

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

SECTION 1. Chapter 1, Election Code, is amended by adding Section 1.016 to read as follows:

Sec. 1.016. RESIDENCE FOR CERTAIN REGISTERED VOTERS. (a) For purposes of registration under this code, a person's residence is established at the first residence address in the following list that is applicable to the person:

- (1) the address the person claims as a homestead in this state;
- (2) the address stated on a driver's license issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;
- (3) the address stated on a personal identification card issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 521.054, Transportation Code, the new address contained in the notification;
- (4) the address stated on a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or, if the person has notified the department of a change of address under Section 411.181, Government Code, the new address contained in the notification; or
- (5) an address corresponding to a residence at which the person receives mail.

(b) The address described by Subsection (a)(5) may not be a commercial post office box or similar location that does not correspond to a residence.

(c) This section does not apply to:

- (1) a person who is a member of the armed forces of the United States or the spouse or a dependent of a member; or
- (2) a person enrolled as a full-time student at an institution of higher education.

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(d) The secretary of state shall adopt rules as necessary to implement this section.

SECTION 2. Section 4.004(a), Election Code, is amended to read as follows:

- (a) The notice of a general or special election must state:
- (1) the nature and date of the election;
  - (2) except as provided by Subsection (c), the location of each polling place~~[-, including each early voting polling place];~~
  - (3) the hours that the polls will be open; and
  - (4) any other information required by other law.

SECTION 3. 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 1. Same as House version.

**No equivalent provision.**

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

SECTION 4. Subchapter A, Chapter 13, Election Code, is amended by adding Section 13.009 to read as follows:

Sec. 13.009. ELECTRONIC VOTER REGISTRATION. (a)

The secretary of state shall implement a program to allow a person who has a valid driver's license or personal identification card issued in this state to complete a voter registration application over the Internet from the official website of this state and either directly or via links to the websites of the secretary of state, the Department of Public Safety, and counties participating in the program.

(b) An applicant for electronic voter registration must:

(1) attest to the truth of the information provided on the application by affirmatively accepting the information as true; and

(2) affirmatively consent to the use of the address and signature on the applicant's driver's license or personal identification card for voter registration purposes.

(c) For each application submitted, the program shall require that a digital copy of the applicant's signature be obtained from the Department of Public Safety.

(d) An application submitted under this section is considered for all purposes as an application submitted by mail under this title.

(e) The secretary of state shall adopt rules as necessary to implement this section, including rules to provide for additional security measures necessary to ensure the accuracy and integrity of applications submitted electronically.

(f) The rules adopted under Subsection (e) must require that each Internet website through which a person may complete a voter registration application include a description of the offense described by Section 13.007 in a conspicuous location

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

on the website near the place where the person begins or submits the application.

SECTION 5. 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 a registered voter [~~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) not have been finally convicted of an offense under Section 32.51, Penal Code.

No equivalent provision.

SECTION 6. Section 13.033(b), Election Code, is amended to read as follows:

(b) If a person is to be appointed, the registrar shall prepare a certificate of appointment in duplicate containing:

(1) the date of appointment;

(2) the statement: "I, \_\_\_\_\_, Voter Registrar for \_\_\_\_\_ County, do hereby appoint \_\_\_\_\_ as a volunteer deputy registrar for \_\_\_\_\_ County.";

(3) the person's residence address;

(4) the person's voter registration number, if any;

(5) a statement that the term of the appointment expires December 31 of an even-numbered year; and

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

(6) a statement that the appointment;  
(A) terminates on the person's final conviction for an offense;  
(i) for failure to deliver a registration application; or  
(ii) under Section 32.51, Penal Code; and  
(B) may terminate on the registrar's determination that the person failed to adequately review a registration application.

SECTION 7. 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 of this code or Section 32.51, Penal Code.

SECTION 8. Section 18.064, Election Code, is amended to read as follows:

Sec. 18.064. SANCTION FOR NONCOMPLIANCE. If a registrar fails to substantially comply with Section 15.083, 16.032, [~~18.042,~~] or 18.061 or with rules adopted by the secretary of state implementing the statewide computerized voter registration list, the registrar is not entitled to receive state funds for financing voter registration in the county.

SECTION 9. Section 18.065(a), Election Code, is amended to read as follows:

(a) The secretary of state shall monitor each registrar for substantial compliance with Sections 15.083, 16.032,

No equivalent provision.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

[~~18.042,~~] and 18.061 and with rules implementing the statewide computerized voter registration list.

SECTION 10. Subchapter C, Chapter 18, Election Code, is amended by adding Section 18.068 to read as follows:  
Sec. 18.068. VOTING HISTORY. Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the registrar shall electronically submit to the secretary of state the record of each voter participating in the election.

SECTION 4. Same as House version.

