Exhibit 7
Submission 2009-2030
Case 1:11-cv-01428-CKK-MG-ESH Document 128-7 Filed 06/29/12 Page 2 of 36

Date: 07/01/09

STAPS E-Submission Report

Page: 1

Submission No: 1630

E-Submission No: 1630

Submission Number: 2009 2030

Name: Hope Andrade

Title: Secretary of State

Address: P.O. Box 12060

Created Date: 01/07/09

Austin TX 78711

Email: elections@sos.state.tx.us

Phone: 800-252-8683

Other:

Authority: State of Texas/Secretary of State

State: TX

County: ANDERSON

Jurisdiction:

Attached Files Below:

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Changes Description

A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.

Section a:) A copy of the Act is enclosed herewith.

A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.

Section b:) A copy of the Act is enclosed herewith.

A clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.

Section c:) The Act amends the Texas Election Code ("the Code") as follows.

SECTION 1 of the Act amends Section 2.051(a) of the Code to provide that a special election of a local political subdivision is considered a separate election from the general election for officers of the political subdivision or another special election of the political subdivision being held at the same time for the purpose of determining whether the entity may
cancel all or a portion of its election. Under current law, a special election, such as a bond election, precludes cancellation of an unopposed candidate election being held at the same time.

Section 2.051 was added to the Code by Senate Bill 680, Chapter 667, 69th Legislature, 1995, and precleared on September 25, 1995. It was amended by House Bill 831, Chapter 17, 77th Legislature, 2001 (precleared on August 20, 2001), and House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 2 of the Act amends Section 2.053 of the Code to require the ballot to list the offices and names of candidates declared elected on the ballot separately following the opposed races under a heading “Unopposed Candidates Declared Elected” if the entire election was not cancelled. No votes are cast for the unopposed candidates and they should appear in the same relative order as they would have as opposed candidates on the ballot. The Secretary of State is given authority to adopt rules as necessary to implement this section for different voting systems and ballot styles.

Section 2.053 was added to the Code by Senate Bill 680, Chapter 667, 69th Legislature, 1995, and precleared on September 25, 1995. It was amended by House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 3 of the Act amends Section 2.054 of the Code to expand the offense against intimidating a potential candidate from filing to include an offense against intimidating a potential candidate to withdraw. Prior law had only established a penalty against intimidating candidates from filing for a place on the ballot.

Section 2.054 was added to the Code by Senate Bill 680, Chapter 667, 69th Legislature, 1995, and precleared on September 25, 1995.

SECTION 4 of the Act adds Sections 2.081 and 2.082 to the Code. Under Section 2.081 (Cancellation of Moot Measure), if the authority that orders a measure election determines that the action authorized by the election may not be implemented regardless of the outcome of the election, the governing body may declare the measure moot and remove the measure from the ballot. A notice of the governing body’s declaration must be placed at each polling place that would have been used in the election. Section 2.082 (Specific Authority for Cancellation Required) provides that an entity must have specific statutory authority to cancel an election.

SECTION 5 of the Act amends Section 4.004(a) of the Code to require the location of each early voting polling place in an election to be included
Changes Description

in the notice of election. Previous law only required notice of the main early voting polling places and election day polling places.

Section 4.004 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and later amended by House Bill 1052, Chapter 479, 70th Legislature, 1987, (precleared on August 31, 1987).

SECTION 6 of the Act amends Section 16.031(a) of the Code to require a voter registrar to cancel a voter’s registration upon receipt of a notice from the early voting clerk that a federal postcard application (FPCA) was submitted by the voter stating a residence address that falls outside the voter registrar’s county.

Section 16.031 was added to the Code in the recodification of the Code in Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985), amended by Senate Bill 500, Chapter 454, 75th Legislature, 1997 (precleared on August 11, ...}

Identification of the person or body responsible for making the change and the mode of decision (e.g. act of state legislature, ordinance of city council, administrative decision by the registrar).

Section d:) The authority responsible for the passage of the Act was the Texas Legislature.

A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

Section e:) The Act was adopted pursuant to the provisions of Tex. Const. art. III, § 30.

The Act was passed by the Texas Senate on April 23, 2009, and by the Texas House on May 27, 2009. The House adopted the conference committee report on May 31, 2009; the Senate followed on June 1, 2009. The Act was signed by Governor Rick Perry on June 19, 2009.

A statement that the change has not yet been enforced or administrated, or an explanation of why such a statement cannot be made.

Section f:) The Act takes effect on September 1, 2009.
Changes Description

Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

Section g:) These procedures will affect the residents of the state of Texas.

A statement of the reasons for the change.

Section h:) The provisions of the Act have not been implemented.

A statement of the anticipated effect of the change on members of racial or language minority groups. In addition, per 51.28 h, include the names, addresses, daytime telephone numbers, and organizational affiliation, if any of racial and language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.

Section i:) (n) The Act will not affect members of any racial or linguistic minority differently from the way the general public is affected. The Act does not have the intent and will not have the effect of diluting the voting strength of any racial or linguistic minority. For more information please contact:

Mr. Coby Shorter, III
Deputy Secretary of State
P.O. Box 12697
Austin, Texas 78711
(512) 463-5770

A statement identifying any past or pending litigation concerning the change or related voting practice.

