

1-1 By: Duncan S.B. No. 1647
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 30, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 30, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1647 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain election practices and procedures, including
1-11 provisions relating to the conduct of elections, voting systems,
1-12 and recounts.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 13.072, Election Code, is amended by
1-15 amending Subsection (a) and adding Subsections (e) and (f) to read
1-16 as follows:

1-17 (a) Unless the registrar challenges the applicant, the
1-18 registrar shall approve the application if:

1-19 (1) the registrar determines that an application
1-20 complies with Section 13.002 and indicates that the applicant is
1-21 eligible for registration; and

1-22 (2) except as provided by Subsection (e) or (f), for an
1-23 applicant who has not included a statement described by Section
1-24 13.002(c)(8) [13.002(c)(8)(C)], the registrar verifies with the
1-25 secretary of state:

1-26 (A) the applicant's Texas driver's license number
1-27 or number of a personal identification card issued by the
1-28 Department of Public Safety; or

1-29 (B) the last four digits of the applicant's
1-30 social security number.

1-31 (e) The registrar shall approve the application of an
1-32 applicant who otherwise meets the qualifications for registration
1-33 but states on the application that the applicant has not been issued
1-34 an identification number described by Section 13.002(c)(8). The
1-35 registrar shall mark the list of registered voters with an
1-36 annotation indicating that the voter whose application is approved
1-37 under this subsection must provide a document or a copy of a
1-38 document described by Section 63.0101 the first time the voter
1-39 seeks to vote by appearing for voting in person or applying for a
1-40 ballot to be voted by mail.

1-41 (f) If the secretary of state is unable to verify the
1-42 applicant's Texas driver's license number, the number of a personal
1-43 identification card issued to the applicant by the Department of
1-44 Public Safety, or the last four digits of the applicant's social
1-45 security number, the voter registrar shall approve the application
1-46 and mark the list of registered voters with an annotation
1-47 indicating that the voter whose application is approved under this
1-48 subsection must provide a document or a copy of a document described
1-49 by Section 63.0101 the first time the voter seeks to vote by
1-50 appearing for voting in person or applying for a ballot to be voted
1-51 by mail.

1-52 SECTION 2. Subsection (a), Section 18.005, Election Code,
1-53 is amended to read as follows:

1-54 (a) Each original and supplemental list of registered
1-55 voters must:

1-56 (1) contain the voter's name, residence address, date
1-57 of birth, and registration number as provided by the statewide
1-58 computerized voter registration list;

1-59 (2) be arranged alphabetically by voter name;

1-60 (3) contain the notation required by Section 15.111;
1-61 and

1-62 (4) ~~[until Section 13.122(d) expires,]~~ identify each
1-63 voter ~~[registered by mail for the first time]~~ who failed to provide

2-1 an identification number described by Section 13.002(c)(8) and each
2-2 voter whose identification number was not able to be verified by the
2-3 secretary of state with an annotation indicating that the voter
2-4 must provide a document or a copy of a document described by Section
2-5 63.0101 the first time the voter seeks to vote [establishing the
2-6 voter's identity at the time of registration].

2-7 SECTION 3. Subchapter D, Chapter 31, Election Code, is
2-8 amended by adding Section 31.101 to read as follows:

2-9 Sec. 31.101. DISPUTE RESOLUTION FOR CONTRACT NEGOTIATION.

2-10 (a) At the request of a party or on its own, the secretary of state
2-11 may refer parties unable to agree to a contract under Section 31.092
2-12 or 31.093 to an alternative dispute resolution process.

2-13 (b) For any alternative dispute resolution process, the
2-14 parties, or the secretary of state if the parties do not agree,
2-15 shall select an impartial third party whose qualifications meet the
2-16 requirements of Section 154.052, Civil Practice and Remedies Code.
2-17 The services of a qualified impartial third party may be obtained
2-18 through an agreement with the Center for Public Policy Dispute
2-19 Resolution at The University of Texas School of Law or an
2-20 alternative dispute resolution system established under Chapter
2-21 152, Civil Practice and Remedies Code.

2-22 (c) The cost of the alternative dispute resolution process
2-23 shall be specified in the agreement between the parties and the
2-24 Center for Public Policy Dispute Resolution or the alternative
2-25 dispute resolution system established under Chapter 152, Civil
2-26 Practice and Remedies Code.

2-27 (d) If the parties do not resolve their conflict through the
2-28 alternative dispute resolution process, the secretary of state may
2-29 prescribe the terms of the contract or instruct the parties not to
2-30 enter into a contract.

2-31 SECTION 4. Section 32.051, Election Code, is amended by
2-32 amending Subsection (c) and adding Subsection (f) to read as
2-33 follows:

2-34 (c) Except as provided by Subsection (f), to [To] be
2-35 eligible to serve as a clerk of an election precinct, a person must
2-36 be a qualified voter:

2-37 (1) of the county, in a countywide election ordered by
2-38 the governor or a county authority or in a primary election;

2-39 (2) of the part of the county in which the election is
2-40 held, for an election ordered by the governor or a county authority
2-41 that does not cover the entire county of the person's residence; or

2-42 (3) of the political subdivision, in an election
2-43 ordered by an authority of a political subdivision other than a
2-44 county.