SECTION 11. Section 19.002(d), Election Code, is amended to read as follows:

(d) The comptroller may not issue a warrant if on June 1 of the year in which the warrant is to be issued the most recent notice received by the comptroller from the secretary of state under Section 18.065 indicates that the registrar is not in substantial compliance with Section 15.083, 16.032, [~~18.042,~~] or 18.065 or with rules implementing the registration service program.

SECTION 5. Same as House version.

SECTION 12. Section 31.006, Election Code, is amended to read as follows:

Sec. 31.006. REFERRAL OF COMPLAINT TO ATTORNEY GENERAL. (a) If, after receiving a complaint alleging criminal conduct in connection with an election, the secretary of state determines that there is reasonable cause to suspect that the alleged criminal conduct occurred, the secretary shall promptly refer the complaint to the attorney general. The secretary shall deliver to the attorney general all

SECTION 6. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

pertinent documents in the secretary's possession.

(b) The documents submitted to the attorney general under Subsection (a) are not considered public information until the attorney general has completed the investigation or has made a determination that the complaint referred does not warrant an investigation.

SECTION 13. Section 31.092(b), Election Code, is amended to read as follows:

(b) The county election officer may contract with the county executive committee of a political party holding a primary election in the county to perform election services, as provided by this subchapter, in the party's general primary election or runoff primary election, or both. ~~[To be binding, a contract under this subsection must be approved in writing by the secretary of state, and the execution of a contract is not completed until written approval is obtained.]~~

SECTION 14. Section 31.093(a), Election Code, is amended to read as follows:

(a) If requested to do so by a political subdivision or political party, the county elections administrator shall enter into a contract to furnish the election services requested, in accordance with a cost schedule agreed on by the contracting parties. ~~[If the contracting parties are unable to reach an agreement, on referral by either party, the secretary of state shall either prescribe terms that the administrator must accept or instruct the administrator to decline to enter into a contract with the requesting party.]~~

SECTION 7. Same as House version.

SECTION 8. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 15. Section 32.002(c), Election Code, is amended to read as follows:

(c) The presiding judge and alternate presiding judge must be affiliated or aligned with different political parties, subject to this subsection. Before July of each year in a county to which Subsection (a)(1) applies or before August of each year in a county to which Subsection (a)(2) applies, the county chair of a political party whose candidate for governor received the highest or second highest number of votes in the county in the most recent gubernatorial general election shall submit in writing to the commissioners court a list of names of persons in order of preference for each precinct who are eligible for appointment as an election judge. The county chair may supplement the list of names of persons until the 20th day before a general election or the 15th day before a special election in case an appointed election judge becomes unable to serve. The commissioners court shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the highest number of votes in the precinct as the presiding judge and the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the second highest number of votes in the precinct as the alternate presiding judge. If the candidates for governor of two political parties received the same number of votes in the precinct, the first person meeting the applicable eligibility requirements from the list submitted by the party whose candidate for governor received the highest number of votes in the county shall be appointed as the presiding judge and the first person meeting the applicable eligibility requirements from the list submitted by the party whose candidate for governor received the second highest number of votes in the county shall be appointed as

SENATE VERSION (CS)

SECTION 9. Same as House version.

CONFERENCE



**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

the alternate presiding judge. The commissioners court may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements.

SECTION 16. Section 32.075, Election Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) The presiding judge or a special peace officer appointed under this section may not remove an alternate presiding judge from the polling place without cause or:

(1) the approval of the county clerk, county elections administrator, or similar official administering the election for a political subdivision; and

(2) the documentation and certification by the presiding judge of the reason for removal.

(g) A person is eligible for appointment as a special peace officer under Subsection (b) only if the person is licensed as a peace officer by the Commission on Law Enforcement Officer Standards and Education.

SECTION 17. Section 33.006(b), Election Code, is amended to read as follows:

(b) A certificate of appointment must:

(1) be in writing and signed by the appointing authority or, for an appointment for a write-in candidate under Section 33.004, by each of the voters making the appointment;

(2) indicate the capacity in which the appointing authority is acting;

(3) state the name, residence address, and voter registration number of the appointee and be signed by the appointee;

(4) identify the election and the precinct polling place or

SENATE VERSION (CS)

No equivalent provision.

SECTION 10. Same as House version.

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

other location at which the appointee is to serve;  
(5) in an election on a measure, identify the measure if more than one is to be voted on and state which side of the measure the appointee represents; and  
(6) contain an affidavit executed by the appointee stating that the appointee will not have possession of a device capable [any mechanical or electronic means] of recording images or sound or that the appointee will disable or deactivate the device while serving as a watcher.

SECTION 18. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. CONFIDENTIAL INFORMATION. (a) During the administration of the election, any information provided by a watcher under this chapter that may be used to identify the watcher is confidential and may be used only for election administration purposes. The information may be made available to the public beginning on the day after election day.

(b) It is an offense to disclose information described by Subsection (a) during the administration of the election without the permission of the watcher.

(c) An offense under this section is a Class B misdemeanor.

SECTION 19. Section 33.051(c), Election Code, is amended to read as follows:

(c) A watcher may not be accepted for service if the watcher has possession of a device capable [any mechanical or electronic means] of recording images or sound unless the watcher agrees to disable or deactivate the device. The presiding judge may inquire whether a watcher has possession

No equivalent provision.

SECTION 11. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

of any prohibited recording device before accepting the watcher for service.

SECTION 20. Section 43.007, Election Code, is amended by adding Subsections (k) and (l) to read as follows:

(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).

No equivalent provision.

SECTION 21. Section 64.032, Election Code, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) The person selected under Subsection (c) must also be a registered voter of the county in which the election is being held unless the person is related to the voter within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

(d) If assistance is provided by a person of the voter's choice, the person shall provide a photo identification to an election officer and the officer shall enter the person's name and address on the poll list beside the voter's name.

No equivalent provision.

SECTION 22. Subchapter B, Chapter 64, Election Code, is amended by adding Section 64.0325 to read as follows:

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Sec. 64.0325. LIMITATION ON ASSISTANCE. (a) A person chosen under Section 64.032(c) may not assist more than two voters in a day, including assistance provided during the period for early voting by personal appearance and assistance provided under Section 86.010.

(b) A person who violates Subsection (a) is liable to the state for a civil penalty not to exceed \$10,000. The attorney general or the appropriate district or county attorney may bring suit to recover a penalty under this subsection.

(c) Subsection (a) does not apply to a person assisting a voter if the person:

(1) is an employee of a state-licensed care facility in which the voter resides and is providing assistance to the voter in the normal course of the employee's authorized duties;

(2) is a sign language interpreter providing interpretation services to the voter; or

(3) is related to the voter within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code.

SECTION 23. Section 64.036(d), Election Code, is amended to read as follows:

(d) An offense under this section is a state jail felony [~~Class A misdemeanor~~].

**No equivalent provision.**

SENATE VERSION (CS)

**No equivalent provision.**

SECTION 12. Section 66.058, Election Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:

(a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed;

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

SECTION 24. Section 84.007(b), Election Code, is amended to read as follows:

(b) An application must be submitted to the early voting clerk by:

- (1) mail;
- (2) common or contract carrier; or
- (3) telephonic facsimile machine, ~~[if the applicant is absent from the county and]~~ if a machine is available in the clerk's office.

SECTION 25. Section 85.004, Election Code, is amended to read as follows:

Sec. 85.004. PUBLIC NOTICE OF MAIN POLLING PLACE LOCATION. The election order and the election notice must state the location of the main ~~[each]~~ early voting polling place.

SECTION 26. Sections 85.032(b), (d), and (f), Election Code, are amended to read as follows:

- ~~(1) in an election involving a federal office, for at least 22 months after election day in accordance with federal law; or~~
- ~~(2) in an election not involving a federal office, for at least six months after election day.~~

~~(h) For the preservation of precinct election records in an election involving a federal office, the secretary of state shall instruct the affected authorities on the actions necessary to comply with federal law and otherwise implement this section.~~

SECTION 13. Section 84.007(b), Election Code, is amended to read as follows:

(b) An application must be submitted to the early voting clerk by:

- (1) mail;
- (2) common or contract carrier; or
- (3) a means of sending an electronic copy prescribed by the secretary of state ~~[telephonic facsimile machine, if the applicant is absent from the county and if a machine is available in the clerk's office].~~

SECTION 14. Same as House version.

SECTION 15. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(b) The ballot box in which voters deposit their marked early voting ballots must have two locks, each with a different key, and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election. The procedures prescribed by Sections 127.064, 127.065, 127.066, and 127.068 governing the use of sealed ballot boxes in electronic voting system elections apply to the use of sealed ballot boxes under this title to the extent those procedures can be made applicable~~[, with references to the central counting station being applied to the early voting ballot board]~~. The secretary of state shall prescribe any procedures necessary to implement the use of sealed ballot boxes in early voting.

(d) Each custodian shall retain possession of the key entrusted to the custodian until it is delivered to the presiding judge of the central counting station ~~[early voting ballot board under Subchapter B, Chapter 87]~~.

(f) The secretary of state shall prescribe procedures providing for the security of the voted early voting ballots from the last day of voting by personal appearance at a polling place until the day the ballots are counted. ~~[The procedures must include security measures covering the transfer of the ballots between the early voting clerk and the early voting ballot board.]~~

SECTION 27. Subchapter C, Chapter 85, Election Code, is amended by adding Section 85.073 to read as follows:

Sec. 85.073. MOBILE VOTING STATIONS IN CERTAIN COUNTIES IN CERTAIN ELECTIONS. (a) This section applies to early voting in an election that includes a bond proposition in a city or school district located in a county with

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

a population of more than one million.

(b) If a mobile voting station is used, the mobile voting station:

(1) may not change locations during the early voting period;  
and

(2) shall be placed within the territory covered by the election in a manner to allow all of the voters in the territory the same access to the mobile voting station during the early voting period.

SECTION 28. Section 86.0051, Election Code, is amended by adding Subsection (b-1) and amending Subsections (c), (d), and (e) to read as follows:

(b-1) A person may not deposit in the mail or with a common or contract carrier more than two carrier envelopes containing ballots voted by other persons in an election.

(c) A person commits an offense if the person knowingly violates Subsection (b) or (b-1). It is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter's carrier envelope.

(d) An offense under this section is a state jail felony [~~Class B misdemeanor~~], unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a [~~state jail~~] felony of the third degree.

(e) Subsections (a) and (c) do not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code [~~—or— is registered to vote at the same address as the applicant~~]. Subsection (c) does not apply to an employee of a state licensed care facility where the voter resides who is working

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

in the normal course of the employee's authorized duties.

SECTION 29. Section 86.006(f), Election Code, is amended to read as follows:

(f) A person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code to another. Unless the person possessed the ballot or carrier envelope with intent to defraud the voter or the election authority, this subsection does not apply to a person who, on the date of the offense, was:

- (1) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code;
- (2) registered to vote at the same address as the voter;
- (3) an early voting clerk or a deputy early voting clerk;
- (4) a person who possesses the carrier envelope in order to deposit the envelope in the mail or with a common or contract carrier and who provides the information required by Section 86.0051(b) in accordance with that section;
- (5) an employee of the United States Postal Service working in the normal course of the employee's authorized duties; ~~[or]~~
- (6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope; or
- (7) an employee of a state licensed care facility where the voter resides who is working in the normal course of the employee's authorized duties.

**No equivalent provision.**

SECTION 30. Sections 86.010(g) and (h), Election Code, are

**No equivalent provision.**



**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

amended to read as follows:

(g) An offense under this section is a state jail felony [~~Class A misdemeanor~~] unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter, in which event the offense is a [~~state jail~~] felony of the third degree.

(h) Subsection (f) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code[, ~~or is registered to vote at the same address as the applicant~~].

SECTION 31. Section 87.021, Election Code, is amended to read as follows:

Sec. 87.021. **BALLOTS AND OTHER MATERIALS DELIVERED TO BOARD.** The early voting clerk shall deliver to the early voting ballot board:

(1) ~~[each ballot box, in accordance with Section 85.032(b), containing the early voting ballots voted by personal appearance and the clerk's key to each box;~~

~~[(2)]~~ the jacket envelopes containing the early voting ballots voted by mail;

~~[(2)]~~ ~~[(3)]~~ the poll lists prepared in connection with early voting by personal appearance;

~~[(3)]~~ ~~[(4)]~~ the list of registered voters used in conducting early voting; and

~~[(4)]~~ ~~[(5)]~~ a ballot transmittal form that includes a statement of the number of early voting ballots voted by mail that are delivered to the early voting ballot board ~~[and the number of~~

SECTION 16. Section 87.021, Election Code, is amended to read as follows:

Sec. 87.021. **BALLOTS AND OTHER MATERIALS DELIVERED TO BOARD.** The early voting clerk shall deliver to the early voting ballot board:

(1) in an election in which regular paper ballots are used for early voting by personal appearance, each ballot box, in accordance with Section 85.032(b), containing the early voting ballots voted by personal appearance and the clerk's key to each box;

(2) the jacket envelopes containing the early voting ballots voted by mail, regardless of the ballot type or voting system used;

(3) the poll lists prepared in connection with early voting by personal appearance;

(4) the list of registered voters used in conducting early voting; and

(5) a ballot transmittal form that includes a statement of the number of early voting ballots voted by mail, regardless of the ballot type or voting system used, that are delivered to the

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

~~names appearing on the poll lists prepared in connection with early voting by personal appearance].~~

SECTION 32. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0211 to read as follows:  
Sec. 87.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED ELECTRONICALLY. If ballot materials and ballot applications are recorded electronically as provided by Section 87.126, the early voting clerk may deliver those materials to the early voting ballot board through electronic means.

SECTION 33. Section 87.022, Election Code, is amended to read as follows:  
Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as provided by Section ~~[87.0221,]~~ 87.0222~~[-87.023,]~~ or 87.024, the materials shall be delivered to the early voting ballot board under this subchapter during the time the polls are open on election day, or as soon after the polls close as practicable, at the time or times specified by the presiding judge of the board.

SECTION 34. Section 87.0241, Election Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:  
(b) Except as provided by Subsection (d), the ~~[The]~~ board may not count early voting ballots until:  
(1) the polls open on election day; or

SENATE VERSION (CS)

early voting ballot board, and in an election in which regular paper ballots are used for early voting by personal appearance, the number of names appearing on the poll lists prepared in connection with early voting by personal appearance.