Section j:) There is no past or pending litigation concerning the subject matter of the Act.

For redistricting and annexations: the items listed under ?51.28(a)(1) and (b)(1); for annexations only: the items listed under ?51.28(c)(3).

Section k:) N/A
Changes Description

Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in §51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in §51.37.

Section 1:) If you have any questions or need additional information, please contact Paul Miles, Staff Attorney, Elections Division, at (512) 463-5650.
July 1, 2009

Mr. Christopher Coates  
Chief, Voting Section  
Civil Rights Division  
Room 7254 - NWB  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C.  20530


Dear Mr. Coates:

The Legislature of the State of Texas has enacted Senate Bill 1970, Chapter 1235, 81st Legislature, 2009 (the “Act”), relating to election practices and procedures, including clarifying amendments to the Election Code and codification of Secretary of State interpretations of election law.

Pursuant to the requirements of 28 C.F.R. § 51.27, the following information is submitted with respect to the Act:

(a) & (b) A copy of the Act is enclosed herewith.

(c) The Act amends the Texas Election Code (“the Code”) as follows.

SECTION 1 of the Act amends Section 2.051(a) of the Code to provide that a special election of a local political subdivision is considered a separate election from the general election for officers of the political subdivision or another special election of the political subdivision being held at the same time for the purpose of determining whether the entity may cancel all or a portion of its election. Under current law, a special election, such as a bond election, precludes cancellation of an unopposed candidate election being held at the same time.

Section 2.051 was added to the Code by Senate Bill 680, Chapter 667, 69th Legislature, 1995, and precleared on September 25, 1995. It was amended by House Bill 831, Chapter 17, 77th Legislature, 2001 (precleared on August 20, 2001), and House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).
SECTION 2 of the Act amends Section 2.053 of the Code to require the ballot to list the offices and names of candidates declared elected on the ballot separately following the opposed races under a heading “Unopposed Candidates Declared Elected” if the entire election was not cancelled. No votes are cast for the unopposed candidates and they should appear in the same relative order as they would have as opposed candidates on the ballot. The Secretary of State is given authority to adopt rules as necessary to implement this section for different voting systems and ballot styles.

Section 2.053 was added to the Code by Senate Bill 680, Chapter 667, 69th Legislature, 1995, and precleared on September 25, 1995. It was amended by House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 3 of the Act amends Section 2.054 of the Code to expand the offense against intimidating a potential candidate from filing to include an offense against intimidating a potential candidate to withdraw. Prior law had only established a penalty against intimidating candidates from filing for a place on the ballot.

Section 2.054 was added to the Code by Senate Bill 680, Chapter 667, 69th Legislature, 1995, and precleared on September 25, 1995.

SECTION 4 of the Act adds Sections 2.081 and 2.082 to the Code. Under Section 2.081 (Cancellation of Moot Measure), if the authority that orders a measure election determines that the action authorized by the election may not be implemented regardless of the outcome of the election, the governing body may declare the measure moot and remove the measure from the ballot. A notice of the governing body’s declaration must be placed at each polling place that would have been used in the election. Section 2.082 (Specific Authority for Cancellation Required) provides that an entity must have specific statutory authority to cancel an election.

SECTION 5 of the Act amends Section 4.004(a) of the Code to require the location of each early voting polling place in an election to be included in the notice of election. Previous law only required notice of the main early voting polling places and election day polling places.

Section 4.004 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and later amended by House Bill 1052, Chapter 479, 70th Legislature, 1987, (precleared on August 31, 1987).

SECTION 6 of the Act amends Section 16.031(a) of the Code to require a voter registrar to cancel a voter’s registration upon receipt of a notice from the early voting clerk that a federal postcard application (FPCA) was submitted by the voter stating a residence address that falls outside the voter registrar’s county.

Section 16.031 was added to the Code in the recodification of the Code in Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985), amended by Senate Bill 500, Chapter 454, 75th Legislature, 1997 (precleared on August 11, 1997),
and most recently amended by House Bill 417, Chapter 614, 80th Legislature, 2007 (precleared on November 16, 2007).

SECTION 7 of the Act amends Section 67.010 of the Code by adding subsection (d) to authorize the Secretary of State to make clerical corrections to the state canvass based on amended county-level canvasses.

Section 67.010 was added to the Code in Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985), and later amended by House Bill 772, Chapter 163, 71st Legislature, 1989 (precleared on August 21, 1989).

SECTION 8 of the Act amends Section 85.001(e) of the Code to provide that the shorter early voting period for elections held on the May uniform election date also applies to runoff elections derived from elections held on the May date. This change represents a codification of current Secretary of State opinion.

Section 85.001 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was later amended by Senate Bill 292, Chapter 115, 75th Legislature, 1997 (precleared on September 5, 1997), House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003), and most recently House Bill 57, Chapter 471, 79th Legislature, 2005 (precleared on September 22, 2005).

