Exhibit 4
Submission 2003-3619
September 22, 2003

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

Dear Mr. Rich:

Enclosed in this package, are the following Section 5 preclearance submissions:

HOUSE BILLS:
HB 296
HB 1174
HB 1476
HB 1594
HB 1631
HB 1863
HB 1695
HB 2094

If you have any questions, please feel free to contact the Elections Division at (512) 463-5650.

Sincerely,

Irene Diaz
Elections
Legal Section

Enclosures
September 22, 2003

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


Dear Mr. Rich:

The Legislature of the State of Texas has enacted House Bill 1549, Chapter 1315, 78th Legislature, Regular Session, 2003 (the “Act”), which implements the federal Help America Vote Act of 2003 (“HAVA”).

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) Section 1 of the Act amends Section 13.002(c) of the Texas Election Code (the "Code") by adding a requirement that an application for voter registration must include a place for the applicant's Texas Drivers License number or Texas Department of Public Safety ID Card number, or if the applicant doesn't have either document, the last four digits of the applicant's social security number. If an applicant has not been issued one of the above identification numbers, then the application must include a statement by the applicant that the applicant has not been issued either of the authorized forms of ID from DPS or has not been issued a social security number. Section 13.002 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 612, Chapter 472, 70th Legislature, 1987 (precleared on August 31, 1987), and by Senate Bill 500, Chapter 454, 75th Legislature, 1997 (precleared on August 11, 1997).

Section 2 amends Section 13.121(a) of the Code to delete language limiting the size of the voter registration application. Prior law limited the size of the application to the size in place in 1986. The size limitation is removed in order to add additional HAVA-
required information on the instructions and provide a means for voters to return a copy of an authorized form of ID as required under Section 3 (below), if necessary. Section 13.121(a) was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 612, Chapter 472, 70th Legislature, 1987 and precleared on August 31, 1987.

Section 3 of the Act amends Section 13.122(a) to delete language that makes the drivers license number and social security number optional on the voter registration form. These procedures have been superceded by new federal requirements. New Section 13.122(d) is added giving the Secretary of State authority to create procedures to inform applicants who apply for registration by mail for the first time of the new requirement to provide a copy of ID to establish their identity in an election for federal office. An instructional sheet must be provided with the application explaining the process and a method by which the applicant may submit the copy of ID. Section 13.122(d) expires on the earlier of January 1, 2006 or the date the Secretary of State certifies that the statewide computerized voter registration system is implemented. Section 13.122 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 879, Chapter 559, 72nd Legislature, 1991 (precleared on September 13, 1991), by Senate Bill 52, Chapter 442, 72nd Legislature, 1991 (precleared on October 11, 1991), by Senate Bill 625, Chapter 631, 72nd Legislature, 1991 (precleared on October 8, 1991), by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993), by House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997) and by Senate Bill 500, Chapter 454, 75th Legislature, 1997 (precleared on August 11, 1997).

Section 4 of the Act amends Section 18.005(a) of the Code to require lists of registered voters to include the voter’s unique statewide voter registration number and information on whether a first time mail registrant has failed to provide the necessary proof of ID (until Section 13.122(d) expires pursuant to Section 3 of the Act). Section 18.005 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 1441, Chapter 436, 70th Legislature, 1987 (precleared on August 31, 1987) and by House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997).

Section 5 of the Act amends the heading to Chapter 18, Subchapter C of the Code from “Registration Service Program” to “Statewide Voter Registration List.” The heading was included in House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 6 of the Act amends Section 18.061 of the Code (effective January 1, 2006) to change the current optional online voter registration program to the required statewide online voter registration program. Section 18.061(a) of the Code is amended to state that the statewide list will be the official list of registered voters as required under HAVA. Section 18.061(b)(1) of the Code is amended to require the statewide computerized voter registration list to contain the name and registration information of each registered voter in the state. Section 18.061(b)(2) of the Code is amended to require the state voter registration system to assign a unique identifier to each voter. Section 18.061(b)(3) of the Code is amended to require the list to be available to any election official in the state.
through immediate electronic access. New Section 18.061(c) is added to require the Secretary of State to create procedures for the voter registrars to submit information necessary to maintain the list on an expedited basis. The information must be submitted electronically, and the funds collected by the Secretary of State under voter registration must be used to defray expenses in implementing the statewide list. Section 18.061 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 7 of the Act amends Section 18.064 (effective January 1, 2006) to state that counties that fail to comply with the statewide list requirements will lose their state funds for financing voter registration. Section 18.064 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 1050, Chapter 114, 71st Legislature, 1989 (precleared on September 5, 1989) and by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993).

Section 8 of the Act amends Section 18.065(a) (effective January 1, 2006) to require the Secretary of State to monitor voter registrars' compliance with the implementation of the statewide voter registration list. Section 18.065 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 1050, Chapter 114, 71st Legislature, 1989 (precleared on September 5, 1989) and by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993).

Sections 9-11 of the Act make conforming terminology amendments changing references to the state “master file” to the “statewide computerized voter registration list.”

Section 12 of the Act adds Section 19.004(d) of the Code to authorize the Comptroller’s office to transfer money from voter registration finance funds to the election improvement fund upon receipt of a certification from the Secretary of State indicating the amount of state funds required to qualify for the maximum amount of federal funds. The Secretary of State must first determine whether the funds are available under HAVA.

Section 13 of the Act adds Sections 31.010 and 31.011 to the Code. Section 31.010 of the Code gives the Secretary of State general rulemaking authority to implement provisions of HAVA and a specific requirement that the Secretary of State adopt an administrative complaint procedure that meets the requirements of Section 402(a) of HAVA. This procedure will be submitted separately for preclearance. Section 31.011 of the Code creates an election improvement fund as a dedicated account in the general revenue fund where the federal funds, matching funds, and interest from the funds are kept. Under 31.011(b) of the Code, money in the fund may be used only to improve elections administration at the state and local level, make grants to local governments for improvement or replacement of voting systems, create the statewide registration database, and comply with other election requirements of the federal government. The fund is exempt from Section 403.095 of the Government Code (Use of Dedicated Revenue).

Section 14 of the Act amends Section 41.001(a) of the Code to change the May uniform election date to the third Saturday in May from the first Saturday in May. The reason for
moving the election is to allow enough time to accommodate provisional voting in the April primary election. Section 41.001 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 4, Chapter 14, 69th Legislature, Third Called Session, 1986 (precleared on February 9, 1987), by House Bill 28, Chapter 60, 70th Legislature, Second Called Session, 1987 (precleared on November 16, 1987), by House Bill 2552, Chapter 389, 72nd Legislature, 1991 (precleared on September 23, 1991), by House Bill 565, Chapter 467, 73rd Legislature, 1993 (precleared on October 4, 1993), by House Bill 298, Chapter 1219, 75th Legislature, 1995 (precleared on September 2, 1995), by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997), by Senate Bill 1368, Chapter 62, 76th Legislature, 1999 (a non-substantive change not subject to preclearance) and by Senate Bill 79, Chapter 340, 77th Legislature, 2001 (precleared on August 23, 2001).

Section 15 of the Act amends Section 41.0052(a) of the Code to open a period for political subdivisions to change their general election dates from the effective date of the Act to December 1, 2004. Section 41.0052 was added to the Code by House Bill 75, Chapter 728, 73rd Legislature, 1993 and precleared on September 13, 1993. It was later amended by House Bill 298, Chapter 1219, 75th Legislature, 1997 (precleared on September 2, 1997) and by House Bill 3257, Chapter 1068, 76th Legislature, 1999 (precleared on September 13, 1999).

Section 16 of the Act amends Section 41.007(b) of the Code to shift the primary runoff date to the third Tuesday in April. Prior law set the primary runoff date on the second Tuesday in April. The change is necessary to provide additional time for review and counting of provisional ballots. Section 41.007 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 4, Chapter 14, 69th Legislature, Third Called Session, 1986 and precleared on February 9, 1987.

Section 17 of the Act amends Section 52.008 of the Code to require political subdivisions to print sample ballots for their elections (Section 24 of the Act requires the sample ballot to be posted in each polling place). Under prior law, printing the sample ballot was optional. Section 52.008 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 18 of the Act amends Section 52.074 of the Code to delete the challenge ballot stub requirements and require entities holding elections to have provisional ballots available in the form approved by the Secretary of State. Section 52.074 was added to the Code by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997.

