

By: Duncan

S.B. No. 1647

Substitute the following for S.B. No. 1647:

By: Berman

C.S.S.B. No. 1647

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain election practices and procedures, including  
3 provisions relating to the conduct of elections, voting systems,  
4 and recounts.

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

6 SECTION 1. Section 13.072, Election Code, is amended by  
7 amending Subsection (a) and adding Subsections (e) and (f) to read  
8 as follows:

9 (a) Unless the registrar challenges the applicant, the  
10 registrar shall approve the application if:

11 (1) the registrar determines that an application  
12 complies with Section 13.002 and indicates that the applicant is  
13 eligible for registration; and

14 (2) except as provided by Subsection (e) or (f), for an  
15 applicant who has not included a statement described by Section  
16 13.002(c)(8) [~~13.002(c)(8)(C)~~], the registrar verifies with the  
17 secretary of state:

18 (A) the applicant's Texas driver's license number  
19 or number of a personal identification card issued by the  
20 Department of Public Safety; or

21 (B) the last four digits of the applicant's  
22 social security number.

23 (e) The registrar shall approve the application of an  
24 applicant who otherwise meets the qualifications for registration

1 but states on the application that the applicant has not been issued  
2 an identification number described by Section 13.002(c)(8). The  
3 registrar shall mark the list of registered voters with an  
4 annotation indicating that the voter whose application is approved  
5 under this subsection must provide a document or a copy of a  
6 document described by Section 63.0101 the first time the voter  
7 seeks to vote by appearing for voting in person or applying for a  
8 ballot to be voted by mail.

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

20 SECTION 2. Section 18.005(a), Election Code, is amended to  
21 read as follows:

22 (a) Each original and supplemental list of registered  
23 voters must:

24 (1) contain the voter's name, residence address, date  
25 of birth, and registration number as provided by the statewide  
26 computerized voter registration list;

27 (2) be arranged alphabetically by voter name;

1           (3) contain the notation required by Section 15.111;  
2 and

3           (4) [~~until Section 13.122(d) expires,~~] identify each  
4 voter [~~registered by mail for the first time~~] who failed to provide  
5 an identification number described by Section 13.002(c)(8) and each  
6 voter whose identification number was not able to be verified by the  
7 secretary of state with an annotation indicating that the voter  
8 must provide a document or a copy of a document described by Section  
9 63.0101 the first time the voter seeks to vote [~~establishing the~~  
10 ~~voter's identity at the time of registration~~].

11           SECTION 3. Subchapter D, Chapter 31, Election Code, is  
12 amended by adding Section 31.101 to read as follows:

13           Sec. 31.101. DISPUTE RESOLUTION FOR CONTRACT NEGOTIATION.

14 (a) At the request of a party or on its own, the secretary of state  
15 may refer parties unable to agree to a contract under Section 31.092  
16 or 31.093 to an alternative dispute resolution process.

17 (b) For any alternative dispute resolution process, the  
18 parties, or the secretary of state if the parties do not agree,  
19 shall select an impartial third party whose qualifications meet the  
20 requirements of Section 154.052, Civil Practice and Remedies Code.  
21 The services of a qualified impartial third party may be obtained  
22 through an agreement with the Center for Public Policy Dispute  
23 Resolution at The University of Texas School of Law or an  
24 alternative dispute resolution system established under Chapter  
25 152, Civil Practice and Remedies Code.

26 (c) The cost of the alternative dispute resolution process  
27 shall be specified in the agreement between the parties and the

1 Center for Public Policy Dispute Resolution or the alternative  
2 dispute resolution system established under Chapter 152, Civil  
3 Practice and Remedies Code.

4 (d) If the parties do not resolve their conflict through the  
5 alternative dispute resolution process, the secretary of state may  
6 prescribe the terms of the contract or instruct the parties not to  
7 enter into a contract.

8 SECTION 4. Section 32.051, Election Code, is amended by  
9 amending Subsection (c) and adding Subsection (f) to read as  
10 follows:

11 (c) Except as provided by Subsection (f), to ~~to~~ be  
12 eligible to serve as a clerk of an election precinct, a person must  
13 be a qualified voter:

14 (1) of the county, in a countywide election ordered by  
15 the governor or a county authority or in a primary election;

16 (2) of the part of the county in which the election is  
17 held, for an election ordered by the governor or a county authority  
18 that does not cover the entire county of the person's residence; or

19 (3) of the political subdivision, in an election  
20 ordered by an authority of a political subdivision other than a  
21 county.

22 (f) A person who is 16 years of age or older, a United States  
23 citizen, and a student of good standing at a public or private  
24 secondary school may be an election clerk. The county clerk or  
25 elections administrator of a county in which a student will serve as  
26 an election clerk as provided by this section shall work with the  
27 county's secondary schools to identify students eligible to serve

1 as clerks under this section. Not more than two clerks eligible  
2 under this section may serve at a polling place, except that not  
3 more than four clerks eligible under this section may serve at any  
4 countywide polling place. A school district shall excuse a student  
5 from attending school for the purpose of serving as an election  
6 clerk under this section.

