

By: Hochberg

H.B. No. 1117

A BILL TO BE ENTITLED

AN ACT

relating to ballot instructions.

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

SECTION 1. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.0695 to read as follows:

Sec. 52.0695. GENERAL BALLOT INSTRUCTION. (a) In addition to any other required ballot instructions, a ballot must contain an instruction that clearly and unambiguously describes the reasons that a vote may not be counted or may be counted in a different manner than the voter expects or intends. An instruction required by this subsection must describe the effect of not properly marking a paper ballot, if a paper ballot is used.

(b) The secretary of state by rule shall prescribe the specific instruction to be included on a ballot under this section.

(c) Failure to comply with this section is not grounds for a civil action or an action or contest challenging the validity or result of an election in which the ballot instruction required by this section was not given to one or more voters.

SECTION 2. Section 52.071, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) An instruction under this section shall also describe:

(1) the effect of a straight-party vote if the vote would not apply to all elections on the ballot; and

(2) any circumstances under which casting a vote for

1 an individual candidate will negate a straight-party vote or
2 otherwise cause a vote for a nominee of the same party to not be
3 recorded or counted.

4 (d) The secretary of state shall by rule prescribe the
5 specific instructions to be included under Subsection (c). Failure
6 to comply with Subsection (c) is not grounds for a civil action or
7 an action or contest challenging the validity or result of an
8 election in which the ballot instruction described by Subsection
9 (c) was not given to one or more voters.

10 SECTION 3. Subchapter A, Chapter 124, Election Code, is
11 amended by adding Section 124.007 to read as follows:

12 Sec. 124.007. WARNING FOR CERTAIN VOTING ACTIONS. (a)
13 Where practicable, electronic voting systems shall provide for a
14 clearly worded warning to appear if a voter attempts to cast a vote,
15 make a selection, or take another related action that could lead to
16 an unexpected result.

17 (b) The secretary of state shall by rule prescribe warning
18 language for each voting system approved for use in the state.

19 (c) Failure to comply with this section is not grounds for a
20 civil action or an action or contest challenging the validity or
21 result of an election in which the warning required by this section
22 was not given to one or more voters.

23 SECTION 4. The changes in law made by this Act apply only to
24 an election held on or after January 1, 2010. An election held
25 before January 1, 2010, is governed by the law in effect when the
26 election is held, and the former law is continued in effect for that
27 purpose.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.