Section 19 of the Act amends Section 61.005 of the Code to make conforming amendments by deleting references to challenge ballot stubs and envelopes and replacing them with references to provisional ballots. Section 61.005 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was later amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997).
Section 20 of the Act adds Section 61.012 to the Code. The new section requires each polling place to provide at least one voting station that (1) complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and (2) provides a practical and effective means for voters with physical disabilities to cast a secret ballot. This section applies only to polling places that use electronic voting systems generally unless the Secretary of State certifies that it is required at all polling places, regardless of voting method. We note that the Department of Justice has ruled that a Direct Recording Electronic system is required in each voting place, including those using hand-counted paper ballot systems, which renders the Secretary of State’s discretion in the section largely moot.

Sections 21 and 22 of the Act amend Sections 62.006 and 62.009(c) to make conforming amendments to delete references to challenge ballot stubs and envelopes and replace them with references to provisional ballots. Section 62.006 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 62.009 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997).

Section 23 of the Act amends Section 62.011 of the Code to add information to the instruction poster that is posted in each polling place. Information must be added regarding the provisional ballot process, the first time voter ID requirement, the date of election and the hours the polling place is open, general voting rights information including provisional ballots and complaint contact information, and general information on state and federal law as to fraud and misrepresentation. The poster may be split into two or more, if necessary. The poster(s) will be submitted separately for preclearance. Section 62.011 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 24 of the Act amends Section 62.012 of the Code to require a sample ballot to be posted at each polling place. Under prior law, posting the sample ballot at the polling place was discretionary. Section 62.012 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 25 of the Act amends Section 63.008(a) of the Code (Voter Without Certificate Who is on List) to delete the election worker affidavit as a form of identification for a voter without certificate on the list. The election worker affidavit is no longer a valid form of voter identification under HAVA. Section 62.008(b) of the Code is amended to state that if the voter cannot meet the requirements of Section 62.008(a) of the Code, the voter may vote a provisional ballot. Section 63.008 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance), by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997) and by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997).
Section 26 of the Act amends Section 63.009 of the Code (Voter Without Certificate Who is Not on List) to state that a voter without a current registration certificate whose name does not appear on the list of registered voters shall be accepted for provisional voting. It further requires that if an election officer is able to confirm from the voter registrar that the voter is in fact registered and the voter presents a valid form of ID, the voter may vote without voting via the provisional vote process. Section 63.009 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993), by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997) and by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997).

Section 27 of the Act amends Section 63.0101 of the Code (Documentation of Proof of Identification) to delete pre-printed checks and "two other forms of identification" from the list of acceptable polling place identification and to add to the list of acceptable identification a copy of the voter's current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Section 63.0101 was added to the Code by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. It was amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997) and by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance).

Section 28 of the Act adds Section 63.011 (Provisional Voting) to the Code. A voter to whom Sections 63.008(b) (voter without certificate on registration list but has no valid ID) or 63.009 (voter without certificate not on registration list) of the Code applies may cast a provisional ballot if the voter completes an affidavit stating that he or she is a registered voter of the precinct and eligible to vote in the election. The Secretary of State is charged with creating an envelope with the affidavit printed on it, a space for the ballot number, along with a space for information that would register a person to vote. Section 63.011 further requires that the person shall be given a provisional ballot after completion of the affidavit and that the election officer shall record the ballot number on the affidavit. (Please note that the Secretary of State will adopt administrative rules to require a unique assigned number in lieu of the ballot number since use of the ballot number would compromise the secrecy of the voter's ballot.) The fact that the voter voted a provisional ballot is noted on the poll list. The provisional ballot forms and administrative rules will be submitted separately for preclearance. Section 63.011 further provides that if a voter votes after the polls close but during a time extended by a federal or state court order, the voter must vote a provisional ballot.

Sections 29 and 30 of the Act make conforming amendments to Sections 63.012(a) and 64.001 of the Code to delete references to the challenge procedure and replace them with the provisional ballot procedure. Section 63.012 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. Section 64.001 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997).
Section 31 of the Act amends Section 64.008 of the Code (Depositing Ballot) to add Subsections (b) and (c) indicating that after the voter marks her provisional ballot, the voter encloses it in the provisional ballot envelope, seals the envelope, and deposits it in a box available for provisional ballots; the election judge then gives the voter written information on how to find out if the ballot was later counted. Any additional procedures that are adopted by administrative rule will be submitted separately for preclearance. Section 64.008 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 33 of the Act amends Section 65.009 of the Code (Counting Irregularly Marked Ballot) by adding Subsection (d) to specify that the intent of a voter may be determined either by distinguishing marks adjacent to a candidate or political party or proposition, an oval, box, or similar marking drawn around the choice's name, a line drawn through candidates or propositions or parties leaving the voter's choice unmarked, or any other evidence that clearly indicates the voter's intent. This new Section establishes more detailed counting rules for punch card ballots already exist in the Code at Section 127.130. If it is necessary to adopt additional counting rules for direct recording electronic systems, they will be submitted separately for preclearance. Section 65.009 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.

Section 34 of the Act amends Section 65.010 of the Code (Ballots Not Counted) to delete references to the ballot stub procedure and add language that a rejected provisional ballot is not counted. Section 65.010 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997).

Section 35 of the Act adds Chapter 65 subchapter B to the Code (Verification and Counting of Provisional Ballots). Section 65.051(a) states that provisional ballots are verified and counted by the early voting ballot board not later than the seventh day after the date of an election. Section 65.052 requires the Secretary of State to prescribe procedures for the voter registrar to provide assistance to the ballot board in verification. These procedures will be submitted separately for preclearance. Section 65.053 requires the presiding precinct judge to deliver the provisional ballot box to the general custodian of election records, and requires the Secretary of State to prescribe procedures for the ballot board to have access to the provisional ballots. Section 65.054 sets the procedure for accepting provisional ballots. The early voting ballot board examines each affidavit, accepting the ballot only if they determine from the affidavit itself or from public records that the voter is eligible to vote in the election. A list is created containing the names of those whose ballots are accepted; if rejected, they write rejected on the envelope containing the provisional ballot.

Section 65.055 also provides that the board opens the envelopes of the accepted ballots without defacing the affidavit and transfers the ballots to a new box. The opened envelopes are placed into a separate envelope, sealed, and delivered to the general
custodian of election records for preservation. Under Section 65.056, the rejected ballots are sealed in envelopes labeled “rejected provisional ballots”, which are signed by the presiding judge of the ballot board, forwarded to the custodian of election records and preserved for the required period. Copies of the envelope are forwarded to the registrar and used as an application for voter registration as appropriate. The rejected envelopes may not be placed in the box containing the accepted provisional ballots. Under Section 65.057, the accepted provisional ballots are counted in the normal manner. Ballots allowed to be cast after normal voting hours by court order are counted with the provisional ballots. Once counted, the results are forwarded to the local canvassing authority. Under Section 65.058, all the provisional voting records are retained for the appropriate post-election preservation period. Finally, Section 65.059 requires the ballot board to implement a system that allows a provisional voter to find out whether her ballot was counted. The system has to contain information on why the ballot wasn’t counted, and it must be confidential and free of charge. The information may be accessed via a toll-free telephone system or the Internet. The administrative rule implementing this section will be submitted separately for preclearance.

Sections 36-41 of the Act amend Sections 66.003, 66.021(b), 66.0241, 66.051(b), 66.058(b), (c), & (d), and 66.059 of the Code to make conforming amendments to replace references to the challenge affidavit procedure with the new provisional ballot procedure. Section 66.003 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared on August 24, 1987) and by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997). Section 66.021 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared on August 24, 1987) and by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997). Section 66.0241 was added to the Code by Senate Bill 280, Chapter 54, 70th Legislature, 1987 and precleared on August 24, 1987. It was amended by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 127, Chapter 797, 1995 (precleared on January 16, 1997). Section 66.051 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared on August 24, 1987), by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997). Section 66.058 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 66.059 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997.

Section 42 of the Act amends Section 67.003 of the Code (Time for Local Canvass) by changing the canvass date to the 8th day after election for the general election for state and county officers and for all other elections, between the 8th day to the 11th day after election day. Prior law required the canvass to be done on the 7th day for the general election for state and county officers and between the 3rd and 6th day after election day.
for other elections. The change is necessary to build in more time for provisional ballots to be reviewed and counted. Section 67.003 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997).

Section 43 of the Act amends Section 86.002 of the Code (Additional Balloting Materials) by adding Subsection (i) to require the early voting clerk to include a notice with the ballot by mail requiring the “first time” voter (as defined in Section 3 of the Act) to submit a copy of one of the acceptable forms of identification with the returned ballot by mail if the voter has not yet submitted the identification required with initial voter registration. On the earlier of January 1, 2006 or the date the statewide system is implemented, this section expires. Section 86.002 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared on August 24, 1987), by House Bill 612, Chapter 472, 70th Legislature, 1987 (precleared on August 31, 1987), by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991), by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 21, 1991), by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997).

