

SENATE AMENDMENTS

2nd Printing

By: Taylor of Galveston

H.B. No. 2194

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the conduct and administration of elections and of
3 state conventions of political parties.

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

5 SECTION 1. Section 43.007, Election Code, is amended by
6 adding Subsections (k) and (l) to read as follows:

7 (k) Each county that previously participated in a program
8 under this section is authorized to continue participation in the
9 program for future elections described by Subsection (a) if:

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

12 (2) the secretary of state determines the county's
13 participation in the program was successful.

14 (l) Subsections (b), (c), and (d) do not apply to a county
15 participating in the program under Subsection (k).

16 SECTION 2. Subchapter E, Chapter 127, Election Code, is
17 amended by adding Section 127.1311 to read as follows:

18 Sec. 127.1311. ANNOUNCING UNOFFICIAL RESULTS. (a) Except
19 as provided by Subsection (b), unofficial election results shall be
20 released as soon as they are available after the polls close.

21 (b) The presiding judge of the central counting station, in
22 cooperation with the county clerk, may withhold the release of
23 unofficial election results until the last voter has voted.

24 SECTION 3. Section 174.092(a), Election Code, is amended to

1 read as follows:

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

4 SECTION 4. Section 573.061, Government Code, is amended to
5 read as follows:

6 Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not
7 apply to:

8 (1) an appointment to the office of a notary public or
9 to the confirmation of that appointment;

10 (2) an appointment of a page, secretary, attendant, or
11 other employee by the legislature for attendance on any member of
12 the legislature who, because of physical infirmities, is required
13 to have a personal attendant;

14 (3) a confirmation of the appointment of an appointee
15 appointed to a first term on a date when no individual related to
16 the appointee within a degree described by Section 573.002 was a
17 member of or a candidate for the legislature, or confirmation on
18 reappointment of the appointee to any subsequent consecutive term;

19 (4) an appointment or employment of a bus driver by a
20 school district if:

21 (A) the district is located wholly in a county
22 with a population of less than 35,000; or

23 (B) the district is located in more than one
24 county and the county in which the largest part of the district is
25 located has a population of less than 35,000;

26 (5) an appointment or employment of a personal
27 attendant by an officer of the state or a political subdivision of

1 the state for attendance on the officer who, because of physical
2 infirmities, is required to have a personal attendant;

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

5 (7) an appointment or employment of a person by a
6 municipality that has a population of less than 200; or

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

11 SECTION 5. This Act takes effect September 1, 2011.

ADOPTED

MAY 25 2011

Atty Gen
Secretary of the Senate

By: Jackson

H.B. No. 2194

Substitute the following for H.B. No. 2194:

By: Jackson

C.S. H.B. No. 2194

A BILL TO BE ENTITLED

AN ACT

relating to certain election practices and procedures; providing a penalty.

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

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

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

(e) To be eligible for appointment as a regular deputy registrar under this section, a person must 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 2. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.008 to read as follows:

Sec. 13.008. PERFORMANCE-BASED COMPENSATION FOR REGISTERING VOTERS PROHIBITED. (a) 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) An offense under this section is a Class A misdemeanor.

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

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

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

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

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

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

(B) been pardoned or otherwise released from the resulting disability to vote; 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. Section 13.036(a), Election Code, is amended to read as follows:

(a) An appointment as a volunteer deputy registrar is terminated on:

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

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

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

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

(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) If 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. Section 32.051(e), Election Code, is repealed.

SECTION 7. Effective January 1, 2012, Section 15.022(a),

Election Code, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(a) The secretary of state shall 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) each general election for state and county officers;
- (2) each [~~countywide~~] election held on the uniform election date in May;
- (3) each election on a proposed constitutional amendment; and
- (4) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (1), (2), or (3).

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

(k) Each county that previously participated in a program under this section is authorized 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) the secretary of state determines the county's participation in the program was successful.

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

SECTION 9. Effective January 1, 2012, Section 63.011,

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

(a) A person to whom Section 63.009 [~~63.008(b) or 63.009(a)~~] applies may 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) A form for an affidavit required by this section must [~~shall~~] be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1) a 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.

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

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

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

(1) the precinct list of registered voters;

- (2) the registration correction list;
- (3) [~~the registration omissions list,~~
- [~~4~~] any statements of residence executed under Section 63.0011; and
- (4) [~~5~~] any affidavits executed under Section 63.006 [~~63.007~~] or 63.011.

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

(b) On accepting a voter, the clerk shall 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 [~~either~~] list makes it impracticable to do so, and the clerk shall enter the voter's name on the poll list.

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

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

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

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

(a) The biennial state convention shall be convened on any

day in June or July.