SECTION 9 of the Act amends Section 85.004(a) of the Code to state that the public notice of polling places must contain the location of each early voting polling place. Prior law had only required the notice state the location of the main early voting polling place. This change is consistent with Section 5 above.

Section 85.004 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was later amended by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

SECTION 10 of the Act adds Section 101.0041 to the Code. The new section requires the early voting clerk to notify the voter registrar if he or she receives an FPCA in which the voter claims a residence address outside the county. (See Section 6 of the Act which requires the registrar to cancel the voter’s registration after receipt of this notice).

SECTION 11 of the Act amends Section 112.002(a)(2) of the Code to clarify that a person must be currently registered to vote in his or her county of previous residence to be eligible to vote a limited ballot in the voter’s new county. This change is intended to address a situation in which voters could argue that they were eligible to cast a limited ballot even if their registration in the old county of residence had been cancelled because the limited ballot procedure did not explicitly require current registration in the former county of residence. This change will clarify ambiguous language and provide for a uniform interpretation statewide.

Section 112.002 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was later amended by Senate Bill 1234,
Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992); Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991), House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003) and most recently by House Bill 2454, Chapter 1120, 79th Legislature, 2005 (precleared on September 27, 2005).

SECTION 12 of the Act adds Section 125.010 to the Code (Presence of Voting System Technician Authorized), which defines a voting system technician as a person who repairs, assembles, maintains, or operates voting system equipment as a vocation. Section 125.010(b) provides that the authority holding the election may authorize a voting system technician to be present at the polling place, early voting ballot board, or the central counting station for repairs, maintenance, assembling, or operating voting system equipment.

SECTION 13 of the Act adds Section 141.040 to the Code (Notice of Deadlines), which requires the authority, with whom an application for a place on the ballot must be filed, to post notice of the filing period dates in a building in which the authority maintains an office. The notice must be posted not later than the 30th day before the first day to file.

SECTION 14 of the Act reenacts Section 146.0301(a) of the Code to set the 67th day before election day as the withdrawal deadline for write-in candidates in the November General Election for State and County Officers. Two acts from the 2005 session had conflicted with one another, the first (HB 2309) set the withdrawal deadline for write-ins as the 57th day before election day, while the second act (HB 2339) set it as the 67th day. House Bill 2339 took precedence as the later in time amendment as provided under Section 312.014(d) of the Government Code. This is not a change in procedure, but a clarifying amendment.

Section 146.0301 was added by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993). It was later amended by House Bill 2309, Chapter 1107, 79th Legislature, 2005 (precleared on October 18, 2005) and House Bill 2339, Chapter 1109, 79th Legislature, 2005 (precleared on October 28, 2005).

SECTION 15 of the Act amends Section 172.116(b) of the Code to require the county executive committee to meet on the second Thursday after primary election day for the local canvass.

Section 172.116 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was amended by Senate Bill 4, Chapter 14, 69th Legislature, Third Called Session, 1986 (precleared on February 9, 1987), House Bill 790, Chapter 275, 73rd Legislature, 1993 (precleared on September 11, 1993), House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance) and most recently by House Bill 1549, Chapter 1315, 78th Legislature, 2003 (precleared on November 20, 2003).
SECTION 16 of the Act amends Section 172.120 of the Code to require that races with three or more candidates on the ballot, the canvass must take place not later than the second Sunday after the general primary election day. For other offices, the canvass must take place on the 22nd day after the general primary election day. The runoff primary canvass must be completed no later than the third Saturday after the election, rather than the second. This codifies current Secretary of State administrative rules. The changes are necessary in order to qualify provisional ballots before the canvass.

Section 172.120 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was amended by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared on August 24, 1987), House Bill 772, Chapter 163, 71st Legislature, 1989 (precleared on August 21, 1989), and most recently by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance).

SECTION 17 of the Act amends Section 192.031 of the Code to require the state party chair to deliver the written certification of the presidential and vice presidential nominees to the Secretary of State by the later of 5 pm of the 70th day before election day or 5 pm of the first business day after the adjournment of the party’s national presidential nominating convention. Section 192.031(b) is added to state that a mailed certification is considered filed on receipt by the Secretary of State’s office. This change is also enacted in House Bill 1193 of this 81st Legislative Session, which will be submitted for preclearance separately.

Section 192.031 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance) and House Bill 2339, Chapter 1109, 79th Legislature, 2005 (precleared on October 28, 2005).

SECTION 18 of the Act amends Section 192.033(b) of the Code to provide that the Secretary of State must certify the presidential and vice presidential candidate on the later of the 62nd day before presidential election day or the second business day after the date of the adjournment of the party’s national convention.

Section 192.033 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 2339, Chapter 1109, 79th Legislature, 2005 (precleared on October 28, 2005).

SECTION 19 of the Act amends Section 201.054(a) of the Code to set the deadline to file an application in a special election to fill a vacancy at the 62nd day before election day if the election was ordered on or before the 70th day before election day. Prior changes to this law had resulted in three tiers of potential filing deadlines for special elections. This change provides that the filing deadline for a special election ordered well before election day will be the same as the regular filing deadline for a place on a general election ballot.
Section 201.054 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 2339, Chapter 1109, 79th Legislature, 2005 (precleared on October 28, 2005).