Section 44 of the Act amends Section 86.005 of the Code (Marking and Sealing Ballot) to require a person voting by mail to provide a copy of ID if required by the early voting clerk. The voter must return a copy of the ID in the carrier envelope in order for the ballot to be counted. Section 86.005 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 and precleared on September 1991.

Section 45 of the Act adds Section 87.0411 to the Code (Acceptance of New Voter in Election for Federal Office) to state that if a copy of the voter’s ID was required with a ballot by mail in an election for federal office, the ballot may be accepted by the ballot board only if the voter provided the ID or the board otherwise determines that the person is eligible to vote. This section expires on the expiration of section 86.002 (on the earlier of January 1, 2006 or the date the statewide voter registration system is implemented).

Section 46 of the Act amends Section 101.005(c) of the Code (Applying for More than One Election in Same Application) to extend the validity of the Federal Postcard Application (FPCA) to each general election for federal office that occurs on or before the date of the 2nd general election for state and county officers after the date the FPCA is submitted. Under prior law, an FPCA was good only for the calendar year in which it was submitted. Section 101.005 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 221, Chapter 2, 71st Legislature, 1989 (a non-substantive change not subject to preclearance), by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on
September 1991) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 21, 1991).

Section 47 of the Act amends Section 101.006(a) of the Code (FPCA Voter Registration) to state that the FPCA acts as temporary voter registration for each election for federal office that occurs on or before the date of the 2nd general election for state and county officers after the date the FPCA is submitted. Section 101.006 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 1991) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 21, 1991).

Section 48 of the Act adds Section 101.013 to the Code. This new Section designates the Secretary of State as the official charged with providing information on voter registration procedures and early voting procedures to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

Section 49 of the Act amends Section 122.001 of the Code (Voting Systems Standards) to require compliance with the Federal Election Commission’s error rate for voting systems standards as an element for certification of voting systems in Texas. Section 122.001(d) is added to the Code prohibiting use of lever (mechanical) and punch card voting systems after January 1, 2006. Section 122.001(e) is also added to require electronic systems to be able to provide a separate count for voting past normal hours under court order for federal office as an element of certification for use in Texas. Section 122.001 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 1412, Chapter 484, 70th Legislature, 1987 (precleared on August 31, 1987).

Section 50 of the Act amends Section 124.006 of the Code to delete reference to the challenge ballot stub procedure and to authorize the Secretary of State to create forms and procedures for use of provisional ballots with electronic voting systems. Once completed, these forms will be submitted for preclearance. Section 124.006 was added to the Code by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997.

Section 51 of the Act amends Section 127.130 of the Code (Manual Counting) by adding Subsection (c-1) to state that a manual count of electronic voting system ballots shall use the standards of Section 65.009 to determine voter intent on irregularly marked ballots (see section 33 above). Section 127.130 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 and precleared on September 13, 1993.

Section 52 of the Act amends Section 172.116(b) of the Code (Local Canvass) to move the county-level primary canvass period to a period of not earlier than 6 p.m. on the 2nd Thursday to not later than 1 p.m. on the 2nd Friday after election day. Under prior law, the canvass took place between the first Thursday and first Friday after election day.
This change is necessary to provide time to review and count provisional ballots. Section 172.116 was added to the Code by House Bill 616, 69th Legislature, 1985 and 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), by House Bill 790, Chapter 275, 73rd Legislature, 1993 (precleared on September 11, 1993), by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) and by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance).

Section 53 of the Act amends Section 203.012 of the Code (Time of Canvass) to move the local level canvass date of a legislative vacancy election to not later than the 10th day after the election in the county and moved the canvass on the state level to not later than the 14th day after the election. Under prior law, the local canvass took place not later than the 3rd day after election day on the local level and the state canvass took place not later than the 7th day after election day. The changes were necessary to provide more time to process the provisional ballots. Section 203.012 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 612, Chapter 472, 70th Legislature, 1987 (precleared on August 31, 1987), by House Bill 772, Chapter 163, 71st Legislature, 1989 (precleared on August 21, 1989) and by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993).

Section 54 of the Act amends Section 213.007(a) of the Code (Access to Ballots, Equipment, and Other Materials) to add a voting system's audit records to the list of materials the custodian of election records shall make available to a recount committee on written order of the recount supervisor. Section 213.007 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 1603, Chapter 864, 75th Legislature, 1997 as a non-substantive change not subject to preclearance.

Sections 55-56 of the Act amends Sections 221.008, 273.041, 273.042, and 273.043 to delete references to the repealed challenge ballot stub procedure. Section 221.008 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 273.041 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 273.042 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 273.043 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and later amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997).

Section 57 of the Act repeals Sections 62.0081, 63.010, 65.005(d), 66.0242, and 66.058(b), which are the challenge procedures, effective January 1, 2004. Chapter 88 (Challenge of Person Voting by Mail) is also repealed, effective January 1, 2004. Section 122.0011 (Access by Persons With Disabilities) is also repealed. Sections 18.062 (State
Master File) and 18.063 (Information Furnished by Registrar) are also repealed effective January 1, 2006 to be replaced by the statewide computerized voter registration list. Section 62.0081 was added to the Code by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 63.010 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993) by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997) and by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997). Section 65.005 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 66.0242 was added to the Code by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 66.058 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by House Bill 330, Chapter 1078, 75th Legislature, 1997 and precleared on October 8, 1997. Section 122.001 was added to the Code by House Bill 1053, Chapter 319, 76th Legislature, 1999 and precleared on October 4, 1999. Sections 88.001, 88.002, and 88.003 were added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 1991) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 21, 1991). Section 88.004 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was later amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 1991) by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 21, 1991), and by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993). Section 18.062 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by Senate Bill 769, Chapter 411, 72nd Legislature, 1991 (precleared on September 16, 1991) and House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997). Section 18.063 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was amended by Senate Bill 1441, Chapter 436, 70th Legislature, 1987 (precleared on August 31, 1987), by House Bill 612, Chapter 472, 70th Legislature, 1987 (precleared on August 31, 1987), by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993), by House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997), and by House Bill 3181, Chapter 1178, 77th Legislature, 2001 (precleared on October 11, 2001).

(d) The submitting authority is the Honorable Geoffrey S. Connor, Secretary of State of Texas, in his 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 House on April 24, 2003 and by the Texas Senate on May 27, 2003. The House concurred on the Senate amendments to the Act on May 28, 2003. The Act was signed by Governor Rick Perry on June 22, 2003.


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

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

(m) The reason for the changes provided for in the Act is to implement the provisions of the federal Help America Vote Act of 2003 and give the Secretary of State authority to ensure that the federal requirements are carried out.

(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 further information regarding the effect of the Act on minorities, contact:

   The Honorable Jim Deshotel         The Honorable Carlos Uresti
   Texas House of Representatives     Texas House of Representatives
   P.O. Box 2910                       P.O. Box 2910
   Austin, Texas 78768-2910            Austin, Texas 78768-2910
   (512) 463-0662                      (512) 463-0714

(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,

[Signature]

Ann McGeehan
Director of Elections

Enclosure

AM:PM:10
AN ACT

relating to changes required in election laws to implement the
federal Help America Vote Act of 2002.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002(c), Election Code, is amended to
read as follows:

(c) A registration application must include:

(1) the applicant's first name, middle name, if any,
last name, and former name, if any;

(2) the month, day, and year of the applicant's birth;

(3) a statement that the applicant is a United States
citizen;

(4) a statement that the applicant is a resident of the
county;

(5) a statement that the applicant has not been
determined mentally incompetent by a final judgment of a court;

(6) a statement that the applicant has not been
finally convicted of a felony or that the applicant is a felon
eligible for registration under Section 13.001;

(7) the applicant's residence address or, if the
residence has no address, the address at which the applicant
receives mail and a concise description of the location of the
applicant's residence;

(8) the following information:
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(A) the applicant's Texas driver's license number
or the number of a personal identification card issued by the
Department of Public Safety;

(B) if the applicant has not been issued a number
described by Paragraph (A), the last four digits of the applicant's
social security number; or

(C) a statement by the applicant that the
applicant has not been issued a number described by Paragraph (A) or
(B);

(9) if the application is made by an agent, a statement
of the agent's relationship to the applicant; and

(10) [49+] the city and county in which the applicant
formerly resided.

