

By: Hochberg

H.B. No. 1117

A BILL TO BE ENTITLED

AN ACT

relating to certain instructions on election ballots.

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

SECTION 1. Subchapter C, Chapter 52, Election Code is amended by adding Section 52.075 to read as follows:

Sec. 52.075. Additional Instructions and Warnings for Voting Systems Required (a) Ballot instructions shall clearly and unambiguously indicate to a voter the reasons that a vote may not count or may count in a different manner than the voter would expect or intend. This shall include, at a minimum:

(1) instructions to clarify the effect of a straight party vote where the vote would not apply to all elections on the ballot;

(2) circumstances where a vote for an individual candidate may override a straight ticket selection; and

(3) the impact of not properly marking a paper ballot.

(b) Where practicable, electronic voting systems shall include a clearly worded warning, in addition to the instructions required by Subsection (a), which would appear if the voter attempted to take an action that could lead to an unexpected result.

(c) The secretary of state shall by rule prescribe specific instructions and warning language for each voting system approved for use in the state.

SECTION 2. The change in law made by this Act applies only

1 to an election held on or after January 1, 2010.

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