SECTION 20 of the Act amends Section 212.112 of the Code to simplify the deposit rates for recount elections to $60 for each precinct in which regular paper ballots were used and $100 for each precinct in which an electronic voting system was used. This represents a change from current law, under which the required deposit is derived from a formula based on the method of voting used in the election, the number of precincts, the hourly rate paid to election judges, and whether the requestor wants a manual or electronic count of the ballots.

Section 212.112(a) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was amended by House Bill 19, Chapter 59, 70th Leg., 2nd Called Session, 1987 (precleared on November 16, 1987), Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991), Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991), House Bill 1697, Chapter 583, 78th Legislature, 2003, (precleared on October 25, 2003), and most recently by House Bill 2309, Chapter 1107, 79th Legislature, 2005 (precleared on October 20, 2005).

SECTION 21 of the Act amends Section 213.013 of the Code to replace the term “representative” with the term “watcher” to refer to recount observers, which is more consistent terminology within the Code.

Section 213.013 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and later amended by House Bill 19, Chapter 59, 70th Legislature, Second Called Session, 1987 (precleared on November 16, 1987), and House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993).

SECTION 22 of the Act amends Section 213.016 of the Code to clean up language, but does not make any substantive changes.

Section 213.016 was added to the Code by House Bill 1697, Chapter 583, 78th Legislature, 2003, (precleared on October 25, 2003).

SECTION 23 of the Act amends Section 221.014(b) of the Code to remove obsolete references to the Texas Alcoholic Beverage Code since the local option liquor elections have been moved out of that Code and into Chapter 501 of the Election Code.

Section 221.014 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985).

SECTION 24 of the Act amends Section 271.002 of the Code to replace the requirement that entities conducting a joint election must share “territory” with the new requirement that the entities only have to be located in all or part of the same “county.” Under this
change, jurisdictions without overlapping territories may now participate in joint
elections as long as they each have territory in the same county.

Section 271.002 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985).

SECTION 25 of the Act amends Section 277.001 of the Code to remove obsolete references to the Alcoholic Beverage Code since the local option liquor elections have been moved out of that Code and into Chapter 501 of the Election Code.

Section 277.001 was added to the Code by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared on August 24, 1987) and amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993).

SECTIONS 26 and 27 of the Act repeals the exemptions in the Code (32.051(d), 33.031(b), 41.0041(b), and 65.002(d)) that refer to local option liquor petitions under the Texas Alcoholic Beverage Code since local option has been added to the Code as Chapter 501. Section 1.016 of the Code is also repealed which provided that age was calculated from the day before the anniversary of the person’s birthday. The definition caused confusion as to when a person actually reached the age of 18 for determining a person’s eligibility for voting.

Section 32.051 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and later amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997). Section 33.031 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). Section 41.0041 was added to the Code by House Bill 2552, Chapter 389, 72nd Legislature, 1991 (precleared on September 23, 1991). Section 65.002 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). Section 1.016 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985).

SECTION 28 of the Act provides that changes made by the Act apply to elections ordered on or after September 1, 2009.

SECTION 29 of the Act provides that September 1, 2009 is the effective date.

(d) The submitting authority is the Honorable Hope Andrade, Secretary of State of Texas, in her capacity as chief elections officer of Texas. The Secretary of State's office may be reached at P.O. Box 12060, Austin, Texas 78711-2060, (512) 463-5650.

(e) Not applicable.

(f) Not applicable.

(g) The authority responsible for the passage of the Act was the Texas Legislature.
(h) The Act was adopted pursuant to the provisions of Tex. Const. art. III, § 30.

(i) The Act was passed by the Texas Senate on April 23, 2009, and by the Texas House on May 27, 2009. The House adopted the conference committee report on May 31, 2009; the Senate followed on June 1, 2009. The Act was signed by Governor Rick Perry on June 19, 2009.

(j) The Act takes effect on September 1, 2009.

(k) The provisions of the Act have not been implemented.

(l) These procedures will affect the residents of the state of Texas.

(m) The reasons for the changes provided for in the Act are described above.

(n) The Act will not affect members of any racial or linguistic minority differently from the way the general public is affected. The Act does not have the intent and will not have the effect of diluting the voting strength of any racial or linguistic minority. For more information please contact:

   Mr. Coby Shorter, III  
   Deputy Secretary of State  
   P.O. Box 12697  
   Austin, Texas 78711  
   (512) 463-5770

(o) There is no past or pending litigation concerning the subject matter of the Act.

(p) The procedure for the adoption of the change is not subject to preclearance.

If you have any questions or need additional information, please contact Paul Miles, Staff Attorney, Elections Division, at (512) 463-5650.

