

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2194
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State Affairs
5/20/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2194 amends current law relating to certain election practices and procedures and provides a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.006, Election Code, by amending Subsection (a) and adding Subsection (e), as follows:

(a) Authorizes the registrar to appoint one or more deputy registrars to assist in the registration of voters, subject to Subsection (e).

(e) Requires a person, to be eligible for appointment as a regular deputy registrar under this section, to meet the requirements to be a qualified voter under Section 11.002 (Qualified Voter) except that the person is not required to be a registered voter.

SECTION 2. Amends Subchapter A, Chapter 13, Election Code, by adding Section 13.008, as follows:

Sec. 13.008. PERFORMANCE-BASED COMPENSATION FOR REGISTERING VOTERS PROHIBITED. (a) Provides that a person commits an offense if the person:

(1) compensates another person based on the number of voter registrations that the other person successfully facilitates;

(2) presents another person with a quota of voter registrations to facilitate as a condition of payment or employment;

(3) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voter registrations that the other person facilitates; or

(4) accepts compensation for an activity described by Subdivision (1), (2), or (3).

(b) Provides that an offense under this section is a Class A misdemeanor.

(c) Provides that an officer, director, or other agency of an entity that commits an offense under this section is punishable for the offense.

SECTION 3. Amends Section 13.031(d), Election Code, as follows:

(d) Requires a person, to be eligible for appointment as a volunteer deputy registrar, to:

(1)-(2) Makes no changes to these subdivisions; and

(3) meet the requirements to be a qualified voter under Section 11.002 except that the person is not required to be a registered voter

SECTION 4. Amends Section 13.036(a), Election Code, as follows:

(a) Provides that an appointment as a volunteer deputy registrar is terminated on:

(1) Makes no changes to this subdivision; or

(2) the final conviction of the volunteer deputy for an offense prescribed by Section 13.008 or 13.043.

SECTION 5. Amends Section 32.051(a) and (b), Election Code, as follows:

(a) Requires a person, except as provided by Subsection (b), rather than Subsection (b) or (c) (relating to eligibility of election precinct clerks), to be eligible to serve as a judge of an election precinct, to:

(1) be a qualified voter of the precinct; and

(2) for a regular county election precinct for which an appointment is made by the commissioners court, satisfy any additional eligibility requirements prescribed by written order of the commissioners court.

(b) Provides that if the authority making an appointment, rather than the authority making an emergency appointment, of a presiding judge or alternate presiding judge cannot find an eligible qualified voter of the precinct who is willing to accept the appointment, the eligibility requirement for a clerk prescribed by Subsection (c) applies.

SECTION 6. Repealer: Section 32.051(e) (relating to qualified voter of another precinct in a county), Election Code.

SECTION 7. Amends Section 15.022(a), Election Code, effective January 1, 2012, as follows:

(a) Requires the registrar to make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1)-(2) Makes no changes to these subdivisions;

(3) after receipt of any affidavits executed under Section 63.006 (Voter With Correct Certificate Who is Not on List), following an election, rather than after receipt of a registration omissions list and any affidavits executed under 63.007 (Voter With Incorrect Certificate Who is Not on List); or

(4)-(8) Makes no changes to these subdivisions.

SECTION 8. Amends Section 43.007, Election Code, by amending Subsections (a) and (i) and adding Subsections (k) and (l), as follows:

(a) Requires the secretary of state (SOS) to implement a program to allow each commissioners court participating in the program to eliminate county election precinct polling places and establish countywide polling places for:

(1) Makes no changes to this subdivision;

(2) each election, rather than each countywide election, held on the uniform election date in May: and

(3)-(4) Makes no changes to these subdivisions.

(i) Authorizes SOS to only select to participate in the program six counties, rather than three counties, with a population of 100,000 or more and four counties, rather than two counties, with a population of less than 100,000.

(k) Authorizes each county that previously participated in a program under this section to continue participation in the program for future elections described by Subsection (a), if:

(1) the commissioners court of the county approves participation in the program; and

(2) SOS determines the county's participation in the program was successful.

(l) Provides that Subsections (b) (relating to public hearings on county participation in certain programs), (c) (relating to requiring SOS to providing audits of direct recording electronic voting units), and (d) (relating to relating to requiring SOS to select to participate the program in certain counties) do not apply to a county participating in the program under Subsection (k).

SECTION 9. Amends Section 63.011, Election Code, effective January 1, 2012, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Authorizes a person to whom Section 63.009 (Voter Without Certificate Who is Not on List) applies, rather than Section 63.008(b) (relating to authorizing the voter to be accepted for provisional voting) or 63.009(a) (relating to requiring a voter to be accepted for provisional voting), to cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election .

(b) Provides that a form for an affidavit required by this section is required to be printed on an envelope in which the provisional ballot voted by the person may be placed and is required to include:

(1) space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101 (Documentation of Proof of Identification).

(b-1) Creates this subsection from existing text. Makes no further changes.

SECTION 10. Amends Section 66.0241, Election Code, effective January 1, 2012, as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Requires that envelope no. 4 contain:

(1)-(2) Makes no changes to these subdivisions;

(3) Makes a nonsubstantive change; and

(4) any affidavits executed under section 63.006 or 63.011, rather than under Section 63.007 or 63.011.

Deletes existing text requiring that envelope no. 4 contain the registration omissions list.
Makes nonsubstantive changes.

SECTION 11. Amends Section 85.031(b), Election Code, effective January 1, 2012, to require the clerk, on accepting a voter, to indicate beside the voter's name on the list of registered voters, rather than to indicate beside the voter's name on the list of registered voters or registration omissions list, as applicable, that the voter is accepted to vote by personal appearance unless the form of the list, rather than either list, makes it impracticable to do so, and to enter the voter's name on the poll list.

SECTION 12. Amends Subchapter E, Chapter 127, Election Code, by adding Section 127.1311, as follows:

Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Requires unofficial election results, except as provided by Subsection (b), to be released as soon as they are available after the polls close.

(b) Authorizes the presiding judge of the central counting station, in cooperation with the county clerk, to withhold the release of unofficial election results until the last voter has voted.

SECTION 13. Amends Section 174.092(a), Election Code, to require the biennial state convention to be convened on any day in June or July.

SECTION 14. Amends Section 573.061, Government Code, as follows:

Sec. 573.061. GENERAL EXCEPTIONS. Provides that Section 573.041 (Prohibition Applicable to Public Official) does not apply to:

(1)-(7) Makes no changes to these subdivisions; or

(8) an appointment of an election clerk under Section 32.031 (Presiding Judge to Appoint Clerks), Election Code, who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election.

SECTION 15. Repealers, effective January 1, 2012: Sections 63.005 (Registration Omissions List), 63.007 (Voter With Incorrect Certificate Who is Not on List), and 63.008 (Voter Without Certificate Who is on List), Election Code.

SECTION 16. Provides that the appointment of a person serving as a regular deputy registrar or volunteer deputy registrar who does not meet the eligibility requirements of Sections 12.006 or 13.031, Election Code, as amended by this Act, expires on the effective date of this Act. Requires SOS to prescribe procedures necessary to implement this section.

SECTION 17. Effective date, except as otherwise provided by this Act: September 1, 2011.