SECTION 2. Section 13.121(a), Election Code, is amended to
read as follows:

(a) The officially prescribed application form for
registration by mail must be in the form of a business reply
postcard, unless another form or system is used under Subsection
(b), with postage paid by the state. [The form may not be larger
than the form in use immediately prior to January 1, 1986.] The
secretary of state shall design the form to enhance the legibility
of its contents.

SECTION 3. Section 13.122, Election Code, is amended by
amending Subsection (a) and adding Subsection (d) to read as
follows:

(a) In addition to the other statements and spaces for
entering information that appear on an officially prescribed
registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law."

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's [driver's license number, personal identification card number,] telephone number[, social security number] and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register
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to vote, information regarding the agency or office to which the
application is submitted will remain confidential and will be used
only for voter registration purposes; and

(12) any other voter registration information
required by federal law or considered appropriate and required by
the secretary of state.

(d) The secretary of state shall prescribe procedures to
inform an applicant who applies for registration by mail of the
requirement that before voting for the first time in an election for
federal office an applicant must provide a copy of a document
described by Section 63.0101 that establishes the applicant's
identity. The procedures must include providing an instructional
sheet to be distributed with the official registration application
form describing the requirement and a method by which an applicant
may submit the document along with the official registration
application form. This subsection expires on the earlier of:

(1) January 1, 2006; or

(2) the date the secretary of state certifies that the
statewide computerized voter registration list has been
implemented.

SECTION 4. Section 18.005(a), Election Code, is amended to
read as follows:

(a) Each original and supplemental list of registered
voters must:

(1) contain the voter's name, residence address, date
of birth, and registration number as provided by the statewide
computerized voter registration list;
(2) be arranged alphabetically by voter name; [and]

(3) contain the notation required by Section 15.111;

and

(4) until Section 13.122(d) expires, identify each voter registered by mail for the first time who failed to provide a copy of a document described by Section 63.0101 establishing the voter's identity at the time of registration.

SECTION 5. Effective January 1, 2006, the heading to Subchapter C, Chapter 18, Election Code, is amended to read as follows:

SUBCHAPTER C. STATEWIDE VOTER REGISTRATION LIST [REGISTRATION SERVICE PROGRAM]

SECTION 6. Effective January 1, 2006, Section 18.061, Election Code, is amended to read as follows:

Sec. 18.061. STATEWIDE COMPUTERIZED VOTER REGISTRATION LIST [REGISTRATION SERVICE PROGRAM AUTHORIZED]. (a) The secretary of state shall [may] implement and maintain a statewide computerized voter registration list that serves as the single system for storing and managing the official list of registered voters in the state [registration service program to assist registrars in maintaining accurate lists of registered voters].

(b) The statewide computerized voter registration list [a service program] must [include]:

(1) contain the name and registration information of each voter registered in the state [obtaining registration information from registrars and other available sources for a master file on registered voters];
(2) **assign a unique identifier to each registered voter** [periodically obtaining information from registrars and other available sources for the following purposes:]

[(A) to aid in determining the proper status of voters on the lists of registered voters; and]

[(B) to aid in ascertaining the proper registration information for each registered voter]; and

(3) **be available to any election official in the state through immediate electronic access** [furnishing information that may be useful to the registrars in the performance of their official duties].

(c) **Under procedures prescribed by the secretary of state, each voter registrar shall provide to the secretary of state on an expedited basis the information necessary to maintain the registration list established under Subsection (a). The procedures shall provide for the electronic submission of the information.**

(d) The secretary of state may contract with counties to provide them with electronic data services to facilitate the implementation of the **statewide computerized voter registration list** [service program]. The secretary shall use funds collected under the contracts to defray expenses incurred in implementing the **statewide computerized voter registration list** [service program].

SECTION 7. Effective January 1, 2006, 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 [14.025], 16.032, 18.042, or 18.061 [18.062] or with rules adopted by the secretary of
state implementing the statewide computerized voter registration
list [registration-service-program], the registrar is not entitled
to receive state funds for financing voter registration in the
county.

SECTION 8. Effective January 1, 2006, 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 [14.025], 16.032,
18.042, and 18.061 [18.063] and with rules implementing the
statewide computerized voter registration list [registration
service-program].

SECTION 9. Effective January 1, 2006, the heading to
Section 18.066, Election Code, is amended to read as follows:

Sec. 18.066. AVAILABILITY OF STATEWIDE COMPUTERIZED VOTER
REGISTRATION LIST [MASTER-FILE] INFORMATION.

SECTION 10. Effective January 1, 2006, Section 18.066(a),
Election Code, is amended to read as follows:

(a) The secretary of state shall furnish information in the
statewide computerized voter registration list [state-master-file]
to any person on request not later than the 15th day after the date
the request is received.

SECTION 11. Effective January 1, 2006, the heading to
Section 18.067, Election Code, is amended to read as follows:

Sec. 18.067. UNLAWFUL USE OF STATEWIDE COMPUTERIZED VOTER
REGISTRATION LIST [MASTER-FILE] INFORMATION.

SECTION 12. Section 19.004, Election Code, is amended by
amending Subsection (a) and adding Subsection (d) to read as
follows:

(a) Except as provided by Subsection (d), state [State] funds disbursed under this chapter may be used only to defray expenses of the registrar's office in connection with voter registration, including additional expenses related to:

(1) implementation of the National Voter Registration Act of 1993 (42 U.S.C. Section 1973gg et seq.); and

(2) complying with the weekly updating requirements prescribed by Section 18.063.

(d) If the secretary of state determines that federal matching funds are available under the federal Help America Vote Act of 2002, the secretary of state shall certify to the comptroller the amount of state funds required to qualify for the maximum amount of federal matching funds. On receipt of the certification, the comptroller shall deposit from funds otherwise available under this chapter an amount equal to the certified amount in the election improvement fund established under Section 31.011.

SECTION 13. Effective September 1, 2003, Chapter 31, Election Code, is amended by adding Sections 31.010 and 31.011 to read as follows:

Sec. 31.010. IMPLEMENTATION OF FEDERAL HELP AMERICA VOTE ACT. (a) The secretary of state may adopt rules as necessary to implement the federal Help America Vote Act of 2002.

(b) The secretary of state shall adopt rules establishing state-based administrative complaint procedures to remedy grievances that meet the requirements of Section 402(a) of the federal Help America Vote Act of 2002.
Sec. 31.011. ELECTION IMPROVEMENT FUND. (a) The election
improvement fund is created as a dedicated account in the general
revenue fund and consists of federal funds designated for election
improvement, matching funds from the state or a political
subdivision, and depository interest earned on the assets of the
fund.

(b) Money in the fund may be appropriated only to provide
funding for the following purposes:

(1) to improve election administration at the state
and local level;

(2) to make grants to local governments for the
improvement or replacement of voting systems;

(3) to create a single uniform official centralized
interactive voter registration database; and

(4) to comply with other election requirements of the
federal government.

(c) The fund is exempt from the application of Section
403.095, Government Code.

SECTION 14. Section 41.001(a), Election Code, is amended to
read as follows:

(a) Except as otherwise provided by this subchapter, each
general or special election in this state shall be held on one of
the following dates:

(1) the first Saturday in February;

(2) the third [first] Saturday in May;

(3) the second Saturday in September; or

(4) the first Tuesday after the first Monday in
November.

SECTION 15. Section 41.0052(a), Election Code, is amended to read as follows:

(a) The governing body of a political subdivision other than a county may, not later than December 31, 2004 [1999], change the date on which it holds its general election for officers to another authorized uniform election date. [An election on the new date may not be held before 2000.]

SECTION 16. Section 41.007(b), Election Code, is amended to read as follows:

(b) The runoff primary election date is the third [second] Tuesday in April following the general primary election.

SECTION 17. Section 52.008(a), Election Code, is amended to read as follows:

(a) The authority responsible for procuring the election supplies shall [may] have a supply of sample ballots printed.

SECTION 18. Section 52.074, Election Code, is amended to read as follows:

Sec. 52.074. PROVISIONAL BALLOT [STUB] FOR CERTAIN VOTERS.

(a) The authority responsible for having the official ballot prepared shall have a provisional [detached] ballot [stub] prepared in a form approved by the secretary of state [as provided by this section] for use by a voter who executes an affidavit in accordance with Section 63.011 [63.010].

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the
corresponding ballot number,

[(3)—spaces for entering the designation of the nature
of the election and the date of the election,

[(3)—the instruction: “Sign ballot stub, enclose in
envelope, and give to election officer.”; and

[(4)—a space for the voter’s signature.]