Sincerely,

Ann McGeehan  
Director of Elections

Enclosure

AM:PM:sf
AN ACT
relating to certain election practices and procedures; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subsection (a), Section 2.051, Election Code, is amended to read as follows:
(a) Except as provided by Sections 2.055 and 2.056, this subchapter applies only to an election for officers of a political subdivision other than a county in which write-in votes may be counted only for names appearing on a list of write-in candidates and in which:

(1) each candidate for an office that is to appear on the ballot is unopposed, except as provided by Subsection (b); and

(2) no proposition is to appear on the ballot. For purposes of this section, a special election of a political subdivision is considered to be a separate election with a separate ballot from:
(1) a general election for officers of the political subdivision held at the same time as the special election; or
(2) another special election of the political subdivision held at the same time as the special election.

SECTION 2. Section 2.053, Election Code, is amended to read as follows:
Sec. 2.053. ACTION ON CERTIFICATION. (a) On receipt of
S.B. No. 1970

the certification, the governing body of the political subdivision
by order or ordinance may declare each unopposed candidate elected
to the office. If no election is to be held on election day by the
political subdivision, a copy of the order or ordinance shall be
posted on election day at each polling place used or that would have
been used in the election.

(b) If a declaration is made under Subsection (a), the
election is not held. [A copy of the order or ordinance shall be
posted on election day at each polling place that would have been
used in the election.]

(c) The ballots used at a separate election held at the same
time as an election that would have been held if the candidates were
not declared elected under this section shall include the offices
and names of the candidates declared elected under this section
listed separately after the measures or contested races in the
separate election under the heading "Unopposed Candidates Declared
Elected." The candidates shall be grouped in the same relative
order prescribed for the ballot generally. No votes are cast in
connection with the candidates.

(d) The secretary of state by rule may prescribe any
additional procedures necessary to accommodate a particular voting
system or ballot style and to facilitate the efficient and
cost-effective implementation of this section.

(e) A certificate of election shall be issued to each
candidate in the same manner and at the same time as provided for a
candidate elected at the election. The candidate must qualify for
the office in the same manner as provided for a candidate elected at
S.B. No. 1970

the election.

SECTION 3. Subsection (a), Section 2.054, Election Code, is amended to read as follows:

(a) In an election that may be subject to this subchapter, a [A] person commits an offense if by intimidation or by means of coercion the person influences or attempts to influence a person to:

(1) not file an application for a place on the ballot or a declaration of write-in candidacy; or

(2) withdraw as a candidate [in an election that may be subject to this subchapter].

SECTION 4. Chapter 2, Election Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. CANCELLATION OF ELECTIONS

Sec. 2.081. CANCELLATION OF MOOT MEASURE. (a) If an authority that orders an election on a measure determines that the action to be authorized by the voters may not be taken, regardless of the outcome of the election, the authority may declare the measure moot and remove the measure from the ballot.

(b) If a measure is declared moot under this section and is removed from the ballot, the authority holding the election shall post notice of the declaration during early voting by personal appearance and on election day, at each polling place that would have been used for the election on the measure.

Sec. 2.082. SPECIFIC AUTHORITY FOR CANCELLATION REQUIRED. An authority that orders an election may cancel the election only if the power to cancel the election is specifically provided by
SECTION 5. Subsection (a), Section 4.004, 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 6. Subsection (a), Section 16.031, Election Code, is amended to read as follows:

(a) The registrar shall cancel a voter's registration immediately on receipt of:

(1) notice under Section 13.072(b) or 15.021 or a response under Section 15.053 that the voter's residence is outside the county;

(2) an abstract of the voter's death certificate under Section 16.001(a) or an abstract of an application indicating that the voter is deceased under Section 16.001(b);

(3) an abstract of a final judgment of the voter's total mental incapacity, partial mental incapacity without the right to vote, conviction of a felony, or disqualification under Section 16.002, 16.003, or 16.004;

(4) notice under Section 112.012 that the voter has applied for a limited ballot in another county;

(5) notice from a voter registration official in another state that the voter has registered to vote outside this
S.B. No. 1970

state; [nx]

(6) notice from the early voting clerk under Section 101.0041 that a federal postcard application submitted by an applicant states a voting residence address located outside the registrar's county; or

(7) notice from the secretary of state that the voter has registered to vote in another county, as determined by the voter's driver's license number or personal identification card number issued by the Department of Public Safety or social security number.

SECTION 7. Section 67.010, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The presiding officer may make a clerical correction to the officially canvassed returns based on any authorized amended county canvass filed with the presiding officer.

SECTION 8. Subsection (e), Section 85.001, Election Code, is amended to read as follows:

(e) For an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

SECTION 9. 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 each [the main] early voting polling place.

SECTION 10. Chapter 101, Election Code, is amended by
adding Section 101.0041 to read as follows:

Sec. 101.0041. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. The early voting clerk shall notify the voter registrar of a federal postcard application submitted by an applicant that states a voting residence address located outside the registrar's county.

SECTION 11. Subsection (a), Section 112.002, 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 [was] registered to vote in the county of former residence at the time the person offers to vote in the county of new [when the voter changed] residence; and

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

SECTION 12. Subchapter A, Chapter 125, Election Code, is amended by adding Section 125.010 to read as follows:

Sec. 125.010. PRESENCE OF VOTING SYSTEM TECHNICIAN AUTHORIZED. (a) In this section, "voting system technician" means a person who as a vocation repairs, assembles, maintains, or operates voting system equipment.

