

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;

1 (3) engages in another practice that causes another
2 person's compensation from or employment status with the person to
3 be dependent on the number of voter registrations that the other
4 person facilitates; or

5 (4) accepts compensation for an activity described by
6 Subdivision (1), (2), or (3).

7 (b) An offense under this section is a Class A misdemeanor.

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

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

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

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

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

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

21 (B) been pardoned or otherwise released from the
22 resulting disability to vote; and

23 (3) meet the requirements to be a qualified voter
24 under Section 11.002 except that the person is not required to be a
25 registered voter.

26 SECTION 4. Section 13.036(a), Election Code, is amended to
27 read as follows:

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

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

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

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

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

11 (1) be a qualified voter of the precinct; and

12 (2) for a regular county election precinct for which
13 an appointment is made by the commissioners court, satisfy any
14 additional eligibility requirements prescribed by written order of
15 the commissioners court.

16 (b) If the authority making an [~~emergency~~] appointment of a
17 presiding judge or alternate presiding judge cannot find an
18 eligible qualified voter of the precinct who is willing to accept
19 the appointment, the eligibility requirement for a clerk prescribed
20 by Subsection (c) applies.

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 Section 32.051(e), Election Code, is repealed.

22 SECTION 7. Effective January 1, 2012, Section 15.022(a),
23 Election Code, is amended to read as follows:

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

27 (1) after receipt of a notice of a change in

1 registration information under Section 15.021;

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

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

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

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

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

13 (7) after receipt of a voter's response under Section
14 15.053; or

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

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

20 (a) The secretary of state shall implement a program to
21 allow each commissioners court participating in the program to
22 eliminate county election precinct polling places and establish
23 countywide polling places for:

24 (1) each general election for state and county
25 officers;

26 (2) each [~~countywide~~] election held on the uniform
27 election date in May;

1 (3) each election on a proposed constitutional
2 amendment; and

3 (4) each election of a political subdivision located
4 in the county that is held jointly with an election described by
5 Subdivision (1), (2), or (3).

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

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

12 (1) the commissioners court of the county approves
13 participation in the program; and

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

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

18 SECTION 9. Effective January 1, 2012, Section 63.011,
19 Election Code, is amended by amending Subsections (a) and (b) and
20 adding Subsection (b-1) to read as follows:

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

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

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

27 (b) A form for an affidavit required by this section must

1 ~~[shall]~~ be printed on an envelope in which the provisional ballot
2 voted by the person may be placed and must include:

3 (1) a space for entering the identification number of
4 the provisional ballot voted by the person; and

5 (2) a space for an election officer to indicate
6 whether the person presented a form of identification described by
7 Section 63.0101.

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

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

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

16 (1) the precinct list of registered voters;

17 (2) the registration correction list;

18 (3) ~~[the registration omissions list,~~

19 ~~(4)]~~ any statements of residence executed under
20 Section 63.0011; and

21 (4) ~~(5)]~~ any affidavits executed under Section
22 63.006 ~~[63.007]~~ or 63.011.

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

25 (b) On accepting a voter, the clerk shall indicate beside
26 the voter's name on the list of registered voters ~~[or registration~~
27 ~~omissions list, as applicable,~~] that the voter is accepted to vote

1 by personal appearance unless the form of the [~~either~~] list makes it
2 impracticable to do so, and the clerk shall enter the voter's name
3 on the poll list.

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

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

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

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

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

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

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

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

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

26 (3) a confirmation of the appointment of an appointee
27 appointed to a first term on a date when no individual related to

1 the appointee within a degree described by Section 573.002 was a
2 member of or a candidate for the legislature, or confirmation on
3 reappointment of the appointee to any subsequent consecutive term;

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

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

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

11 (5) an appointment or employment of a personal
12 attendant by an officer of the state or a political subdivision of
13 the state for attendance on the officer who, because of physical
14 infirmities, is required to have a personal attendant;

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

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

19 (8) an appointment of an election clerk under Section
20 32.031, Election Code, who is not related in the first degree by
21 consanguinity or affinity to an elected official of the authority
22 that appoints the election judges for that election.

23 SECTION 15. Effective January 1, 2012, Sections 63.005,
24 63.007, and 63.008, Election Code, are repealed.

25 SECTION 16. The appointment of a person serving as a regular
26 deputy registrar or volunteer deputy registrar who does not meet
27 the eligibility requirements of Section 12.006 or 13.031, Election

1 Code, as amended by this Act, expires on the effective date of this
2 Act. The secretary of state shall prescribe procedures necessary
3 to implement this section.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2194 was passed by the House on May 11, 2011, by the following vote: Yeas 134, Nays 7, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2194 on May 28, 2011, by the following vote: Yeas 144, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2194 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor