

1-1 By: Hochberg (Senate Sponsor - Ellis) H.B. No. 1117
1-2 (In the Senate - Received from the House May 13, 2009;
1-3 May 14, 2009, read first time and referred to Committee on State
1-4 Affairs; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1117 By: Van de Putte

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

1-10 relating to ballot instructions.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter C, Chapter 52, Election Code, is
1-13 amended by adding Section 52.0695 to read as follows:

1-14 Sec. 52.0695. GENERAL BALLOT INSTRUCTION. (a) In addition
1-15 to any other required ballot instructions, a ballot must contain an
1-16 instruction that clearly and unambiguously describes how to cast a
1-17 ballot using the voting equipment on which the voter's ballot will
1-18 be cast and includes an explanation of actions by the voter that may
1-19 change or otherwise affect a prior selection by the voter. An
1-20 instruction required by this subsection must describe the effect of
1-21 not properly marking a paper ballot, if a paper ballot is used.

1-22 (b) The secretary of state shall determine when the
1-23 instruction described by Subsection (a) is necessary and by rule
1-24 shall prescribe the specific instruction to be included on a ballot
1-25 under this section.

1-26 (c) Failure to comply with this section is not grounds for a
1-27 civil action or an action or contest challenging the validity or
1-28 result of an election in which the ballot instruction required by
1-29 this section was not given to one or more voters.

1-30 SECTION 2. Section 52.071, Election Code, is amended by
1-31 adding Subsections (c) and (d) to read as follows:

1-32 (c) An instruction under this section shall also describe:

1-33 (1) the effect of a straight-party vote if the vote
1-34 would not apply to all elections on the ballot; and

1-35 (2) any circumstances under which casting a vote for
1-36 an individual candidate will negate a straight-party vote or
1-37 otherwise cause a vote for a nominee of the same party to not be
1-38 recorded or counted.

1-39 (d) The secretary of state shall by rule prescribe the
1-40 specific instructions to be included under Subsection (c). Failure
1-41 to comply with Subsection (c) is not grounds for a civil action or
1-42 an action or contest challenging the validity or result of an
1-43 election in which the ballot instruction described by Subsection
1-44 (c) was not given to one or more voters.

1-45 SECTION 3. Subchapter A, Chapter 124, Election Code, is
1-46 amended by adding Section 124.007 to read as follows:

1-47 Sec. 124.007. WARNING FOR CERTAIN VOTING ACTIONS. (a)
1-48 Where practicable, electronic voting systems shall provide for a
1-49 clearly worded warning to appear if a voter attempts to cast a vote,
1-50 make a selection, or take another related action that could cancel a
1-51 prior selection, change a prior selection, or cancel or change a
1-52 straight-party selection made by the voter.

1-53 (b) The secretary of state shall determine when the warning
1-54 described by Subsection (a) is necessary and shall by rule
1-55 prescribe warning language for each voting system approved for use
1-56 in the state.

1-57 (c) Failure to comply with this section is not grounds for a
1-58 civil action or an action or contest challenging the validity or
1-59 result of an election in which the warning required by this section
1-60 was not given to one or more voters.

1-61 SECTION 4. The changes in law made by this Act apply only to
1-62 an election held on or after January 1, 2010. An election held
1-63 before January 1, 2010, is governed by the law in effect when the

2-1 election is held, and the former law is continued in effect for that
2-2 purpose.

2-3 SECTION 5. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2009.

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