

By: S. Davis of Harris, Harless

H.B. No. 2875

Substitute the following for H.B. No. 2875:

By: Burkett

C.S.H.B. No. 2875

A BILL TO BE ENTITLED

1 AN ACT

2 relating to election practices and procedures pertaining to voters  
3 not included on the poll list.

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

5 SECTION 1. Section 15.022(a), Election Code, is amended to  
6 read as follows:

7 (a) The registrar shall make the appropriate corrections in  
8 the registration records, including, if necessary, deleting a  
9 voter's name from the suspense list:

10 (1) after receipt of a notice of a change in  
11 registration information under Section 15.021;

12 (2) after receipt of a voter's reply to a notice of  
13 investigation given under Section 16.033;

14 (3) after receipt of a copy of the poll [~~registration~~  
15 ~~omissions~~] list and any affidavits executed under Section 63.006  
16 [~~63.007~~], following an election;

17 (4) after receipt of a voter's statement of residence  
18 executed under Section 63.0011;

19 (5) before the effective date of the abolishment of a  
20 county election precinct or a change in its boundary;

21 (6) after receipt of United States Postal Service  
22 information indicating an address reclassification;

23 (7) after receipt of a voter's response under Section  
24 15.053; or

1 (8) after receipt of a registration application or  
2 change of address under Chapter 20.

3 SECTION 2. Section 63.003(b), Election Code, is amended to  
4 read as follows:

5 (b) The poll list shall be maintained as an original and  
6 three [~~two~~] copies.

7 SECTION 3. Section 63.006, Election Code, is amended to  
8 read as follows:

9 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~  
10 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to  
11 vote, presents the documentation required under Section 63.001(b)  
12 [~~a voter registration certificate indicating that the voter is~~  
13 ~~currently registered in the precinct in which the voter is offering~~  
14 ~~to vote,~~] but whose name is not on the precinct list of registered  
15 voters[~~7~~] shall be accepted for voting if the voter presents a voter  
16 registration certificate indicating that the voter is currently  
17 registered:

18 (1) in the precinct in which the voter is offering to  
19 vote; or

20 (2) in a different precinct in the same county as the  
21 precinct in which the voter is offering to vote and the voter  
22 executes an affidavit stating that the voter:

23 (A) is a resident of the precinct in which the  
24 voter is offering to vote or is otherwise entitled by law to vote in  
25 that precinct;

26 (B) was a resident of the precinct in which the  
27 voter is offering to vote at the time the information on the voter's

1 residence address was last provided to the voter registrar;

2 (C) did not deliberately provide false  
3 information to secure registration in a precinct in which the voter  
4 does not reside; and

5 (D) is voting only once in the election.

6 (b) After the voter is accepted, an election officer shall:

7 (1) indicate beside the voter's name on the poll list  
8 that the voter was accepted under this section;

9 (2) enter beside the voter's name on the poll list the  
10 precinct of the voter's registration and the voter's registration  
11 number as indicated by the voter's registration certificate; and

12 (3) enter the voter's address beside the voter's name  
13 on the poll list.

14 SECTION 4. Section 63.009, Election Code, is amended to  
15 read as follows:

16 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.  
17 A [(a) Except as provided by Subsection (b), a] voter who does not  
18 present a voter registration certificate when offering to vote, and  
19 whose name is not on the list of registered voters for the precinct  
20 in which the voter is offering to vote, shall be accepted for  
21 provisional voting if the voter executes an affidavit in accordance  
22 with Section 63.011.

23 ~~[(b) If an election officer can determine from the voter~~  
24 ~~registrar that the person is a registered voter of the county and~~  
25 ~~the person presents proof of identification, the affidavits~~  
26 ~~required by Sections 63.007 and 63.008 are substituted for the~~  
27 ~~affidavit required by Section 63.011 in complying with that~~

1 ~~section. After the voter is accepted under this subsection, an~~  
2 ~~election officer shall also indicate beside the voter's name on the~~  
3 ~~poll list that the voter was accepted under this section.]~~

4 SECTION 5. Section 63.011, Election Code, is amended by  
5 amending Subsections (a) and (b) and adding Subsection (b-1) to  
6 read as follows:

7 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or 63.009  
8 [~~63.009(a)~~] applies may cast a provisional ballot if the person  
9 executes an affidavit stating that the person:

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

12 (2) is eligible to vote in the election.

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

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

18 (2) a space for an election officer to indicate  
19 whether the person presented a form of identification described by  
20 Section 63.0101.

21 (b-1) The affidavit form may include space for disclosure of  
22 any necessary information to enable the person to register to vote  
23 under Chapter 13. The secretary of state shall prescribe the form  
24 of the affidavit under this section.

25 SECTION 6. Section 66.0241, Election Code, is amended to  
26 read as follows:

27 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4

1 must contain:

- 2 (1) the precinct list of registered voters;
- 3 (2) the registration correction list;
- 4 (3) a copy of the poll list [~~the registration~~  
5 ~~emissions list~~];
- 6 (4) any statements of residence executed under Section  
7 63.0011; and
- 8 (5) any affidavits executed under Section 63.006  
9 [~~63.007~~] or 63.011.

10 SECTION 7. Section 85.031(b), Election Code, is amended to  
11 read as follows:

12 (b) On accepting a voter, the clerk shall indicate beside  
13 the voter's name on the list of registered voters [~~or registration~~  
14 ~~emissions list, as applicable,~~] that the voter is accepted to vote  
15 by personal appearance unless the form of the [~~either~~] list makes it  
16 impracticable to do so, and the clerk shall enter the voter's name  
17 on the poll list.

18 SECTION 8. Sections 63.005, 63.007, and 63.008, Election  
19 Code, are repealed.

20 SECTION 9. This Act takes effect January 1, 2012.