

## **BILL ANALYSIS**

C.S.H.B. 1958  
By: Turner, Sylvester  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, a voter who is physically unable to enter a polling location without assistance or likelihood of injury may request that an election officer deliver a ballot to the voter at the entrance of the polling place or to a car at curbside. However, there are reports that some polling locations in Texas are not providing curbside voting to eligible voters. Interested parties assert that providing curbside voting to eligible voters is crucial to ensuring that persons with disabilities have access to voting. C.S.H.B. 1958 seeks to safeguard this access by requiring the adoption of additional rules and procedures relating to voting by voters unable to enter polling locations.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1958 amends the Election Code to require the secretary of state to adopt rules and procedures to implement provisions governing treatment of a voter who is physically unable to enter a polling place without personal assistance or likelihood of injuring the voter's health as follows:

- to inform and educate the public and provide training for election officers regarding the availability, eligibility requirements, and the law regarding voting if unable to enter the polling place;
- to develop recommended procedures for a voter who is unable to enter the polling place to notify an election officer of the need for assistance, including requiring an election officer to develop a system to check outside the polling place for an eligible voter;
- to require the posting of signs outside of a polling place that indicate voting without entering the polling place is available, where eligible voters should wait, and how an eligible voter should notify an election officer of the need for assistance and a telephone number of the officer who administers elections that an eligible voter may call for assistance; and
- to require election officials to develop a procedure for ensuring a voter who is unable to enter the polling place is provided the opportunity to vote in the same order as if the voter were voting inside the polling place.

C.S.H.B. 1958 authorizes the secretary of state to withhold all or part of any funds administered and distributed by the secretary, including certain funds financing voter registration or federal funds that are made available to assist in the administration of elections, from a political subdivision that operates a polling place that violates the requirements relating to a voter who is physically unable to enter a polling place without personal assistance or likelihood of injuring

the voter's health.

## EFFECTIVE DATE

September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1958 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 64.009, Election Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The secretary of state shall adopt rules and procedures to implement this section as follows:

(1) to inform and educate the public and provide training for election officers regarding the availability of voting under this section, eligibility requirements for voting under this section, and the law regarding voting under this section;

(2) to develop recommended procedures for a voter who is eligible to vote under this section to notify an election officer of the need for assistance, including requiring an election officer to check outside the polling place at least once every 15 minutes for an eligible voter;

(3) to require the posting of signs outside of a polling place that indicate voting under this section is available, where eligible voters should wait, and how an eligible voter should notify an election officer of the need for assistance; and

(4) to require county election officials to develop a procedure for ensuring a voter who is eligible to vote under this section is provided the opportunity to vote in the same order as if the voter were voting inside the polling place.

(f) The secretary of state may withhold all or part of any funds administered and distributed by the secretary of state, including funds distributed under Chapter 19 or Section 31.009, from a political subdivision that operates a polling place that violates the requirements established under

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 64.009, Election Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The secretary of state shall adopt rules and procedures to implement this section as follows:

(1) to inform and educate the public and provide training for election officers regarding the availability of voting under this section, eligibility requirements for voting under this section, and the law regarding voting under this section;

(2) to develop recommended procedures for a voter who is eligible to vote under this section to notify an election officer of the need for assistance, including requiring an election officer to develop a system to check outside the polling place for an eligible voter;

(3) to require the posting of signs outside of a polling place that indicate voting under this section is available, where eligible voters should wait, how an eligible voter should notify an election officer of the need for assistance, and a telephone number of the officer who administers elections that an eligible voter may call for assistance; and

(4) to require election officials to develop a procedure for ensuring a voter who is eligible to vote under this section is provided the opportunity to vote in the same order as if the voter were voting inside the polling place.

(f) The secretary of state may withhold all or part of any funds administered and distributed by the secretary of state, including funds distributed under Chapter 19 or Section 31.009, from a political subdivision that operates a polling place that violates the requirements established under

this section.

SECTION 2. This Act takes effect  
September 1, 2013.

this section.

SECTION 2. Same as introduced version.