions on how to cast a ballot, but
27 not to receive suggestions on how to vote;

1 (5) bring an interpreter to translate the ballot and
2 any instructions from election officials;

3 (6) receive assistance in casting the ballot if the
4 voter:

5 (A) has a physical disability that renders the
6 voter unable to write or see; or

7 (B) cannot read the language in which the ballot
8 is written;

9 (7) cast a ballot on executing an affidavit as
10 provided by law, if the voter's eligibility to vote is questioned;

11 (8) receive a written and signed explanation if the
12 voter is not accepted to cast a ballot;

13 (9) report an existing or potential abuse of voting
14 rights to the secretary of state or the local election official;

15 (10) [~~(9)~~] except as provided by Section 85.066(b),
16 Election Code, vote at any early voting location in the county in
17 which the voter resides in an election held at county expense, a
18 primary election, or a special election ordered by the governor;
19 and

20 (11) [~~(10)~~] file an administrative complaint with the
21 secretary of state concerning a violation of federal or state
22 voting procedures.

23 SECTION 4. This Act takes effect September 1, 2007.