

By: Anchia

H.B. No. 416

A BILL TO BE ENTITLED

AN ACT

relating to providing for voter registration at a polling place during early voting by personal appearance and related procedures.

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

SECTION 1. Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.007 to read as follows:

Sec. 12.007. CERTAIN ELECTION OFFICERS ARE VOTER REGISTRARS. An election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION 2. Section 65.051(a), Election Code, is amended to read as follows:

(a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the 10th [~~seventh~~] day after the date of an election.

SECTION 3. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), a [A] provisional ballot may be accepted only if the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election.

(b-1) A provisional ballot cast under Section 85.0312 shall

1 be accepted if the voter registrar determines the applicant is
2 eligible for registration under Section 85.0312(d).

3 SECTION 4. Section 67.003, Election Code, is amended to
4 read as follows:

5 Sec. 67.003. TIME FOR LOCAL CANVASS. (a) Except as
6 provided by Subsection (b), each local canvassing authority shall
7 convene to conduct the local canvass at the time set by the
8 canvassing authority's presiding officer not earlier than the 11th
9 ~~[eighth]~~ day or later than the 14th ~~[11th]~~ day after election day.

10 (b) For an election held on the uniform election date in
11 May, the local canvass must occur not later than the 14th ~~[11th]~~
12 day after election day and not earlier than the later of:

13 (1) the third day after election day;

14 (2) the date on which the early voting ballot board has
15 verified and counted all provisional ballots, if a provisional
16 ballot has been cast in the election; or

17 (3) the date on which all timely received ballots cast
18 from addresses outside of the United States are counted, if a ballot
19 to be voted by mail in the election was provided to a person outside
20 of the United States.

21 SECTION 5. Subchapter B, Chapter 85, Election Code, is
22 amended by adding Section 85.0312 to read as follows:

23 Sec. 85.0312. REGISTRATION AT POLLING PLACE DURING EARLY
24 VOTING WITH PRESENTATION OF PHOTO IDENTIFICATION. (a) A person who
25 would be eligible to vote in an election under Section 11.001, but
26 for the requirement to be a registered voter, shall be accepted
27 during early voting by personal appearance for voting the ballot

1 for the precinct of the person's residence as shown by the
2 identification presented if, on the day the person offers to vote,
3 the person:

4 (1) submits a voter registration application that
5 complies with Section 13.002 to an election officer at the polling
6 place; and

7 (2) presents as proof of residence a photo
8 identification under Section 63.0101(a) that states the person's
9 current address on the day the person seeks to vote.

10 (b) The election officer shall return the original proof of
11 residence to the voter.

12 (c) A person voting under this section shall vote a
13 provisional ballot in the manner provided by Section 63.011 except
14 that the person is not required to submit the affidavit under
15 Section 63.011(a).

16 (d) For each registration corresponding to a ballot cast
17 under this section, the voter registrar shall review the
18 application and determine whether the applicant is eligible for
19 registration as provided by Subchapter C, Chapter 13. The
20 registrar shall inform the early voting ballot board of a
21 determination made under this subsection. A registration approved
22 under this subsection takes effect on the date the vote was cast.

23 (e) The secretary of state may by rule:

24 (1) designate additional documents that a person may
25 offer to prove the person's residence to register and vote under
26 this section; and

27 (2) prescribe procedures to implement this section.

1 (f) An authority holding an election that does not include a
2 statewide or federal election is not required to comply with this
3 section.

4 SECTION 6. This Act takes effect September 1, 2011.