7 SECTION 5. Section 63.0011, Election Code, is amended by  
8 adding Subsection (b-1) to read as follows:

9 (b-1) In a joint election held in accordance with Chapter  
10 271 on the November uniform election date, if the voter's residence  
11 address is not current because the voter has changed residence  
12 within the county, the voter may vote, if otherwise eligible, in the  
13 election precinct in which the voter is registered if the voter  
14 resides in one or more of the political subdivisions participating  
15 in the joint election at that precinct. A voter eligible under this  
16 subsection shall receive a joint election ballot that includes all  
17 candidates and measures that are included in the joint election at  
18 that precinct, notwithstanding Section 11.001(a)(2).

19 SECTION 6. Section 123.032(d), Election Code, is amended to  
20 read as follows:

21 (d) The maximum amount that a county in which a political  
22 subdivision is wholly or partly situated may charge the political  
23 subdivision for leasing county-owned equipment is 10 percent of the  
24 purchase price of the equipment [~~for each day the equipment is~~  
25 ~~leased~~].

26 SECTION 7. Section 212.112, Election Code, is amended to  
27 read as follows:

1           Sec. 212.112. AMOUNT OF DEPOSIT. The ~~[(a) Subject to~~  
2 ~~Subsection (d), the]~~ amount of the recount deposit is ~~[determined~~  
3 ~~by the number of precincts for which a recount is requested in the~~  
4 ~~document that the deposit accompanies, in accordance with the~~  
5 ~~following schedule]:~~

6           (1) \$60 ~~[five times the maximum hourly rate of pay for~~  
7 ~~election judges,]~~ for each ~~[a]~~ precinct in which~~+~~

8                     ~~[(A)]~~ regular paper ballots were used; and

9           (2) \$100 for each precinct in which an electronic  
10 voting system was used ~~[(B) electronic voting system ballots,~~  
11 ~~other than printed images of ballots cast using direct recording~~  
12 ~~electronic voting machines, are to be recounted manually, or~~

13                     ~~[(C) both write-in votes and voting system votes~~  
14 ~~are to be recounted,]~~

15           ~~[(2) 10 times the maximum hourly rate of pay for~~  
16 ~~election judges, for a precinct in which printed images of ballots~~  
17 ~~cast using direct recording electronic voting machines are to be~~  
18 ~~recounted manually,]~~

19           ~~[(3) three times the maximum hourly rate of pay for~~  
20 ~~election judges, for a precinct in which ballots are to be recounted~~  
21 ~~by automatic tabulating equipment and no write-in votes are to be~~  
22 ~~recounted, and~~

23           ~~[(4) two times the maximum hourly rate of pay for~~  
24 ~~election judges, for a precinct in which:~~

25                     ~~[(A) voting machines were used and no write-in~~  
26 ~~votes are to be recounted, or~~

27                     ~~[(B) only the write-in votes cast in connection~~

1 ~~with a voting system are to be recounted].~~

2 ~~[(b) In a recount of an election for which a majority vote is~~  
3 ~~required for nomination or election to an office, the rate~~  
4 ~~prescribed by Subsection (a)(1)(C) applies to each precinct in~~  
5 ~~which a voting system was used, regardless of whether any write-in~~  
6 ~~votes were cast in the precinct, if:~~

7 ~~[(1) the original election results show that write-in~~  
8 ~~votes were cast in the election; and~~

9 ~~[(2) an exclusion of write-in votes from the recount~~  
10 ~~is not obtained under Section 212.136.~~

11 ~~[(c) If more than one method of voting is used for early~~  
12 ~~voting, each additional method of voting used for the early voting~~  
13 ~~shall be treated as constituting an additional precinct in~~  
14 ~~determining the amount of a recount deposit for a recount of early~~  
15 ~~voting votes.~~

16 ~~[(d) The minimum amount of a deposit accompanying a petition~~  
17 ~~for a recount is \$50.]~~

18 SECTION 8. Section 25.087(b), Education Code, is amended to  
19 read as follows:

20 (b) A school district shall excuse a student from attending  
21 school for the purpose of observing religious holy days, including  
22 traveling for that purpose. A school district shall excuse a  
23 student from attending school for the purpose of serving as an  
24 election clerk. A school district shall excuse a student for  
25 temporary absence resulting from health care professionals if that  
26 student commences classes or returns to school on the same day of  
27 the appointment. A student whose absence is excused under this

1 subsection may not be penalized for that absence and shall be  
2 counted as if the student attended school for purposes of  
3 calculating the average daily attendance of students in the school  
4 district. A student whose absence is excused under this subsection  
5 shall be allowed a reasonable time to make up school work missed on  
6 those days. If the student satisfactorily completes the school  
7 work, the day of absence shall be counted as a day of compulsory  
8 attendance.

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

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

15 SECTION 10. This Act takes effect September 1, 2007.