

1-1 By: Taylor of Galveston (Senate Sponsor - Jackson) H.B. No. 2194
1-2 (In the Senate - Received from the House May 12, 2011;
1-3 May 13, 2011, read first time and referred to Committee on State
1-4 Affairs; May 20, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2194 By: Jackson

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

1-10 relating to certain election practices and procedures; providing a
1-11 penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 12.006, Election Code, is amended by
1-14 amending Subsection (a) and adding Subsection (e) to read as
1-15 follows:

1-16 (a) The registrar may appoint one or more deputy registrars
1-17 to assist in the registration of voters, subject to Subsection (e).

1-18 (e) To be eligible for appointment as a regular deputy
1-19 registrar under this section, a person must meet the requirements
1-20 to be a qualified voter under Section 11.002 except that the person
1-21 is not required to be a registered voter.

1-22 SECTION 2. Subchapter A, Chapter 13, Election Code, is
1-23 amended by adding Section 13.008 to read as follows:

1-24 Sec. 13.008. PERFORMANCE-BASED COMPENSATION FOR
1-25 REGISTERING VOTERS PROHIBITED. (a) A person commits an offense if
1-26 the person:

1-27 (1) compensates another person based on the number of
1-28 voter registrations that the other person successfully
1-29 facilitates;

1-30 (2) presents another person with a quota of voter
1-31 registrations to facilitate as a condition of payment or
1-32 employment;

1-33 (3) engages in another practice that causes another
1-34 person's compensation from or employment status with the person to
1-35 be dependent on the number of voter registrations that the other
1-36 person facilitates; or

1-37 (4) accepts compensation for an activity described by
1-38 Subdivision (1), (2), or (3).

1-39 (b) An offense under this section is a Class A misdemeanor.

1-40 (c) An officer, director, or other agent of an entity that
1-41 commits an offense under this section is punishable for the
1-42 offense.

1-43 SECTION 3. Section 13.031(d), Election Code, is amended to
1-44 read as follows:

1-45 (d) To be eligible for appointment as a volunteer deputy
1-46 registrar, a person must:

1-47 (1) be 18 years of age or older; ~~and~~

1-48 (2) not have been finally convicted of a felony or, if
1-49 so convicted, must have:

1-50 (A) fully discharged the person's sentence,
1-51 including any term of incarceration, parole, or supervision, or
1-52 completed a period of probation ordered by any court; or

1-53 (B) been pardoned or otherwise released from the
1-54 resulting disability to vote; and

1-55 (3) meet the requirements to be a qualified voter
1-56 under Section 11.002 except that the person is not required to be a
1-57 registered voter.

1-58 SECTION 4. Section 13.036(a), Election Code, is amended to
1-59 read as follows:

1-60 (a) An appointment as a volunteer deputy registrar is
1-61 terminated on:

1-62 (1) the expiration of the volunteer deputy's term of
1-63 appointment; or

2-1 (2) the final conviction of the volunteer deputy for
2-2 an offense prescribed by Section 13.008 or 13.043.

2-3 SECTION 5. Section 32.051(a) and (b), Election Code, are
2-4 amended to read as follows:

2-5 (a) Except as provided by Subsection (b) [~~or (e)~~], to
2-6 be eligible to serve as a judge of an election precinct, a person
2-7 must:

- 2-8 (1) be a qualified voter of the precinct; and
 - 2-9 (2) for a regular county election precinct
- 2-10 for which an appointment is made by the commissioners court,
2-11 satisfy any additional eligibility requirements prescribed by
2-12 written order of the commissioners court.

2-13 (b) If the authority making an [~~emergency~~] appointment
2-14 of a presiding judge or alternate presiding judge cannot find an
2-15 eligible qualified voter of the precinct who is willing to accept
2-16 the appointment, the eligibility requirement for a clerk prescribed
2-17 by Subsection (c) applies.

2-18 SECTION 6. Section 32.051(e), Election Code, is repealed.

2-19 SECTION 7. Effective January 1, 2012, Section 15.022(a),
2-20 Election Code, is amended to read as follows:

2-21 (a) The registrar shall make the appropriate corrections in
2-22 the registration records, including, if necessary, deleting a
2-23 voter's name from the suspense list:

- 2-24 (1) after receipt of a notice of a change in
2-25 registration information under Section 15.021;
- 2-26 (2) after receipt of a voter's reply to a notice of
2-27 investigation given under Section 16.033;
- 2-28 (3) after receipt of [~~a registration omissions list~~
2-29 ~~and~~] any affidavits executed under Section 63.006 [~~63.007~~],
2-30 following an election;
- 2-31 (4) after receipt of a voter's statement of residence
2-32 executed under Section 63.0011;
- 2-33 (5) before the effective date of the abolishment of a
2-34 county election precinct or a change in its boundary;
- 2-35 (6) after receipt of United States Postal Service
2-36 information indicating an address reclassification;
- 2-37 (7) after receipt of a voter's response under Section
2-38 15.053; or
- 2-39 (8) after receipt of a registration application or
2-40 change of address under Chapter 20.

2-41 SECTION 8. Section 43.007, Election Code, is amended by
2-42 amending Subsections (a) and (i) and adding Subsections (k) and (l)
2-43 to read as follows:

2-44 (a) The secretary of state shall implement a program to
2-45 allow each commissioners court participating in the program to
2-46 eliminate county election precinct polling places and establish
2-47 countywide polling places for:

- 2-48 (1) each general election for state and county
2-49 officers;
- 2-50 (2) each [~~countywide~~] election held on the uniform
2-51 election date in May;
- 2-52 (3) each election on a proposed constitutional
2-53 amendment; and
- 2-54 (4) each election of a political subdivision located
2-55 in the county that is held jointly with an election described by
2-56 Subdivision (1), (2), or (3).