(b) On the request of the authority holding the election, a voting system technician may be present at a polling place, a
S.B. No. 1970

meeting of the early voting ballot board, or a central counting
station for the purpose of repairing, assembling, maintaining, or
operating voting system equipment.

SECTION 13. Subchapter B, Chapter 141, Election Code, is
amended by adding Section 141.040 to read as follows:

Sec. 141.040. NOTICE OF DEADLINES. 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.

SECTION 14. Subsection (a), Section 146.0301, Election
Code, as amended by Chapters 1107 (H.B. 2309) and 1109 (H.B. 2339),
Acts of the 79th Legislature, Regular Session, 2005, is reenacted
to read as follows:

(a) A write-in candidate may not withdraw from the election
after the 67th day before election day.

SECTION 15. Subsection (b), Section 172.116, Election Code,
is amended to read as follows:

(b) The committee shall convene to conduct the local canvass
at the county seat [not earlier than 6 p.m.] on the second Thursday
[or later than 1 p.m. on the second Friday] after election day at
the hour specified by the county chair.

SECTION 16. Section 172.120, Election Code, is amended by
amending Subsection (b) and adding Subsection (b-1) to read as
follows:

(b) The state executive committee shall convene to conduct
S.B. No. 1970

1 the state canvass for the general primary election not later than:
2 (1) [on] the second Sunday [Wednesday] after general
3 primary election day, for an election in which three or more
4 candidates are seeking election to the same office; or
5 (2) the 22nd day after general primary election day,
6 for an election not described by Subdivision (1).
7 (b-1) Not later than the third [second] Saturday after
8 runoff primary election day, the committee shall convene at the
9 call of the state chair to conduct the state canvass of the runoff
10 primary election.

11 SECTION 17. Section 192.031, Election Code, is amended to
12 read as follows:
13 Sec. 192.031. PARTY CANDIDATE'S ENTITLEMENT TO PLACE ON
14 BALLOT. (a) A political party is entitled to have the names of its
15 nominees for president and vice-president of the United States
16 placed on the ballot in a presidential general election if:
17 (1) the nominees possess the qualifications for those
18 offices prescribed by federal law;
19 (2) [before 5 p.m. of the 70th day before presidential
20 election day,] the party's state chair signs [and delivers to the
21 secretary of state] a written certification of:
22 (A) the names of the party's nominees for
23 president and vice-president; and
24 (B) the names and residence addresses of
25 presidential elector candidates nominated by the party, in a number
26 equal to the number of presidential electors that federal law
27 allocates to this state; [and]
S.B. No. 1970

(3) the party's state chair delivers the written certification to the secretary of state before the later of:

(A) 5 p.m. of the 70th day before presidential election day; or

(B) 5 p.m. of the first business day after the date of final adjournment of the party's national presidential nominating convention; and

(4) the party is:

(A) required or authorized by Subchapter A of Chapter 172 to make its nominations by primary election; or

(B) entitled to have the names of its nominees placed on the general election ballot under Chapter 181.

(b) If the state chair's certification of the party's nominees is delivered by mail, it is considered to be delivered at the time of its receipt by the secretary of state.

SECTION 18. Subsection (b), Section 192.033, Election Code, is amended to read as follows:

(b) The [Not later than the 62nd day before presidential election day, the] secretary of state shall deliver the certification to the authority responsible for having the official ballot prepared in each county before the later of the 62nd day before presidential election day or the second business day after the date of final adjournment of the party's national presidential nominating convention.

SECTION 19. Subsection (a), Section 201.054, Election Code, is amended to read as follows:

(a) Except as provided by Subsection (f), a candidate's
application for a place on a special election ballot must be filed
not later than:

(1) 5 p.m. of the 62nd [67th] day before election day,
if election day is on or after the 70th day after the date the
election is ordered;

(2) 5 p.m. of the 31st day before election day, if
election day is on or after the 36th day and before the 70th day
after the date the election is ordered; or

(3) 5 p.m. of a day fixed by the authority ordering the
election, which day must be not earlier than the fifth day after the
date the election is ordered and not later than the 20th day before
election day, if election day is before the 36th day after the date
the election is ordered.

SECTION 20. Section 212.112, Election Code, is amended to
read as follows:

Sec. 212.112. AMOUNT OF DEPOSIT. The [(a) Subject to
Subsection (a), the amount of the recount deposit is [determined
by the number of precincts for which a recount is requested in the
document that the deposit accompanies, in accordance with the
following schedule]:

(1) $60 [five times the maximum hourly rate of pay for
election judges] for each [a] precinct in which [(a)]

\[4A\] regular paper ballots were used; and

(2) $100 for each precinct in which an electronic
voting system was used [(B) electronic voting system ballots,
other than printed images of ballots cast using direct recording
electronic voting machines, are to be recounted manually; or]
S.B. No. 1970

[(C)] both write-in votes and voting system votes are to be recounted;

[(2)] 10 times the maximum hourly rate of pay for election judges, for a precinct in which printed images of ballots cast using direct recording electronic voting machines are to be recounted manually;

[(3)] three times the maximum hourly rate of pay for election judges, for a precinct in which ballots are to be recounted by automatic tabulating equipment and no write-in votes are to be recounted, and

[(4)] two times the maximum hourly rate of pay for election judges, for a precinct in which:

[(A)] voting machines were used and no write-in votes are to be recounted; or

[(B)] only the write-in votes cast in connection with a voting system are to be recounted.