SECTION 17. Same as House version.

No equivalent provision.

No equivalent provision.

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(2) in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.

(d) An early voting ballot board may establish a process for removing data from voting machines used in early voting before the polls open on election day if:

(1) the county will use the voting machines on election day;  
and

(2) the secretary of state approves the process.

**No equivalent provision.**

**No equivalent provision.**

SENATE VERSION (CS)

SECTION 18. Section 87.0221(a), Election Code, is amended to read as follows:

(a) In an election in which regular paper ballots are used for early voting by personal appearance or by mail, the materials may be delivered to the board between the end of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

SECTION 19. Section 87.023(a), Election Code, is amended to read as follows:

(a) In an election in which early voting ballots are to be counted by automatic tabulating equipment at a central counting station, the ballots voted by mail to be automatically counted may be delivered to the board between the end of the period for early voting by personal appearance and the closing of the polls on election day, or as soon after closing as practicable, at intervals specified by the presiding judge of the board.

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 35. Section 87.027, Election Code, is amended by adding Subsection (m) to read as follows:

(m) If ballot materials or ballot applications are recorded electronically as provided by Section 87.126, the signature verification committee may use an electronic copy of a carrier envelope certificate or the voter's ballot application in making the comparison under Subsection (i).

SECTION 36. Subchapter G, Chapter 87, Election Code, is amended by adding Section 87.126 to read as follows:

Sec. 87.126. ELECTRONIC RECORDING OF BALLOT MATERIALS AND APPLICATIONS. (a) The early voting clerk may electronically record applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, and ballots. (b) The secretary of state may adopt rules providing requirements for the electronic image quality and storage of the electronic images of the documents described by Subsection (a).

SECTION 37. Section 101.001, Election Code, is amended to read as follows:

Sec. 101.001. ELIGIBILITY. (a) A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member; or

SENATE VERSION (CS)

SECTION 20. Same as House version.

SECTION 21. Same as House version.

**No equivalent provision.**

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

(b) Notwithstanding Subsection (a) and Chapter 114, a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely is entitled to vote a full ballot as provided by this chapter if the person is otherwise eligible to vote under this chapter and is a registered voter at the address contained on the application.

**No equivalent provision.**

SENATE VERSION (CS)

SECTION 22. Section 101.013, Election Code, is amended to read as follows:

Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. (a) The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), as amended.

(b) The secretary of state is designated as the state coordinator between military and overseas voters and county election officials. A county election official shall:

(1) cooperate with the secretary of state to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election; and

(2) otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) The secretary of state may adopt rules as necessary to

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

implement this section.

SECTION 38. Section 112.002(a), Election Code, is amended to read as follows:

(a) After changing residence to another county, a person is eligible to vote a limited ballot by personal appearance during the early voting period or by mail if:

(1) the person would have been eligible to vote in the county of former residence on election day if still residing in that county;

(2) the person is registered to vote in the county of former residence at the time the person:

(A) offers to vote in the county of new residence; or

(B) submitted a voter registration application in the county of new residence; and

(3) a voter registration for the person in the county of new residence is not effective on or before election day.

SECTION 23. Same as House version.

SECTION 39. Subchapter A, Chapter 122, Election Code, is amended by adding Section 122.006 to read as follows:

Sec. 122.006. EXEMPTION FROM USE OF VOTING SYSTEM FOR CERTAIN POLITICAL SUBDIVISIONS.

(a) This section applies only to:

(1) a city with a population of 40,000 or less; and

(2) a school district with a student population of 10,000 or less.

(b) A political subdivision is not required to use an electronic voting system.

**No equivalent provision.**

SECTION 40. Section 127.007, Election Code, is amended to

SECTION 24. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

read as follows:

Sec. 127.007. PLAN FOR COUNTING STATION OPERATION. (a) The manager shall establish and implement a written plan for the orderly operation of the central counting station.

(b) The plan required under this section must address the process for comparing the number of voters who signed the combination form with the number of votes cast for the entire election.

SECTION 41. 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 42. Section 127.201, Election Code, is amended by adding Subsection (g) to read as follows:

(g) This section does not apply to the tabulation of electronic voting system results for a voting system that uses direct recording electronic voting machines.

SECTION 43. Section 129.023(c), Election Code, is amended to read as follows:

(c) The general custodian of election records shall adopt procedures for testing that:

**No equivalent provision.**

SECTION 25. Same as House version.

SECTION 26. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

- (1) direct the testing board to cast votes;
- (2) verify that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted ~~[for each precinct and ballot style]~~;
- (3) include overvotes and undervotes for each race, if applicable to the system being tested;
- (4) include straight-party votes and crossover votes;
- (5) include write-in votes, when applicable to the election;
- (6) include provisional votes, if applicable to the system being tested;
- (7) calculate the expected results from the test ballots;
- (8) ensure that each voting machine has any public counter reset to zero and presented to the testing board for verification before testing;
- (9) require that, for each feature of the system that allows disabled voters to cast a ballot, at least one vote be cast and verified by a two-person testing board team using that feature; and
- (10) require that, when all votes are cast, the general custodian of election records and the testing board observe the tabulation of all ballots and compare the actual results to the expected results.

