

By: S. Davis of Harris

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 63.007,
16 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 63.007, Election Code, is amended to
8 read as follows:

9 Sec. 63.007. VOTER WITH INCORRECT CERTIFICATE OR WITHOUT
10 CERTIFICATE WHO IS NOT ON LIST. (a) A voter who, when offering to
11 vote, presents a voter registration certificate indicating that the
12 voter is currently registered in a different precinct in the same
13 county as the precinct [~~from the one~~] in which the voter is offering
14 to vote or does not present a voter registration certificate, and
15 whose name is not on the precinct list of registered voters, shall
16 be accepted for provisional voting if the voter executes an
17 affidavit stating that the voter:

18 (1) is a resident of the precinct in which the voter is
19 offering to vote or is otherwise entitled by law to vote in that
20 precinct;

21 (2) was a resident of the precinct in which the voter
22 is offering to vote at the time that information on the voter's
23 residence address was last provided to the voter registrar;

24 (3) did not deliberately provide false information to
25 secure registration in a precinct in which the voter does not
26 reside; and

27 (4) is voting only once in the election.

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

2 (1) indicate beside the voter's name on the poll list
3 that the voter was accepted under this section; ~~and~~

4 (2) if applicable, enter beside the voter's name on the
5 poll ~~[registration omissions]~~ list the precinct of the voter's
6 registration and the voter's registration number as indicated by
7 the voter's registration certificate;

8 (3) indicate beside the voter's name on the poll list
9 that the voter was accepted for provisional voting under this
10 section; and

11 (4) enter the voter's address beside the voter's name
12 on the poll list.

13 SECTION 4. Section 63.011(a), Election Code, is amended to
14 read as follows:

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

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

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

21 SECTION 5. Section 66.0241, Election Code, is amended to
22 read as follows:

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

25 (1) the precinct list of registered voters;

26 (2) the registration correction list;

27 (3) a copy of the poll list ~~[the registration~~

1 ~~omissions list~~];

2 (4) any statements of residence executed under Section
3 63.0011; and

4 (5) any affidavits executed under Section 63.007 or
5 63.011.

6 SECTION 6. Section 85.031(b), Election Code, is amended to
7 read as follows:

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

14 SECTION 7. Sections 63.005 and 63.009, Election Code, are
15 repealed.

16 SECTION 8. This Act takes effect January 1, 2012.