[(b)] In a recount of an election for which a majority vote is required for nomination or election to an office, the rate prescribed by Subsection (a)(1)(C) applies to each precinct in which a voting system was used, regardless of whether any write-in votes were cast in the precinct, if:

[(1)] the original election results show that write-in votes were cast in the election, and

[(2)] an exclusion of write-in votes from the recount is not obtained under Section 212.136.

[(c)] If more than one method of voting is used for early voting, each additional method of voting used for the early voting
S.B. No. 1970

shall be treated as constituting an additional precinct in
determining the amount of a recount deposit for a recount of early
voting votes.

[(d) The minimum amount of a deposit accompanying a petition
for a recount is $50.]}

SECTION 21. Subsections (b), (c), (d), (e), (f), (g), (h),
and (i), Section 213.013, Election Code, are amended to read as
follows:

(b) In a recount of an election on an office, each candidate
for the office is entitled to be present at the recount and have
watchers [representatives] present in the number corresponding to
the number of counting teams designated for the recount. If only
one counting team is designated or the recount is conducted on
automatic tabulating equipment, each candidate is entitled to two
watchers [representatives].

(c) In a recount of an election on an office for which a
political party has a nominee or for which a candidate is aligned
with a political party, the party is entitled to have watchers
[representatives] present in the same number prescribed for
candidates under Subsection (b).

(d) In a recount of an election on a measure, watchers
[representatives] may be appointed by the campaign treasurer or
assistant campaign treasurer of a specific-purpose political
committee that supports or opposes the measure in the number
corresponding to the number of counting teams designated for the
recount. If only one counting team is designated or the recount is
conducted on automatic tabulating equipment, each eligible
S.B. No. 1970

specific-purpose political committee is entitled to two watchers [representative].

(e) A watcher [representative] appointed to serve at a recount must deliver a certificate of appointment to the recount committee chair at the time the watcher [representative] reports for service. A watcher [representative] who presents himself or herself for service at any time immediately before or during the recount and submits a proper certificate of appointment must be accepted for service unless the number of appointees to which the appointing authority is entitled have already been accepted.

(f) The certificate must be in writing and must include:

(1) the printed name and the signature of the watcher [representative];

(2) the election subject to the recount;

(3) the time and place of the recount;

(4) the measure, candidate, or political party being represented;

(5) the signature and the printed name of the person making the appointment; and

(6) an indication of the capacity in which the appointing authority is acting.

(g) If the watcher [representative] is accepted for service, the recount committee chair shall keep the certificate and deliver it to the recount coordinator after the recount for preservation under Section 211.007. If the watcher [representative] is not accepted for service, the recount committee chair shall return the certificate to the watcher [representative].

13
S.B. No. 1970

with a signed statement of the reason for the rejection.

(h) Each person entitled to be present at a recount is
entitled to observe any activity conducted in connection with the
recount. The person is entitled to sit or stand conveniently near
the officers conducting the observed activity and near enough to an
officer who is announcing the votes or examining or processing the
ballots to verify that the ballots are counted or processed
correctly or to an officer who is tallying the votes to verify that
they are tallied correctly. Rules concerning a watcher's
representative rights, duties, and privileges are otherwise
the same as those prescribed by this code for poll watchers to the
extent they can be made applicable.

(i) No mechanical or electronic means of recording images or
sound 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. However, on request of a person entitled to
appoint watchers representative 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
representative. 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 representative to serve at the recount.

SECTION 22. Section 213.016, Election Code, is amended to
read as follows:

Sec. 213.016. PRINTING IMAGES OF BALLOTS CAST USING DIRECT RECORDING ELECTRONIC VOTING MACHINES. During any printing of images of ballots cast using direct recording electronic voting machines for the purpose of a recount, the full recount committee is not required to be present. The recount committee chair shall determine how many committee members must be present during the printing of the images. Each candidate is entitled to be present and to have representatives present during the printing of the images in the same number as prescribes for watchers for a recount during the printing of the images.

SECTION 23. Subsection (b), Section 221.014, Election Code, is amended to read as follows:

(b) The county shall pay the expenses of a new election ordered in the contest of a local option election [held under the Alcoholic Beverage Code] that was financed from money deposited by the applicants for the petition requesting the election.

SECTION 24. Subsections (a), (b), and (c), Section 271.002, Election Code, are amended to read as follows:

(a) If the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county [territory], the governing bodies of the political subdivisions may enter into an agreement to hold the elections jointly in the election precincts that can be served by common polling places, subject to Section 271.003.

(b) If an election ordered by the governor and the elections
ordered by the authorities of one or more political subdivisions
are to be held on the same day in all or part of the same **county**
[**territory**], the commissioners court of a county in which the
election ordered by the governor is to be held and the governing
bodies of the other political subdivisions may enter into an
agreement to hold the elections jointly in the election precincts
that can be served by common polling places, subject to Section
271.003.