2-45 (f) A person who is 16 years of age or older, a United States
2-46 citizen, and a student of good standing at a public or private
2-47 secondary school may be an election clerk. The county clerk or
2-48 elections administrator of a county in which a student will serve as
2-49 an election clerk as provided by this section shall work with the
2-50 county's secondary schools to identify students eligible to serve
2-51 as clerks under this section. Not more than two clerks eligible
2-52 under this section may serve at a polling place, except that not
2-53 more than four clerks eligible under this section may serve at any
2-54 countywide polling place. A school district shall excuse a student
2-55 from attending school for the purpose of serving as an election
2-56 clerk under this section.

2-57 SECTION 5. Subsection (d), Section 123.032, Election Code,
2-58 is amended to read as follows:

2-59 (d) The maximum amount that a county in which a political
2-60 subdivision is wholly or partly situated may charge the political
2-61 subdivision for leasing county-owned equipment is 10 percent of the
2-62 purchase price of the equipment [for each day the equipment is
2-63 leased].

2-64 SECTION 6. Section 212.112, Election Code, is amended to
2-65 read as follows:

2-66 Sec. 212.112. AMOUNT OF DEPOSIT. The [(a) Subject to
2-67 Subsection (d), the] amount of the recount deposit is [determined
2-68 by the number of precincts for which a recount is requested in the
2-69 document that the deposit accompanies, in accordance with the

3-1 following schedule]:
3-2 (1) ~~\$60 [five times the maximum hourly rate of pay for~~
3-3 ~~election judges,] for each [a] precinct in which[+~~
3-4 ~~[(A)] regular paper ballots were used; and~~
3-5 (2) ~~\$100 for each precinct in which an electronic~~
3-6 ~~voting system was used [(B) electronic voting system ballots,~~
3-7 ~~other than printed images of ballots cast using direct recording~~
3-8 ~~electronic voting machines, are to be recounted manually; or~~
3-9 ~~[(C) both write-in votes and voting system votes~~
3-10 ~~are to be recounted;~~
3-11 ~~[(2) 10 times the maximum hourly rate of pay for~~
3-12 ~~election judges, for a precinct in which printed images of ballots~~
3-13 ~~cast using direct recording electronic voting machines are to be~~
3-14 ~~recounted manually;~~
3-15 ~~[(3) three times the maximum hourly rate of pay for~~
3-16 ~~election judges, for a precinct in which ballots are to be recounted~~
3-17 ~~by automatic tabulating equipment and no write-in votes are to be~~
3-18 ~~recounted; and~~
3-19 ~~[(4) two times the maximum hourly rate of pay for~~
3-20 ~~election judges, for a precinct in which:~~
3-21 ~~[(A) voting machines were used and no write-in~~
3-22 ~~votes are to be recounted; or~~
3-23 ~~[(B) only the write-in votes cast in connection~~
3-24 ~~with a voting system are to be recounted].~~
3-25 ~~[(b) In a recount of an election for which a majority vote is~~
3-26 ~~required for nomination or election to an office, the rate~~
3-27 ~~prescribed by Subsection (a)(1)(C) applies to each precinct in~~
3-28 ~~which a voting system was used, regardless of whether any write-in~~
3-29 ~~votes were cast in the precinct, if:~~
3-30 ~~[(1) the original election results show that write-in~~
3-31 ~~votes were cast in the election; and~~
3-32 ~~[(2) an exclusion of write-in votes from the recount~~
3-33 ~~is not obtained under Section 212.136.~~
3-34 ~~[(c) If more than one method of voting is used for early~~
3-35 ~~voting, each additional method of voting used for the early voting~~
3-36 ~~shall be treated as constituting an additional precinct in~~
3-37 ~~determining the amount of a recount deposit for a recount of early~~
3-38 ~~voting votes.~~
3-39 ~~[(d) The minimum amount of a deposit accompanying a petition~~
3-40 ~~for a recount is \$50.]~~
3-41 SECTION 7. Subsection (b), Section 25.087, Education Code,
3-42 is amended to read as follows:
3-43 (b) A school district shall excuse a student from attending
3-44 school for the purpose of observing religious holy days, including
3-45 traveling for that purpose. A school district shall excuse a
3-46 student from attending school for the purpose of serving as an
3-47 election clerk. A school district shall excuse a student for
3-48 temporary absence resulting from health care professionals if that
3-49 student commences classes or returns to school on the same day of
3-50 the appointment. A student whose absence is excused under this
3-51 subsection may not be penalized for that absence and shall be
3-52 counted as if the student attended school for purposes of
3-53 calculating the average daily attendance of students in the school
3-54 district. A student whose absence is excused under this subsection
3-55 shall be allowed a reasonable time to make up school work missed on
3-56 those days. If the student satisfactorily completes the school
3-57 work, the day of absence shall be counted as a day of compulsory
3-58 attendance.
3-59 SECTION 8. (a) Except as provided by Subsection (b) of
3-60 this section, the changes in law made by this Act apply only to an
3-61 election ordered on or after September 1, 2007.
3-62 (b) Subsections (e) and (f), Section 13.072, Election Code,
3-63 as added by this Act, apply only to a person who submits an
3-64 application to register to vote on or after the effective date of
3-65 this Act.
3-66 SECTION 9. This Act takes effect September 1, 2007.

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