By: Duncan

S.B. No. 1647

A BILL TO BE ENTITLED

1 AN ACT

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 registrar shall reject the application and

14 send the applicant a notice of rejection for incompleteness under

15 Section 13.073. If the applicant responds to the notice of

16 rejection and the secretary of state is still unable to verify the

17 provided identification number, the voter registrar shall approve

18 the application and mark the list of registered voters with an

19 annotation indicating that the voter whose application is approved

20 under this subsection must provide a document or a copy of a

21 document described by Section 63.0101 the first time the voter

22 seeks to vote by appearing for voting in person or applying for a

23 ballot to be voted by mail.

24   SECTION 2. Section 18.005(a), Election Code, is amended to

25 read as follows:

26   (a) Each original and supplemental list of registered

27 voters must:

1   (1) contain the voter's name, residence address, date

2 of birth, and registration number as provided by the statewide

3 computerized voter registration list;

4   (2) be arranged alphabetically by voter name;

5   (3) contain the notation required by Section 15.111;

6 and

7   (4) [until Section 13.122(d) expires,] identify each

8 voter [registered by mail for the first time] who failed to provide

9 an identification number described by Section 13.002(c)(8) and each

10 voter whose identification number was not able to be verified by the

11 secretary of state with an annotation indicating that the voter

12 must provide a document or a copy of a document described by Section

13 63.0101 the first time the voter seeks to vote [establishing the

14 voter's identity at the time of registration].

15   SECTION 3. Section 31.092(a), Election Code, is amended to

16 read as follows:

17   (a) If requested to do so, the [The] county election officer

18 shall [may] contract with the governing body of a political

19 subdivision situated wholly or partly in the county served by the

20 officer to perform election services, as provided by this

21 subchapter, in any one or more elections ordered by an authority of

22 the political subdivision.

23   SECTION 4. Subchapter D, Chapter 31, Election Code, is

24 amended by adding Section 31.101 to read as follows:

25   Sec. 31.101. DISPUTE RESOLUTION FOR CONTRACT NEGOTIATION.

26 (a) At the request of a party or on its own, the secretary of state

27 may refer parties unable to agree to a contract under Section 31.092

1 or 31.093 to an alternative dispute resolution process.

2 (b) For any alternative dispute resolution process, the

3 parties, or the secretary of state if the parties do not agree,

4 shall select an impartial third party whose qualifications meet the

5 requirements of Section 154.052, Civil Practice and Remedies Code.

6 The services of a qualified impartial third party may be obtained

7 through an agreement with the Center for Public Policy Dispute

8 Resolution at The University of Texas School of Law or an

9 alternative dispute resolution system established under Chapter

10 152, Civil Practice and Remedies Code.

11 (c) The cost of the alternative dispute resolution process

12 shall be specified in the agreement between the parties and the

13 Center for Public Policy Dispute Resolution or the alternative

14 dispute resolution system established under Chapter 152, Civil

15 Practice and Remedies Code.

16 (d) If the parties do not resolve their conflict through the

17 alternative dispute resolution process, the secretary of state

18 shall prescribe the terms of the contract or instruct the parties

19 not to enter into a contract.

20 SECTION 5. Section 32.051, Election Code, is amended by

21 amending Subsection (c) and adding Subsection (f) to read as

22 follows:

23 (c) Except as provided by Subsection (f), to [To] be

24 eligible to serve as a clerk of an election precinct, a person must

25 be a qualified voter:

26 (1) of the county, in a countywide election ordered by

27 the governor or a county authority or in a primary election;

4

1 (2) of the part of the county in which the election is

2 held, for an election ordered by the governor or a county authority

3 that does not cover the entire county of the person's residence; or

4 (3) of the political subdivision, in an election

5 ordered by an authority of a political subdivision other than a

6 county.