SECTION 14. Section 573.061, Government Code, is amended to read as follows:

Sec. 573.061. GENERAL EXCEPTIONS. Section 573.041 does not apply to:

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

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

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

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

(A) the district is located wholly in a county with a population of less than 35,000; or

(B) the district is located in more than one county and the county in which the largest part of the district is located has a population of less than 35,000;

(5) an appointment or employment of a personal attendant by an officer of the state or a political subdivision of the state

for attendance on the officer who, because of physical infirmities, is required to have a personal attendant;

(6) an appointment or employment of a substitute teacher by a school district; ~~or~~

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

(8) an appointment of an election clerk under Section 32.031, 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. Effective January 1, 2012, Sections 63.005, 63.007, and 63.008, Election Code, are repealed.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2194 by Taylor, Larry (Relating to certain election practices and procedures; providing a penalty.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code related to certain election practices and procedures, including eligibility requirements for regular and volunteer deputy registrars.

The bill would amend the Election Code to prohibit paying or receiving compensation for assisting voters based on number of voters assisted or a quota and would create a Class A offense for a violation. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

The bill would repeal Section 32.051(e) of the Election Code.

The bill would require the Secretary of State 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 certain elections and could select only a certain number of counties to participate based on population. Each county that previously participated in the countywide polling place program would be authorized to continue participation if the commissioners court approves participation and the Secretary of State determines the county's participation was successful. The bill would specify that certain subsections would not apply to a county participating in the program.

The presiding judge of a central counting station, in cooperation with the county clerk, would be authorized to withhold the release of unofficial election results until the last voter has voted.

The bill would amend Section 573.061 of the Government Code to specify that Section 573.041 would not apply to the appointment of an election clerk under Section 32.031 of the 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.

Effective January 1, 2012, the bill would repeal Sections 63.005, 63.007, and 63.008 of the Election Code.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, ESi, KJG, TP, JT, JB, BTA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2194 by Taylor, Larry (Relating to certain election practices and procedures; providing a penalty.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code related to certain election practices and procedures, including eligibility requirements for regular and volunteer deputy registrars.

The bill would amend the Election Code to prohibit paying or receiving compensation for assisting voters based on number of voters assisted or a quota and would create a Class A offense for a violation. A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both.

The bill would repeal Section 32.051(e) of the Election Code.

The bill would require the Secretary of State 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 certain elections and could select only a certain number of counties to participate based on population. Each county that previously participated in the countywide polling place program would be authorized to continue participation if the commissioners court approves participation and the Secretary of State determines the county's participation was successful. The bill would specify that certain subsections would not apply to a county participating in the program.

The presiding judge of a central counting station, in cooperation with the county clerk, would be authorized to withhold the release of unofficial election results until the last voter has voted.

The bill would amend Section 573.061 of the Government Code to specify that Section 573.041 would not apply to the appointment of an election clerk under Section 32.031 of the 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.

Effective January 1, 2012, the bill would repeal Sections 63.005, 63.007, and 63.008 of the Election Code.

Local Government Impact

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication. No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, KJG, TP, JT, JB, BTA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 15, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2194 by Taylor, Larry (Relating to the conduct and administration of elections and of state conventions of political parties.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Election Code related to the conduct and administration of elections. The bill would provide that each county that previously participated in the countywide polling place program to continue participation if the commissioners court approves participation and the Secretary of State determines the county's participation was successful. The bill would specify that certain subsections would not apply to a county participating in the program.

The presiding judge of a central counting station, in cooperation with the county clerk, would be authorized to withhold the release of unofficial election results until the last voter has voted.

The bill would amend Section 573.061 of the Government Code to specify that Section 573.041 would not apply to the appointment of an election clerk under Section 32.031 of the 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.

The bill would be effective September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, KJG, TP, JT, JB, BTA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 12, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2194 by Taylor, Larry (relating to the conduct and administration of elections.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend sections of the Election Code and Government Code related to the conduct and administration of elections. The presiding judge would have the authority to observe assistance being provided to a voter to ensure compliance with relevant laws. Upon the request of a watcher, two election officers affiliated or aligned with different parties, or two election officer affiliated with the same party if there are not two or more election officers in the same place aligned with different parties would be required to observe the assistance provided to a voter to ensure compliance with relevant laws.

The Secretary of State would be required to determine the successfulness of a county's participation in a countywide polling place program. The Secretary of State reported any costs associated with implementation of the legislation could be absorbed within existing resources. The bill would be effective September 1, 2011.

Local Government Impact

Fiscal impact to local governments would vary by locality depending on whether or not a commissioners court participates in the program; however, costs are not anticipated to be significant.

According to the Texas Association of Counties, Lubbock County, Tarrant County, and Ward County reported no fiscal impact is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, JT, JB, BTA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 19, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2194 by Taylor, Larry (Relating to the conduct and administration of elections.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend sections of the Election Code and Government Code related to the conduct and administration of elections. The Secretary of State would be required to determine the successfulness of a county's participation in a countywide polling place program. It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources. The bill would be effective September 1, 2011.

Local Government Impact

Fiscal impact to local governments would vary by locality depending on whether or not a commissioners court participates in the program; however, costs are not anticipated to be significant.

Source Agencies: 307 Secretary of State

LBB Staff: JOB, JT, BTA, KKR