2-57 (i) The secretary of state may only select to participate in
2-58 the program six [~~three~~] counties with a population of 100,000 or
2-59 more and four [~~two~~] counties with a population of less than 100,000.

2-60 (k) Each county that previously participated in a program
2-61 under this section is authorized to continue participation in the
2-62 program for future elections described by Subsection (a) if:

- 2-63 (1) the commissioners court of the county approves
2-64 participation in the program; and
- 2-65 (2) the secretary of state determines the county's
2-66 participation in the program was successful.

2-67 (l) Subsections (b), (c), and (d) do not apply to a county
2-68 participating in the program under Subsection (k).

2-69 SECTION 9. Effective January 1, 2012, Section 63.011,

3-1 Election Code, is amended by amending Subsections (a) and (b) and
3-2 adding Subsection (b-1) to read as follows:

3-3 (a) A person to whom Section 63.009 [~~63.008(b) or 63.009(a)~~]
3-4 applies may cast a provisional ballot if the person executes an
3-5 affidavit stating that the person:

3-6 (1) is a registered voter in the precinct in which the
3-7 person seeks to vote; and

3-8 (2) is eligible to vote in the election.

3-9 (b) A form for an affidavit required by this section must
3-10 [~~shall~~] be printed on an envelope in which the provisional ballot
3-11 voted by the person may be placed and must include:

3-12 (1) a space for entering the identification number of
3-13 the provisional ballot voted by the person; and

3-14 (2) a space for an election officer to indicate
3-15 whether the person presented a form of identification described by
3-16 Section 63.0101.

3-17 (b-1) The affidavit form may include space for disclosure of
3-18 any necessary information to enable the person to register to vote
3-19 under Chapter 13. The secretary of state shall prescribe the form
3-20 of the affidavit under this section.

3-21 SECTION 10. Effective January 1, 2012, Section 66.0241,
3-22 Election Code, is amended to read as follows:

3-23 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4
3-24 must contain:

3-25 (1) the precinct list of registered voters;

3-26 (2) the registration correction list;

3-27 (3) [~~the registration omissions list,~~

3-28 [~~4~~] any statements of residence executed under
3-29 Section 63.0011; and

3-30 (4) [~~5~~] any affidavits executed under Section
3-31 63.006 [~~63.007~~] or 63.011.

3-32 SECTION 11. Effective January 1, 2012, Section 85.031(b),
3-33 Election Code, is amended to read as follows:

3-34 (b) On accepting a voter, the clerk shall indicate beside
3-35 the voter's name on the list of registered voters [~~or registration~~
3-36 ~~omissions list, as applicable,~~] that the voter is accepted to vote
3-37 by personal appearance unless the form of the [~~either~~] list makes it
3-38 impracticable to do so, and the clerk shall enter the voter's name
3-39 on the poll list.

3-40 SECTION 12. Subchapter E, Chapter 127, Election Code, is
3-41 amended by adding Section 127.1311 to read as follows:

3-42 Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Except
3-43 as provided by Subsection (b), unofficial election results shall be
3-44 released as soon as they are available after the polls close.

3-45 (b) The presiding judge of the central counting station, in
3-46 cooperation with the county clerk, may withhold the release of
3-47 unofficial election results until the last voter has voted.

3-48 SECTION 13. Section 174.092(a), Election Code, is amended
3-49 to read as follows:

3-50 (a) The biennial state convention shall be convened on any
3-51 day in June or July.

3-52 SECTION 14. Section 573.061, Government Code, is amended to
3-53 read as follows:

3-54 Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not
3-55 apply to:

3-56 (1) an appointment to the office of a notary public or
3-57 to the confirmation of that appointment;

3-58 (2) an appointment of a page, secretary, attendant, or
3-59 other employee by the legislature for attendance on any member of
3-60 the legislature who, because of physical infirmities, is required
3-61 to have a personal attendant;

3-62 (3) a confirmation of the appointment of an appointee
3-63 appointed to a first term on a date when no individual related to
3-64 the appointee within a degree described by Section 573.002 was a
3-65 member of or a candidate for the legislature, or confirmation on
3-66 reappointment of the appointee to any subsequent consecutive term;

3-67 (4) an appointment or employment of a bus driver by a
3-68 school district if:

3-69 (A) the district is located wholly in a county

4-1 with a population of less than 35,000; or
4-2 (B) the district is located in more than one
4-3 county and the county in which the largest part of the district is
4-4 located has a population of less than 35,000;

4-5 (5) an appointment or employment of a personal
4-6 attendant by an officer of the state or a political subdivision of
4-7 the state for attendance on the officer who, because of physical
4-8 infirmities, is required to have a personal attendant;

4-9 (6) an appointment or employment of a substitute
4-10 teacher by a school district; [~~or~~]

4-11 (7) an appointment or employment of a person by a
4-12 municipality that has a population of less than 200; or

4-13 (8) an appointment of an election clerk under Section
4-14 32.031, Election Code, who is not related in the first degree by
4-15 consanguinity or affinity to an elected official of the authority
4-16 that appoints the election judges for that election.

4-17 SECTION 15. Effective January 1, 2012, Sections 63.005,
4-18 63.007, and 63.008, Election Code, are repealed.

4-19 SECTION 16. The appointment of a person serving as a regular
4-20 deputy registrar or volunteer deputy registrar who does not meet
4-21 the eligibility requirements of Section 12.006 or 13.031, Election
4-22 Code, as amended by this Act, expires on the effective date of this
4-23 Act. The secretary of state shall prescribe procedures necessary
4-24 to implement this section.

4-25 SECTION 17. Except as otherwise provided by this Act, this
4-26 Act takes effect September 1, 2011.

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