SECTION 44. Subchapter A, Chapter 141, Election Code, is amended by adding Section 141.005 to read as follows:

Sec. 141.005. RESIDENCY REQUIREMENT IN CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to a political subdivision that:

- (1) is located in a county with territory greater than 4,600 square miles; and
- (2) is either:
  - (A) an independent school district servicing less than 1,500

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.



**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

students; or

(B) a municipality with a population of less than 8,000.

(b) Notwithstanding Section 141.001, a municipal charter provision, or any other law, a candidate for the governing body of an independent school district or a municipality is eligible for any position of the governing body if the candidate resides anywhere in the territory from which any member of the governing body is elected.

SECTION 45. Section 141.040, Election Code, is amended to read as follows:

Sec. 141.040. NOTICE OF DEADLINES. (a) The authority with whom ~~[Not later than the 30th day before the first day on which a candidate may file]~~ an application for a place on the ballot under this subchapter~~[, the authority with whom the application]~~ must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before:

(1) the first day on which a candidate may file the application; or

(2) the last day on which a candidate may file the application, if this code does not designate a first day on which the candidate may file the application.

(b) This section does not apply to an office filled at the general election for state and county officers.

SECTION 46. Section 145.001, Election Code, is amended by amending Subsection (b) and adding Subsection (d-1) to read as follows:

(b) Δ [To be effective, a] withdrawal request must:

(1) be in writing and be signed and acknowledged by the

SECTION 27. Same as House version.

SECTION 28. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

candidate; and

(2) be timely filed with the appropriate authority or an agent of an authority only as expressly provided by this code.

(d-1) A withdrawal that is not filed in compliance with Subsection (b) has no legal effect and is not considered filed.

SECTION 47. Section 145.005, Election Code, is amended to read as follows:

Sec. 145.005. EFFECT OF VOTES CAST FOR DECEASED, WITHDRAWN, OR INELIGIBLE CANDIDATE. (a) If the name of a deceased, withdrawn, or ineligible candidate appears on the ballot under this chapter, the votes cast for the candidate shall be counted and entered on the official election returns in the same manner as for the other candidates.

(b) If the deceased, withdrawn, or ineligible candidate receives the vote required for election, the resulting vacancy shall be filled in the regular manner.

(c) If the deceased, withdrawn, or ineligible candidate and another candidate tie for the most votes in an election in which a plurality vote is sufficient for election, the other candidate is considered to be elected. If more than one other candidate is tied with the deceased, withdrawn, or ineligible candidate, the winner of the election shall be determined by resolving the tie between the other candidates in the regular manner for resolving a tie vote in the election.

(d) In a race in which a runoff is required, if the deceased, withdrawn, or ineligible candidate received the vote that would entitle the candidate to a place on the runoff election ballot or tied for that number of votes, the candidates in the runoff shall be determined in the regular manner but without regard to the votes received by the deceased, withdrawn, or

SECTION 29. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

ineligible candidate.

SECTION 48. Sections 145.092(a) and (d), Election Code, are amended to read as follows:

(a) Except as otherwise provided by this section, a candidate may not withdraw from an election after 5 p.m. of the third day after the deadline for filing the candidate's application for a place on the ballot [~~second day before the beginning of early voting by personal appearance~~].

(d) A candidate in a runoff election [~~following a main election subject to Subsection (b)~~] may not withdraw from the election after 5 p.m. of the third day after the date of the main election.

SECTION 49. Section 145.094(a), Election Code, is amended to read as follows:

(a) The name of a candidate shall be omitted from the ballot if the candidate:

(1) dies before the second day before the date of the deadline for filing the candidate's application for a place on the ballot;

(2) withdraws or is declared ineligible within the time prescribed by Section 145.092(a) [~~before 5 p.m. of the second day before the beginning of early voting by personal appearance~~], in an election subject to that section [~~Section 145.092(a)~~];

(3) withdraws or is declared ineligible within the time prescribed by Section 145.092(b) [~~before 5 p.m. of the 53rd day before election day~~], in an election subject to that section [~~Section 145.092(b)~~]; or

(4) withdraws or is declared ineligible within the time prescribed by Section 145.092(f) [~~before 5 p.m. of the 67th~~

SECTION 30. Same as House version.

SECTION 31. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

~~day before election day~~], in an election subject to that section  
~~[Section 145.092(f)]~~.

SECTION 50. Subchapter B, Chapter 171, Election Code, is amended by adding Section 171.029 to read as follows:

Sec. 171.029. REMOVAL OF COUNTY CHAIR. (a) In this section:

(1) "Incompetency" means:

(A) gross ignorance of official duties;

(B) gross carelessness in the discharge of official duties; or

(C) unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the county chair's election.