(c) If another law requires two or more political
subdivisions to hold a joint election, the governing body of any
other political subdivision holding an election on the same day in
all or part of the same **county** [**territory**] in which the joint
election is to be held may enter into an agreement to participate in
the joint election with the governing bodies of the political
subdivisions holding the joint election.

SECTION 25. Section 277.001, Election Code, is amended to
read as follows:

Sec. 277.001. APPLICABILITY OF CHAPTER. This chapter
applies to a petition authorized or required to be filed under a law
outside this code in connection with an election[—except a
petition for a local option election held under the Alcoholic
Beverage Code].

SECTION 26. The following provisions of the Election Code
are repealed:

(1) Section 1.016;

(2) Subsection (d), Section 32.051;

(3) Subsection (b), Section 33.031;

16
(4) Subsection (b), Section 41.0041; and
(5) Subsection (d), Section 65.002.

SECTION 27. The change in law made by the repeal of Section 1.016, Election Code, by this Act does not affect the validity of a person's action taken before the effective date of this Act, including a person's registration to vote, if the person was qualified to take such action before the effective date of this Act.

SECTION 28. The changes in law made by this Act apply only to an election ordered on or after September 1, 2009.

SECTION 29. This Act takes effect September 1, 2009.
S.B. No. 1970

David B. Aune
President of the Senate

J. Straub
Speaker of the House

I hereby certify that S.B. No. 1970 passed the Senate on April 23, 2009, by the following vote: Yeas 29, Nays 1; May 30, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; June 1, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Patricia Law
Secretary of the Senate

I hereby certify that S.B. No. 1970 passed the House, with amendments, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, two present not voting.

Robert Hanway
Chief Clerk of the House

Approved:
19 JUN '10
Date

Rick Perry
Governor

Filed IN THE OFFICE OF:
SECRETARY OF STATE
11:47
JUN 19 2009
August 31, 2009

Ann McGeehan, Esq.
Director of Elections
P.O. Box 12060
Austin, Texas 78711-2060

Dear Ms. McGeehan:

This refers to Chapter 1235 (S.B. 1970) (2009), which amends numerous provisions of the Election Code, for the State of Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on July 1, 2009.

Chapter 1235 makes the following specified changes:

1. authorizes cancellation of all or part of an election under specified circumstances;

2. requires the names of unopposed candidates to be listed in a prescribed order on the ballot if the entire election is not canceled and authorizes the Secretary of State to adopt rules necessary to accommodate voting systems and ballot styles;

3. expands offenses with regard to candidate intimidation;

4. authorizes specified entities to declare a ballot measure moot and requires notification of such action in the polling place;

5. requires each early voting location to be included in both notice of election and notice of polling places;

6. requires early voting clerk to notify the voter registrar of receipt of a federal postcard application (FPCA) indicating that a voter's residence falls outside the county and requires the voter registrar to cancel such registration;

7. requires a voter to be currently registered to vote in the former county of residence in order to vote a limited ballot in the voter's new county;

8. authorizes the Secretary of State to make clerical corrections to a state canvass based on amended county level canvasses;

9. shortens the early voting period for specified runoff elections;

10. defines the term "voting system technician" and provides that election authority may authorize such person to be present at specified locations;
11. specifies deadline for, and location of, posting of candidate filing periods, and clarifies withdrawal deadlines for write-in candidates;

12. provides canvass dates for specified elections;

13. provides deadlines for delivery of written certification of presidential and vice presidential nominees to, and certification of such candidates by, the Secretary of State;

14. changes the filing deadline for special vacancy elections and sets forth deposit rates for recount elections;

15. requires entities conducting a joint election to be located in all or part of the same county; and

16. makes technical, nonsubstantive changes and removes specified exemptions and obsolete references.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Chapter 1235 includes provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review (e.g., adoption of rules by the Secretary of State to accommodate a particular voting system or ballot style). 28 C.F.R. 51.15.

Sincerely,

Christopher Coates
Chief, Voting Section
Memorandum of Telephonic Communication

Date: 07/13/09  Attorney/Analyst: JR:SHH  File No.: 2009-2030

Other Party: Mr. Paul Miles  Race: Tel. No.: (512) 475-2847

Title/Organization: Staff Attorney, Elections Division

Jurisdiction: State of TX


Mr. Paul Miles says that all of the changes in all Sections have been submitted for preclearance. He confirmed that these changes were supported by Hispanic members of the committees.
Memorandum of Téléphonic Communication

Date: 08/20/09 Attorney/Analyst: JR:SHH File No.: 2009-2030

Other Party: Race: H Tel. No.: 

Title/Organization:

Jurisdiction: State of TX


says agrees with all the changes to the Act. stated that is in agreement with the unanimous decision, and is satisfied with the decision due to the awareness that three conference Committee Appointees, all Hispanic, supported the changes. named them being Senator Juan Hinojosa (H), Senator Leticia Vandezuttle (H), and Representative Rafael Anchia (H). noted that is not aware of any minority complaints or concerns.