SECTION 19. Section 61.005, Election Code, is amended to
read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, [STUB,]
AND ENVELOPES. (a) From the time a presiding judge receives the
official ballots for an election until the precinct returns for
that election have been certified, the presiding judge shall take
the precautions necessary to prevent access to the ballots, ballot
boxes, [ballot stub,] and [stub] envelopes used for provisional
ballots in a manner not authorized by law.

(b) The ballots, ballot boxes, [ballot stub,] and [stub]
envelopes used for provisional ballots at a polling place shall be
in plain view of at least one election officer from the time the
polls open for voting until the precinct returns have been
certified.

(c) A presiding election judge commits an offense if the
judge fails to prevent another person from handling a ballot box
containing voters’ marked ballots or an envelope containing a
voter’s provisional ballot [voter’s signed ballot stub] in an
unauthorized manner or from making an unauthorized entry into the
ballot box or envelope. An offense under this subsection is a Class
A misdemeanor.

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SECTION 20. Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.012 to read as follows:

Sec. 61.012. ACCESS BY PERSONS WITH DISABILITIES. (a) Not later than January 1, 2006, each polling place must provide at least one voting station that:

(1) complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and

(2) provides a practical and effective means for voters with physical disabilities to cast a secret ballot.

(b) Subsection (a) applies only to a polling place that uses an electronic voting system unless the secretary of state certifies that federal law requires the application of Subsection (a) to all forms of voting at a polling place.

SECTION 21. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX [AND—ENVELOPE] FOR DEPOSIT OF MARKED BALLOTS [AND—STUBS]. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and the box used for the deposit of provisional ballots [envelope no.—5] shall be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.

SECTION 22. Section 62.009(c), Election Code, is amended to read as follows:

(c) The provisional ballots [with—stubs] shall be placed
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separately from the regular ballots.

SECTION 23. Section 62.011, Election Code, is amended by
amending Subsections (b) and (c) and adding Subsection (d) to read
as follows:

(b) The secretary of state shall prescribe the form and
content of the instruction poster. If it is not practical to fit
all of the information required by this section on a single poster,
the secretary of state may provide for the use of two or more
posters to convey the information.

(c) The poster must include instructions applicable to the
election on:

(1) marking and depositing the ballot;

(2) voting for a write-in candidate;

(3) casting a straight-party vote;

(4) casting a provisional ballot;

(5) until the expiration of Section 13.122(d), voting
for the first time by a person who registered by mail; and

(6) securing an additional ballot if the voter's
original ballot is spoiled.

(d) The poster must also include the following information:

(1) the date of the election and the hours during which
the polling place is open;

(2) general information on voting rights under state
and federal laws, including information on the right of an
individual to cast a provisional ballot and the individuals to
contact if a person believes these rights have been violated; and

(3) general information on state and federal laws that
prohibit acts of fraud or misrepresentation.

SECTION 24. Section 62.012, Election Code, is amended to read as follows:

Sec. 62.012. POSTING SAMPLE BALLOT. An election officer shall post a sample ballot in one or more locations in the polling place where it can be read by persons waiting to vote.

SECTION 25. Section 63.008, Election Code, is amended to read as follows:

Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and

[(1)] the voter presents proof of identification in a form described by Section 63.0101[\(\rightarrow\)ex

[(2)] the affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter].

(b) If the requirements prescribed by Subsection (a) are not met, the voter may [not] be accepted for provisional voting only under Section 63.011[\(\rightarrow\)] and an election officer shall indicate beside the voter's name on the list of registered voters that the voter was rejected under this section.
SECTION 26. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. (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 [presents proof of identification and] executes an affidavit in accordance with Section 63.011 [63.019].

(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 [63.019] 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.

SECTION 27. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is acceptable as proof of identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
(2) a form of identification containing the person's photograph that establishes the person's identity;

(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

(4) United States citizenship papers issued to the person;

(5) a United States passport issued to the person;

(6) [pre-printed checks containing the person's name that are issued for a financial institution doing business in this state;

[(7)] official mail addressed to the person by name from a governmental entity;

(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter [(8) two other forms of identification that establish the person's identity]; or

(8) [(9)] any other form of identification prescribed by the secretary of state.

SECTION 28. Chapter 63, Election Code, is amended by adding Section 63.011 to read as follows:

Sec. 63.011. PROVISIONAL VOTING. (a) A person to whom Section 63.008(b) or 63.009(a) applies may cast a provisional ballot if the person executes an affidavit stating that the person:

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

(2) is eligible to vote in the election.
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(b) A form for the affidavit shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person. 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.

(c) After executing the affidavit, the person shall be given a provisional ballot for the election. An election officer shall record the number of the ballot on the space provided on the affidavit.

(d) An election officer shall enter "provisional vote" on the poll list beside the name of each voter who is accepted for voting under this section.

(e) A person who is permitted under a state or federal court order to cast a ballot in an election for a federal office after the time allowed by Subchapter B, Chapter 41, must cast the ballot as a provisional vote in the manner required by this section.

SECTION 29. Section 63.012(a), Election Code, is amended to read as follows:

(a) An election officer commits an offense if the officer knowingly:

(1) permits an ineligible voter to vote other than as provided by Section 63.011 [without having been challenged]; or

(2) refuses to accept a person for voting whose acceptance is required by this code.

SECTION 30. Section 64.001, Election Code, is amended to
read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.011 [63.010] shall select a provisional ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 31. Section 64.008, Election Code, is amended to read as follows:

Sec. 64.008. DEPOSITING BALLOT. (a) Except as provided by Subsection (b), after a voter has marked the ballot, the voter shall fold the ballot to conceal the way it is marked but to expose the presiding judge's signature, and shall deposit it in the ballot box used for the deposit of marked ballots.

(b) After a voter has marked a provisional ballot, the voter shall enclose the ballot in the envelope on which the voter's executed affidavit is printed. The person shall seal the envelope and deposit it in a box available for the deposit of provisional ballots.

(c) At the time a person casts a provisional ballot under
Subsection (b), an election officer shall give the person written
information describing how the person may use the free access
system established under Section 65.059 to obtain information on
the disposition of the person's vote.

SECTION 32. Sections 65.001-65.015, Election Code, are
designated as Subchapter A, Chapter 65, Election Code, and a
heading is added to that subchapter to read as follows:

SUBCHAPTER A. COUNTING VOTES GENERALLY

SECTION 33. Section 65.009, Election Code, is amended by
adding Subsection (d) to read as follows:

(d) The intent of the voter in marking a ballot may be
determined by:

(1) a distinguishing mark adjacent to the name of a
candidate or political party or a voting choice associated with a
proposition;

(2) an oval, box, or similar marking clearly drawn
around the name of a candidate or political party or a voting choice
associated with a proposition;

(3) a line drawn through:

(A) the names of all candidates in a manner that
indicates a preference for the candidates not marked if the names of
the candidates not marked do not exceed the number of persons that
may be elected to that office;

(B) the name of each political party except one
in a manner that clearly indicates a preference for the political
party not marked; or

(C) a voting choice associated with a proposition
in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or

(4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition.

SECTION 34. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) a write-in envelope containing a write-in vote without an attached ballot;

(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or

(5) a provisional ballot that is not accepted under Subchapter B [with an unsigned stub].

SECTION 35. Chapter 65, Election Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. VERIFICATION AND COUNTING OF PROVISIONAL BALLOTS

Sec. 65.051. DUTY OF EARLY VOTING BALLOT BOARD. (a) The early voting ballot board shall verify and count provisional ballots as provided by this subchapter not later than the seventh day after the date of an election.

(b) Except as provided by this subchapter, the conduct of
the board is governed by the same procedures as are provided by
Chapter 87.

Sec. 65.052. DUTY OF VOTER REGISTRAR. The secretary of
state shall prescribe procedures by which the voter registrar of
the county in which a provisional ballot is cast shall provide
assistance to the early voting ballot board in executing its
authority under this subchapter.

Sec. 65.053. DELIVERY OF PROVISIONAL BALLOTS. The
presiding judge of an election precinct shall deliver in person to
the general custodian of election records the box containing each
envelope containing a provisional ballot that was cast in the
precinct. The secretary of state shall prescribe procedures by
which the early voting ballot board may have access to the
provisional ballots as necessary to implement this subchapter.

Sec. 65.054. ACCEPTING PROVISIONAL BALLOT. (a) The early
voting ballot board shall examine each affidavit executed under
Section 63.011 and determine whether to accept the provisional
ballot of the voter who executed the affidavit.

(b) A provisional ballot may be accepted only if the board
determines that, from the information in the affidavit or contained
in public records, the person is eligible to vote in the election.

(c) If a provisional ballot is accepted, the board shall
enter the voter's name on a list of voters whose provisional ballots
are accepted.