7 (f) A person who is 16 years of age or older, a United States

8 citizen, and a student of good standing at a public or private

9 secondary school may be an election clerk. The county clerk or

10 elections administrator shall work with the county's secondary

11 schools to identify students eligible to serve as clerks under this

12 section. Not more than two clerks eligible under this section may

13 serve at a polling place, except that not more than four clerks

14 eligible under this section may serve at any countywide polling

15 place. A school district shall excuse a student from attending

16 school for the purpose of serving as an election clerk under this

17 section.

18 SECTION 6. Section 123.032(d), Election Code, is amended to

19 read as follows:

20 (d) The maximum amount that a county in which a political

21 subdivision is wholly or partly situated may charge the political

22 subdivision for leasing county-owned equipment is 10 percent of the

23 purchase price of the equipment [for each day the equipment is

24 leased].

25 SECTION 7. Section 212.112, Election Code, is amended to

26 read as follows:

27 Sec. 212.112. AMOUNT OF DEPOSIT. The [(a) Subject to

1 Subsection (d), the] amount of the recount deposit is [determined

2 by the number of precincts for which a recount is requested in the

3 document that the deposit accompanies, in accordance with the

4 following schedule]:

5   (1) $60 [five times the maximum hourly rate of pay for

6 election judges,] for each [a] precinct in which[:

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

8   (2) $100 for each precinct in which an electronic

9 voting system was used [(B) electronic voting system ballots,

10 other than printed images of ballots cast using direct recording

11 electronic voting machines, are to be recounted manually; or

12   [(C) both write-in votes and voting system votes

13 are to be recounted;

14   [(2) 10 times the maximum hourly rate of pay for

15 election judges, for a precinct in which printed images of ballots

16 cast using direct recording electronic voting machines are to be

17 recounted manually;

18   [(3) three times the maximum hourly rate of pay for

19 election judges, for a precinct in which ballots are to be recounted

20 by automatic tabulating equipment and no write-in votes are to be

21 recounted; and

22   [(4) two times the maximum hourly rate of pay for

23 election judges, for a precinct in which:

24   [(A) voting machines were used and no write-in

25 votes are to be recounted; or

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

27 with a voting system are to be recounted].

1   [(b)   In a recount of an election for which a majority vote is

2   required   for   nomination   or   election   to   an   office,   the   rate

3   prescribed   by   Subsection   (a)(1)(C)   applies   to   each   precinct   in

4   which a voting system was used, regardless of whether any write-in

5   votes were cast in the precinct, if:

6   [(1)   the original election results show that write-in

7   votes were cast in the election; and

8   [(2)   an exclusion of write-in votes from the recount

9   is not obtained under Section 212.136.

10   [(c)   If more   than   one   method   of   voting   is   used   for   early

11   voting, each additional method of voting used for the early voting

12   shall   be   treated   as   constituting   an   additional   precinct   in

13   determining the amount of a recount deposit for a recount of early

14   voting votes.

15   [(d)   The minimum amount of a deposit accompanying a petition

16   for a recount is $50.]

17   SECTION 8.   Section 25.087(b), Education Code, is amended to

18   read as follows:

19   (b)   A school district shall excuse a student from attending

20   school for the purpose of observing religious holy days, including

21   traveling   for   that   purpose.   A   school   district   shall   excuse   a

22   student   from   attending   school   for   the   purpose   of   serving   as   an

23   election   clerk.   A   school   district   shall   excuse   a   student   for

24   temporary absence resulting from health care professionals if that

25   student commences classes or returns to school on the same day of

26   the   appointment.   A   student   whose   absence   is   excused   under   this

27   subsection   may   not   be   penalized   for   that   absence   and   shall   be

1 counted as if the student attended school for purposes of

2 calculating the average daily attendance of students in the school

3 district. A student whose absence is excused under this subsection

4 shall be allowed a reasonable time to make up school work missed on

5 those days. If the student satisfactorily completes the school

6 work, the day of absence shall be counted as a day of compulsory

7 attendance.

8   SECTION 9. The changes in law made by this Act apply only to

9 an election ordered on or after September 1, 2007.

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