(2) "Official misconduct" means intentional, unlawful behavior relating to a county chair's official duties. The term includes an intentional or corrupt failure, refusal, or neglect of a county chair to perform an official duty.

(b) The state executive committee of a political party may call a hearing on the issue of removing the county chair for incompetency or official misconduct in response to a complaint from a member of the political party in the county from which the chair was elected.

(c) The state executive committee shall give notice to the county chair not later than the 14th day before the date of the hearing, stating the allegations of incompetency or official misconduct. At the hearing, evidence must be presented of the chair's incompetency or official misconduct, and the county chair shall have the opportunity to examine or question the evidence against the chair.

(d) After conducting the hearing and reviewing the evidence, the state executive committee shall vote on the question of the removal of the county chair. If at least three-fifths of the

**No equivalent provision.**

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

membership of the state executive committee finds that the county chair has demonstrated incompetency or committed official misconduct, the committee shall suspend any party rules to the extent necessary to remove the chair.

(e) The county executive committee shall fill a vacancy created by the removal of a county chair under this section as provided by Sections 171.024 and 171.025, except that the appointment must be approved by three-fifths of the membership of the state executive committee.

SECTION 51. Section 172.052(a), Election Code, is amended to read as follows:

(a) A candidate for nomination may not withdraw from the general primary election after the first day after the deadline for filing the candidate's application for a place on the general primary election ballot [~~62nd day before general primary election day~~].

SECTION 52. Section 172.057, Election Code, is amended to read as follows:

Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A candidate's name shall be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible within the time prescribed by Section 172.052(a) [~~on or before the 62nd day before general primary election day~~].

SECTION 53. Sections 174.022(a), (b), and (c), Election Code, are amended to read as follows:

SECTION 32. Same as House version.

SECTION 33. Same as House version.

SECTION 34. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(a) The precinct conventions ~~may~~ ~~[shall]~~ be held in the regular county election precincts on:

(1) general primary election day; and

(2) a date determined by the county executive committee that occurs not later than the fifth day after the date of the general primary election ~~[in the regular county election precincts].~~

(b) Consistent with Subsection (c), not ~~[Not]~~ later than the date of the regular drawing for position on the general primary election ballot, the county executive committee shall set the hour and place for convening each precinct convention for the precincts served by the committee. If the county executive committee fails to do so, the county chair shall set, consistent with Subsection (c), the hour and place.

(c) If precinct conventions are held on general primary election day, the ~~[The]~~ hour set for convening the conventions may not be earlier than 7 p.m. or later than 9 p.m., but a ~~[Notwithstanding the hour set for convening, the]~~ convention may not convene until the last voter has voted at the precinct polling place. If precinct conventions are held on a day other than general primary election day, the county executive committee shall set the hour for convening or a time frame in which the conventions must convene.

SECTION 54. Section 174.023, Election Code, is amended to read as follows:

Sec. 174.023. NOTICE OF DATE, HOUR, AND PLACE.

(a) The county chair shall post a notice of the date, hour, and place for convening each precinct convention on the bulletin board used for posting notice of meetings of the commissioners court. The notice must remain posted continuously for the 10 days immediately preceding the date of the convention.

SENATE VERSION (CS)

CONFERENCE

SECTION 35. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(b) Not later than the 10th day before the date of the precinct conventions, the county chair shall deliver to the county clerk written notice of the date, hour, and place for convening each precinct convention.

(c) If the county chair fails to post or deliver notice in accordance with this section, another member of the county executive committee may post or deliver the notice.

SECTION 55. 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 56. Section 213.013(i), Election Code, is amended to read as follows:

(i) No device capable [~~mechanical or electronic means~~] of recording images or sound is [~~are~~] allowed inside the room in which the recount is conducted, or in any hallway or corridor in the building in which the recount is conducted within 30 feet of the entrance to the room, while the recount is in progress unless the person entitled to be present at the recount agrees to disable or deactivate the device. However, on request of a person entitled to appoint watchers to serve at the recount, the recount committee chair shall permit the person to photocopy under the chair's supervision any ballot, including any supporting materials, challenged by the person or person's watcher. The person must pay a reasonable charge for making the copies and, if no photocopying equipment is available, may supply that equipment at the person's expense. The person shall provide a copy on request to another person entitled to appoint watchers to serve at the recount.

SENATE VERSION (CS)

No equivalent provision.

SECTION 36. Same as House version.

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

SECTION 57. Section 216.002, Election Code, is amended to read as follows:

Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY. Except as otherwise provided by this chapter, this title, including the notice requirement of Section 213.009, applies to a recount conducted under this chapter with appropriate modifications as prescribed by the secretary of state.