(d) If a provisional ballot is rejected, the board shall
indicate the rejection by marking "rejected" on the envelope
containing the provisional ballot.
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Sec. 65.055. DISPOSITION OF ACCEPTED PROVISIONAL BALLOT AND
AFFIDAVIT. (a) The early voting ballot board shall open each
envelope containing an accepted provisional ballot without
defacing the affidavit located on the outside of the envelope and
shall remove the ballot.

(b) The board shall place the ballot in a ballot box
containing all the provisional ballots accepted for voting in the
election.

(c) For each accepted provisional ballot, the board shall
place the corresponding envelope on which is printed the voter's
affidavit executed under Section 63.011 in a sealed envelope and
shall deliver the envelope to the general custodian of election
records, to be retained for the period for preserving precinct
election returns.

Sec. 65.056. DISPOSITION OF REJECTED PROVISIONAL BALLOT.

(a) If the affidavit on the envelope of a rejected provisional
ballot contains the information necessary to enable the person to
register to vote under Chapter 13, the voter registrar shall make a
copy of the affidavit under procedures prescribed by the secretary
of state. The voter registrar shall treat the copy as an
application for registration under Chapter 13.

(b) The early voting ballot board shall place the envelopes
containing rejected provisional ballots in an envelope and shall
seal the envelope. More than one envelope may be used if necessary.

(c) The envelope for the rejected provisional ballots must
indicate the date and identity of the election, be labeled
"rejected provisional ballots," and be signed by the board's
(d) A board member shall deliver the envelope containing the rejected provisional ballots to the general custodian of election records to be preserved for the period for preserving the precinct election records. The envelope may not be placed in the box containing the accepted provisional ballots.

Sec. 65.057. PROCESSING ACCEPTED PROVISIONAL BALLOTS. (a) The early voting ballot board shall count accepted provisional ballots as follows:

(1) for ballots to be counted manually, in the manner provided by Subchapter D, Chapter 87;

(2) for ballots to be counted by automatic tabulating equipment at a central counting station, in the manner provided by Subchapter F, Chapter 87; and

(3) for ballots to be counted by any other means, in the manner provided by rules adopted by the secretary of state.

(b) On counting the ballots under this section, the board shall report the results to the local canvassing authority for the election.

Sec. 65.058. PRESERVATION OF PROVISIONAL VOTING RECORDS GENERALLY. The returns of provisional ballots that are accepted, the accepted ballots, and other provisional voting records shall be preserved after the election in the same manner as the corresponding precinct election returns.

Sec. 65.059. NOTICE TO PROVISIONAL VOTER. The secretary of state shall prescribe procedures to implement a system to allow a person who casts a provisional ballot under Section 63.011 to
obtain access free of charge to information on the disposition of
the person's ballot. The system:

(1) must allow the person to determine whether the
person's ballot was counted, and, if the person's ballot was not
accepted, must indicate the reason why;

(2) must provide the information only to the person
who cast the provisional ballot; and

(3) may involve the use of a toll-free telephone
number or the Internet.

SECTION 36. Section 66.003, Election Code, is amended to
read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a)
Four [five] envelopes shall be furnished to each polling place for
use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding
officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general
custodian of election records;

(3) "Envelope No. 3," addressed to the presiding
judge; and

(4) "Envelope No. 4," addressed to the voter
registrar[—and

[(5) "Envelope No. 5," addressed to the general
custodian of election records].

SECTION 37. Section 66.021(b), Election Code, is amended to
read as follows:
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(b) The judge shall seal envelopes no. 1, no. 2, and no. 4 and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 38. 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

(5) any affidavits executed under Section 63.007 or 63.011 [63.010].

SECTION 39. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 40. Sections 66.058(b), (c), and (d), Election Code, are amended to read as follows:

(b) The voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots may not be opened during the preservation
(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots [ex—envelope containing—ballot—stubs], when the purpose for the entry is fulfilled, the box [ex—envelope] shall be relocked [ex—sealed, as applicable], and the box and key [ex—envelope] returned to the custodian.

(d) A custodian of a ballot box containing voted ballots [ex—envelope—con-taining—ballot—stubs] commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box [ex—envelope]; or

(2) fails to prevent another person from handling the box [ex—envelope] in an unauthorized manner or from making an unauthorized entry into the box [ex—envelope].

SECTION 41. Section 66.059, Election Code, is amended to read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS. (a) On written application by the presiding officer of the local canvassing authority or the presiding judge of the election precinct, a district judge of the county in which a ballot box containing voted ballots [ex—envelope—containing—ballot—stubs] is in custody may order the box [ex—envelope] opened to retrieve an election record that was erroneously placed in the box [ex—envelope].

(b) The district judge shall post a notice of the date,
hour, and place for opening the box [envelope] on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. The notice must remain posted continuously for the 24 hours immediately preceding the hour set for opening the box [envelope].

(c) Any interested person may observe the opening of the box [envelope].

(d) The district judge shall issue the orders necessary to safeguard the contents of a ballot box [envelope] opened under this section.

SECTION 42. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer:

(1) on the eighth [seventh] day after election day for the general election for state and county officers; or

(2) not earlier than the eighth [third] day or later than the 11th [sixth] day after election day for an election other than the general election for state and county officers.

SECTION 43. Section 86.002, Election Code, is amended by adding Subsection (f) to read as follows:

(f) For an election for a federal office, if the list of registered voters indicates that the voter did not provide a copy of a document described by Section 63.0101 establishing the voter's identity at the time of initial registration by mail, the clerk
shall provide with the balloting materials notice to the voter that
the voter must provide a copy of a document described by Section
63.0101 establishing the voter's identity when returning the
ballot. The secretary of state shall prescribe the form of the
notice. This subsection expires on the earlier of:

(1) January 1, 2006; or

(2) the date the secretary of state certifies that the
statewide computerized voter registration list has been
implemented.

SECTION 44. Section 86.005, Election Code, is amended by
adding Subsection (f) to read as follows:

(f) If the voter is required to provide a copy of a document
described by Section 63.0101 establishing the voter's identity, the
voter shall include the copy in the official carrier envelope. This
subsection expires on the expiration of Section 86.002(f).

SECTION 45. Subchapter C, Chapter 87, Election Code, is
amended by adding Section 87.0411 to read as follows:

Sec. 87.0411. ACCEPTANCE OF NEW VOTER IN ELECTION FOR
FEDERAL OFFICE. (a) A ballot for which notice was provided under
Section 86.002(f) may be accepted only if:

(1) the voter provided the required documentation of
the voter's identity, or

(2) the early voting ballot board determines that the
person is eligible to vote.

(b) This section expires on the expiration of Section
86.002(f).

SECTION 46. Section 101.005(c), Election Code, is amended
to read as follows:

(c) An application shall be treated as if it requests a ballot for:

(1) a runoff election that results from an election for which a ballot is requested; and

(2) each election for a federal office, including a primary or runoff election, that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted.

SECTION 47. Section 101.006(a), Election Code, is amended to read as follows:

(a) The submission of a federal postcard application that complies with the applicable requirements by an unregistered applicant constitutes registration by the applicant only for the purpose of voting in the election for which a ballot is requested and each election for a federal office that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted.

SECTION 48. Chapter 101, Election Code, is amended by adding Section 101.013 to read as follows:

Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. 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.
SECTION 49. Section 122.001, Election Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) A voting system may not be used in an election unless the system:

(1) preserves the secrecy of the ballot;

(2) is suitable for the purpose for which it is intended;

(3) operates safely, efficiently, and accurately and complies with the error rate standards of the voting system standards adopted by the Federal Election Commission;

(4) is safe from fraudulent or unauthorized manipulation;

(5) permits voting on all offices and measures to be voted on at the election;

(6) prevents counting votes on offices and measures on which the voter is not entitled to vote;

(7) prevents counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote;

(8) prevents counting a vote on the same office or measure more than once;

(9) permits write-in voting;

(10) is capable of permitting straight-party voting; and

and
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(11) is capable of providing records from which the
operation of the voting system may be audited.

(d) Effective January 1, 2006, a voting system may not be
used in an election if the system uses:

(1) mechanical voting machines; or

(2) a punch-card ballot or similar form of tabulating
card.

(e) For an election for federal office in which a state or
federal court order has extended the time for voting beyond the time
allowed by Subchapter B, Chapter 41, a voting system must provide a
separate count of the votes cast after the time allowed by that
subchapter.

