

By: Hochberg

H.B. No. 186

A BILL TO BE ENTITLED

AN ACT

relating to the regular procedure for not accepting voters.

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

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

(g) An election officer who determines not to accept a voter shall provide the voter with a signed statement listing all reasons why the voter was not accepted. The statement shall be on a form prescribed by the secretary of state. This form shall include check boxes for common reasons for which a voter might not be accepted, and shall include an indication of whether the voter was offered the opportunity to cast a provisional ballot. A copy of the statement shall be retained by the election officer and returned to the general custodian of election records of the county when the election returns are submitted. The statements shall be public record.

(h) The secretary of state shall study filings of signed statements required under Subsection (g) and shall recommend to the legislature at least biennially any changes to reduce the number of eligible voters not accepted.

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

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

(1) the date of the election and the hours during which

1 the polling place is open;

2 (2) general information on voting rights under state  
3 and federal laws, including information on the right of an  
4 individual to cast a provisional ballot, the right to receive a  
5 written explanation if an individual is not accepted to cast a  
6 ballot, and the individuals to contact if a person believes these  
7 rights have been violated; and

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

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

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

14 (1) vote a ballot and view written instructions on how  
15 to cast a ballot;

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

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

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

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

23 (6) receive assistance in casting the ballot if the  
24 voter:

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

27 (B) cannot read the language in which the ballot

1 is written;

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

4 (8) receive a written and signed explanation if the  
5 voter is not accepted to cast a ballot, as provided under Section  
6 63.001(g);

7 (9) [~~(8)~~] report an existing or potential abuse of  
8 voting rights to the secretary of state or the local election  
9 official;

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

15 (11) [~~(10)~~] file an administrative complaint with the  
16 secretary of state concerning a violation of federal or state  
17 voting procedures.

18 SECTION 4. This Act takes effect on September 1, 2007.