SECTION 58. Section 232.008(c), Election Code, is amended to read as follows:

(c) A contestant must file the petition not later than the 10th day after the date the official result is determined in a contest of:

- (1) a primary or runoff primary election; or
- (2) a general or special election for which a runoff is necessary according to the official result or will be necessary if the contestant prevails.

SECTION 59. Section 253.167, Election Code, is amended to read as follows:

Sec. 253.167. CERTIFICATION OF POPULATION; NOTICE OF CONTRIBUTION AND EXPENDITURE LIMITS. (a) For purposes of this subchapter only, not later than June 1 of each odd-numbered year, the commission [~~secretary of state~~] shall:

- (1) make [~~deliver to the commission~~] a written certification of the population of each judicial district for which a candidate for judge or justice must file a campaign treasurer

SECTION 37. Same as House version.

SECTION 38. Same as House version.

SECTION 39. Same as House version.



**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

appointment with the commission; and  
(2) deliver to the county clerk of each county a written certification of the county's population, if the county:  
(A) comprises an entire judicial district under Chapter 26, Government Code; or  
(B) has a statutory county court or statutory probate court, other than a multicounty statutory county court created under Subchapter D, Chapter 25, Government Code.  
(b) Following ~~[On receipt of the]~~ certification of population under Subsection (a), the commission or county clerk, as appropriate, shall make available to each candidate for an office covered by this subchapter written notice of the contribution and expenditure limits applicable to the office the candidate seeks.

SECTION 60. Section 501.001, Election Code, is amended by adding Subdivision (4) to read as follows:  
(4) "Political subdivision" includes a justice precinct.

SECTION 61. Section 501.023(a), Election Code, is amended to read as follows:  
(a) If 10 or more qualified voters of any county, justice precinct, or municipality file a written application and provide proof of publication of notice in a newspaper of general circulation in that political subdivision, the county clerk of the county shall issue to the applicants a petition to be circulated among the qualified voters of the political subdivision for the signatures of those qualified voters who desire that a local option election be called for the purpose of determining whether the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or

SECTION 40. Same as House version.

SECTION 41. Same as House version.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

legalized in the political subdivision. The notice must include:  
(1) the individual or entity that is applying for the petition to gather signatures for a local option liquor election;  
(2) the type of local option liquor election;  
(3) the name of the political subdivision in which the petition will be circulated; and  
(4) the name and title of the person with whom the application will be filed.

SECTION 62. Section 501.108(a), Election Code, is amended to read as follows:

(a) If a county is not required to pay the initial expense, regardless of any authority to receive reimbursement, of a local option election under Section 501.107, the county clerk shall require the applicants for a petition for a local option election to make a deposit before the issuance of the petition.

SECTION 63. 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

SENATE VERSION (CS)

SECTION 42. Same as House version.

**No equivalent provision.**

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 64. (a) 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

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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.

(b) Section 63.006, Election Code, is amended to read as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to vote,

presents the documentation required under Section 63.001(b)

~~[a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote,]~~ but whose name is not on the precinct list of registered voters<sup>[5]</sup> shall be accepted for voting if the voter

presents a voter registration certificate indicating that the voter is currently registered:

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

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

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

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

(C) did not deliberately provide false information to secure

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

registration in a precinct in which the voter does not reside;  
and

(D) is voting only once in the election.

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

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

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

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

(c) Section 63.009, Election Code, is amended to read as follows:

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

~~[(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

(d) 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 63.001(g) ~~[63.008(b)]~~ or 63.009 ~~[63.009(a)]~~ applies may cast a provisional ballot if the

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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.

(e) 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.

(f) 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

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

makes it impracticable to do so, and the clerk shall enter the voter's name on the poll list.

(g) Sections 63.005, 63.007, and 63.008, Election Code, are repealed.

(h) Notwithstanding any other provision of this Act, this section takes effect January 1, 2012.

SECTION 65. Sections 18.041, 18.042, 87.0221, 87.023, and 145.092(c), Election Code, are repealed.

SECTION 66. Sections 13.031(d), 13.033(b), and 13.036(a), Election Code, as amended by this Act, apply only to the appointment of a volunteer deputy voter registrar on or after the effective date of this Act. The appointment of a volunteer deputy voter registrar before the effective date of this Act is governed by the law in effect when the registrar was appointed, and the former law is continued in effect for that purpose.

SECTION 67. The changes in law made by this Act to Sections 64.036, 86.0051, 86.006, and 86.010, Election Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SENATE VERSION (CS)

SECTION 43. Sections 18.041, 18.042, and 145.092(c), Election Code, are repealed.

**No equivalent provision.**

**No equivalent provision.**

CONFERENCE

**House Bill 2817**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 68. The change in law made by this Act applies to a federal postcard application that requests a ballot for an election that is held on or after the effective date of this Act.

SECTION 69. This Act takes effect September 1, 2011.

SENATE VERSION (CS)

**No equivalent provision.**

SECTION 44. Same as House version.

CONFERENCE