SECTION 50. Section 124.006, Election Code, is amended to
read as follows:

Sec. 124.006. IMPLEMENTATION OF PROVISIONAL BALLOT [STUB]
SYSTEM. The secretary of state shall prescribe the form of a
provisional ballot [stub and ballot for use with a stub] and the
necessary procedures to implement the casting of a provisional
ballot as described by Section 63.011 and the verification and
processing of provisional ballots under Subchapter B, Chapter 65,
for [ballot-stub system prescribed by Section 52.074 for use with]
each voting system used in this state.

SECTION 51. Section 127.130, Election Code, is amended by
adding Subsection (c-1) to read as follows:

(c-1) In any manual count conducted under this code, an
irregularly marked vote on a ballot on which a voter indicates a
vote by making a mark on the ballot is considered in the same manner
as provided by Section 65.009.

SECTION 52. Section 172.116(b), 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 [first] Thursday or later than 1 p.m. on the second [first] Friday after election day at the hour specified by the county chair.

SECTION 53. Sections 203.012(a) and (b), Election Code, are amended to read as follows:

(a) The commissioners court shall convene to conduct the local canvass not later than the 10th [third] day after election day.

(b) The governor shall conduct the state canvass not later than the 14th [seventh] day after election day.

SECTION 54. Section 213.007(a), Election Code, is amended to read as follows:

(a) On presentation by a recount committee chair of a written order signed by the recount supervisor, the custodian of voted ballots, voting machines or test materials or programs used in counting electronic voting system ballots shall make the ballots, machines, or materials or programs, including the records from which the operation of the voting system may be audited, available to the committee.

SECTION 55. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot
boxes, [envelopes] voting machines, voting devices, or other
equipment used in the election to be unsecured to determine the
correct vote count or any other fact that the tribunal considers
pertinent to a fair and just disposition of the contest.

SECTION 56. Sections 273.041, 273.042, and 273.043,
Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the
investigation of criminal conduct in connection with an election, a
grand jury, on finding probable cause to believe an offense was
committed, may request a district judge of the county served by the
grand jury to order an examination of the voted ballots [and the
ballot stubs] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a
grand jury for an examination of voted ballots [and ballot stubs], a
district judge may order the custodian of the ballots [and ballot
stubs] and the custodian of the keys to the ballot boxes to deliver
the ballot boxes and the [−] keys[− and envelopes] to the grand
jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of
ballots [and ballot stubs] under this subchapter shall be conducted
in secret before the grand jury.

SECTION 57. (a) Sections 62.0081, 63.010, 65.005(d),
66.0242, and 66.058(h) and Chapter 88, Election Code, are repealed.
(b) Effective January 1, 2006, Sections 18.062, 18.063, and
122.0011, Election Code, are repealed.

SECTION 58. Except as otherwise provided by this Act, this
H.B. No. 1549

David Dewhurst
President of the Senate

Jim Allan
Speaker of the House

I certify that H.B. No. 1549 was passed by the House on April 24, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1549 on May 28, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1549 was passed by the Senate, with amendments, on May 27, 2003, by the following vote: Yeas 31, Nays 0.

Larry Grand
Secretary of the Senate

APPROVED: 21 JUN 03

Date

Rick Perry
Governor

Filed in the Office of the Secretary of State
11:54 O'clock

Jun 22 2003

Secretary of State
September 22, 2003

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


Dear Mr. Rich:

The Legislature of the State of Texas has enacted House Bill 1695, Chapter 1316, 78th Legislature, Regular Session, 2003 (the “Act”), which relates to certain election processes and procedures. All references are to the Texas Election Code, unless otherwise cited.

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) **SECTION 1** of the Act amends Section 1.006 to provide that if the last day for performance of an act moves because of a weekend or holiday, the "new" deadline is what is used for purposes of calculating other deadlines. In the case of creating a vacancy for purposes of adding or removing an office from the November general election ballot, a vacancy created by the filing of a document is also considered the performance of an act for purposes of extending the day on which the vacancy occurs.

**SECTION 2** of the Act amends Section 2.025 to provide a different runoff election period. This is the general rule applicable to local elections like cities and school districts. (Note: the primary runoff has its own rules.) Rather than a timeframe of 20-30 days after the canvass with very specific exceptions, the timeframe is now 20-45 days after the canvass without any exceptions. Current law allows a home-rule charter to supersede (because of the general operation of Section 2.022, which allows conflicting provisions to prevail); under the new law, a home-rule charter may provide a later runoff, but not an earlier one.
SECTION 3 of the Act amends Section 2.051 (the cancellation procedure) to provide that in the case of an entity electing from territorial units such as single-member districts, the entity could cancel the election within the territorial unit, if there was no at-large proposition, and no opposed at-large race. The amendment expands the cancellation process to other types of territorial units, in addition to single-member districts.

SECTION 4 of the Act amends Section 2.053 to clarify that officers "elected" as a result of the cancellation procedure receive a certificate of election and are sworn in at the same time as elected officers.

SECTION 5 of the Act makes conforming amendments. It deletes the reference in Section 13.072(e) to Section 13.072(e) since Section 13.072(e) is repealed. Section 13.072(e) is no longer necessary because of amendments to Section 13.073 described at SECTION 6 below.

SECTION 6 of the Act amends Section 13.072 to provide that the effective date of a supplemented voter registration application is calculated as of the original submission date if the voter supplements his incomplete voter registration application by the 10th day after the notice of incompleteness is delivered. Under prior law the statute simply required that the voter must submit the supplemental information “no later than the third day” after the notice was received by the voter, which was information that the voter registrar would not have unless the notice was sent by the costly method of certified mail or overnight delivery, for example. If the voter supplements his application after the 10th day, then the effective date of registration is calculated as of the date of supplementation.

SECTION 7 of the Act amends Section 15.025 to make the effective date of a change to a voter’s voter registration uniform with the effective date for a new voter registration application. If the 30th day before an election falls on a Saturday, Sunday, or state or federal holiday, the postmark may be on the next business day for purposes of calculating the effective date of registration or the change.

SECTION 8 of the Act amends Section 16.033(c) and (d) to authorize cancellation of a voter registration if the voter fails to reply to a warning of cancellation on or before the 30th day following an investigation by the voter registrar (current law states 60 days after the notice is mailed, if the registrar receives no reply). This would make this process uniform with other 30-day cancellation timeframes. Subsection (d) reflects the actual cancellation time period, and Subsection (c) refers to the language of the notice the voter receives and it is amended to reflect the same time period.

SECTION 9 of the Act amends Section 16.0332 to specify which documents may be accepted as valid proof of citizenship: a certified copy of a voter's birth certificate, United States passport, or certificate of naturalization. This Section also clarifies that the deadline to submit the documents is on or before the 30th day. Prior law provided “before the 31st day,” which is sometimes misinterpreted when calculating the deadline.

SECTION 10 of the Act makes conforming amendments. Section 16.036(a) addresses the procedure after a voter's registration is cancelled. The reasons for cancellation are
amended to include on the list Section 16.0332, which has been revised as described at SECTION 9 above.

SECTION 11 of the Act makes similar conforming amendments. Section 19.001(a), which addresses the registrar preparing a report of cancelled voters now includes a reference to Section 16.0332, which has been revised as described at SECTION 9 above.

SECTION 12 of the Act amends Section 32.091 by amending Subsection (a) and adding Subsection (c) to provide that for a primary or runoff primary election, the minimum hourly rate is the greater of the maximum rate provided by Subsection (a) (the federal minimum wage) or $7.00 per hour, if the election officer attended a training program as prescribed the Secretary of State (“SOS”).

SECTION 13 of the Act amends Section 32.111 to provide that SOS adopt standards and develop materials for a standardized curriculum for poll workers (election judges and clerks) training and distribute the materials as necessary to the governing bodies of political subdivisions and the county executive committees of political parties that hold elections. The training standards may include required attendance at appropriate training programs or the passage of an examination at the end of a training program.

SECTION 14 of the Act amends Section 32.112, to add that judges and clerks appointed to serve in elections ordered by the governor or county authority may be paid for attending the standardized training.

SECTION 15 of the Act amends Sections 32.113(a) and (b), to provide that the governing body of a political subdivision other than a county may, and the county executive committee of a political party shall, provide training for its election officers using the standardized training program and materials developed and provided by the Secretary of State. Subsection (b) authorizes a political subdivision or county executive committee to conduct its training independently or jointly with other entities.

SECTION 16 of the Act amends Section 32.114 to provide that the county clerk shall provide training using standardized materials prescribed by the Secretary of State under Section 32.111. An election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate not to exceed $7.

