

House Bill 2194
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

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.

No equivalent provision.

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.

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No equivalent provision.

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.

No equivalent provision.

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.

No equivalent provision.

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:

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- (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.

No equivalent provision.

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 Section 32.051(e), Election Code, is repealed.

No equivalent provision.

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

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

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.

(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.

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

No equivalent provision.

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(1) 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;

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- (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.

No equivalent provision.

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 2. 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 12. Same as House version.

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

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

SECTION 13. Same as House version.

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day in June or July.

SECTION 4. 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~~]

SECTION 14. Same as House version.

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(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.

No equivalent provision.

No equivalent provision.

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

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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.

CONFERENCE