SECTION 17. Section 67.003, governing the local canvassing procedure, is amended to provide that each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer: (1) on the seventh day after election day for: (A) the general election for state and county officers; or (B) an election of a political subdivision that is held jointly with an election of: (i) a county; or (ii) one or more other political subdivisions under an election services contract with the county election officer; or (2) not earlier than the third day or later than the sixth day after election day for all other elections. This change does not affect the dates of canvass, but provides which entities are subject to those canvass periods.
NOTE: Section 42 of House Bill 1549 (the Texas HAVA bill) amends Section 67.003 to provide that each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority’s presiding officer: (1) on the eighth day after election day for the general election for state and county officers; or (2) not earlier than the eighth day or later than the 11th day after election day for an election other than the general election for state and county officers. HB 1549 actually changes the canvass dates.

Although HB 1549 is submitted under separate cover, we are explaining the total effect of the two bills for purposes of describing the changes in this submission. In following the rules of code construction, the SOS has harmonized these two provisions. Therefore, the HB 1549 canvass time period of the 8th day after election day for the general election for state and county officers, and the 8th – 11th day after election day for all other elections, will be given effect. The HB 1695 changes authorize a local political subdivision such as a city or school district to use the same canvassing time period as the county when elections are run jointly with the county will be given effect.

NOTE: At this time, the Texas Legislature is in the 3rd Called Special Session (2003); part of the charge for the special session includes election-related bills. Our office will submit any ensuing legislation under separate cover. It is possible that the clean-up legislation will both supersede the changes in HB 1695 and HB 1549, and make this interpretation moot.

SECTION 18 of the Act amends Section 83.006(b), the law for early voting clerks of political subdivisions other than counties and cities, to provide that a permanent employee who is a registered voter of any territory may be a deputy early voting clerk. Under prior law, the person had to be, for example, a registered voter of the school district to work as an early voting clerk for that school district.

SECTION 19 of the Act amends Section 83.007, the law applying to all elections that do not fall under another rule, to provide that permanent employees who are registered voters of any territory may serve as deputy early voting clerks.

SECTION 20 of the Act amends Section 83.032, the law applying to deputy early voting clerks for counties and cities, to provide that any permanent employee who is a registered voter of any territory may serve as a deputy early voting clerk.

SECTION 21 of the Act amends Section 84.032, the cancellation procedure to cancel an application for ballot by mail, to allow a voter to cancel an application for a ballot even after the return of the voter’s marked ballot, as long as the voter appears personally to cancel and the marked ballot has not yet been delivered to the ballot board for processing.

SECTION 22 of the Act amends Section 85.001(c), which concerns the beginning of the early voting period. If the date prescribed by Subsection (a) or (b) for beginning the period is a Saturday, Sunday, or legal state holiday, the early voting period begins on the next regular business day. Under prior law, early voting by personal appearance could begin on the preceding Saturday or Sunday if early voting is ordered to be conducted on
either of those days by the early voting clerk (county or city election) or the governing body (other elections).

SECTION 23 of the Act amends Section 86.003(c) to provide that a voter may request that a mail ballot be sent to his or her registered mailing address instead of to his residence address. Many voters might provide a "registered mailing address" which was the same as what they provided as their mailing address on the registration application. The SOS opinion was that the voter should be able to use the "registered mailing address" as well as the registered residence address, and this codifies that opinion.

SECTION 24 of the Act amends Section 86.007(d) to provide that when a local political subdivision such as a city has a joint election with the county or one or more other local political subdivisions under an election services contract with a county election officer, the political subdivision and county may count ballots that arrive by the 5th day after election day if the ballots were cast from outside the United States and placed in delivery by 7:00 p.m. on election day. This is the same rule used by counties in the general election for state and county officers.

SECTION 25 of the Act amends Section 87.0241 to clarify the original legislative intent which limits the authority to count early voting ballots prior to election day only to county-administered elections in counties of populations of 100,000.

SECTION 26 of the Act amends Section 87.027 to provide more detail for the signature verification committee. The procedure that was contained in Section 87.0271 has been moved into Section 87.027; therefore, Section 87.0271 has been repealed. In Subsections (a-1) - (c), the procedures that were retained are that a signature verification committee shall be appointed in the November general election for state and county officers on submission to the early voting clerk of a written request for the committee by at least 15 registered voters of the county. What has been added is that the request must be submitted not later than the preceding October 1, and a request submitted by mail is considered to be submitted at the time of its receipt by the clerk. The deadline for appointing the committee is October 15th. Former law did not have deadlines for these actions. Subsection (d) retains the prior law at former Section 87.0271 as follows. In an election in which party alignment is indicated on the ballot, each county chair of a political party with a nominee or aligned candidate on the ballot shall submit to the appointing authority a list of names of persons eligible to serve on the signature verification committee. The authority shall appoint at least two persons from each list to serve as members of the committee. The same number of members must be appointed from each list. The authority shall appoint the chair of the committee from the list provided by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election. What has been added is that a vacancy on the committee shall be filled by appointment from the original list or from a new list submitted by the appropriate county chair. Former law was unclear as to the vacancy-filling procedure applicable. The committee's test for comparing signatures on carrier envelopes and applications is changed from "match" to the test of determining if the signature was executed by the same person. The "same person" test is the current standard used by the early voting ballot board.
SECTION 27 of the Act amends Section 87.041 to provide more specifically that one of the criteria for the ballot board's review of mail ballots is whether the ballot was mailed to an address provided by law.

SECTION 28 of the Act amends Section 87.101 to provide that the ballot board shall deliver directly to the central counting station the locked, sealed ballot box containing ballots voted early in person which will be tabulated by a voting system at the central counting station. The purpose of this change was to limit any unnecessary access to the ballots since the ballot board would not be counting the ballots.

SECTION 29 of the Act amends Section 87.1231 to delete the requirement not to report precincts with less than five votes since many entities were unable to implement this requirement.

SECTION 30 of the Act amends the rules for counting late ballots received from overseas voters as they apply to the meeting of the ballot board. For primary elections, the board convenes on the second day after the election rather than the fifth day. Also the rule for special elections is changed from the fifth day to the general rule of the third day to the sixth day (applicable to all elections other than the primary or general election for state and county officers). The amendment allows the ballots to be delivered to the ballot board early if the clerk certifies all mail ballots have been received.

SECTION 31 of the Act amends Section 102.003 to provide that the deadline for an emergency ballot requested by a disabled voter because of a recent medical condition is moved from 2:00 p.m. to 5:00 p.m. on election day.

SECTION 32 of the Act amends Section 104.003 to require that the main early voting polling place be open on election day from 7:00 a.m. to 7:00 p.m. to allow disabled voters to vote on a mail ballot in lieu of voting on the voting system at the precinct polling place. Prior law contained different rules for certain voting systems (i.e., 7:00 a.m. - 7:00 p.m. for some voting systems and 8:00 a.m. - 2:00 p.m. for others).

SECTION 33 of the Act amends Section 112.002 by changing the "limited ballot" procedure, the procedure used by a voter when he or she has moved to a new Texas county without updating his or her registration. Briefly, the voter uses the old registration in the old Texas county, together with residence in the new county, to vote a "limited ballot" consisting only of those offices and propositions in common between the two counties. Subsection (a) clarifies that the procedure is available during the early voting period, and deletes the requirement that the voter can only use the procedure for 90 days after he or she has moved to the new county. Subsection (b) requires that before being accepted for voting a limited ballot, the voter must execute a statement including: (1) a statement that the voter satisfies the applicable requirements prescribed by Subsection (a); (2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the voter's residence; (3) the month, day, and year of the voter's birth; and (4) the date the statement is executed. A statement executed under Subsection (c) shall be submitted: (1) to an election officer at the main early voting polling place, if the person is voting by personal appearance; or (2)
with the person's application for a ballot to be voted by mail, if the person is voting by mail.

SECTION 34 of the Act amends Section 127.066(c) to provide that after the box is sealed, it shall be delivered to the central counting station by two election officers. The officers shall deliver the box to the presiding judge of the central counting station or to the judge's designee. The requirement that the box be delivered by two election officers was inadvertently deleted during the 2001 legislative session.

SECTION 35 of the Act adds Section 144.006 to Chapter 144 to provide a uniform write-in deadline of 5:00 p.m. of the 5th day after the regular candidate filing deadline for those entities that have a 45th regular candidate filing deadline and already have a write-in candidate declaration requirement.

SECTION 36 of the Act amends Section 172.024(a) to increase primary filing fees as follows:

(1) United States senator $5,000 (formerly $4,000)
(2) office elected statewide, except United States senator $3,750 (formerly $3,000)
(3) United States representative $3,125 (formerly $2,500)
(4) state senator $1,250 (formerly $1,000)
(5) state representative $750 (formerly $600)
(6) member, State Board of Education $300 (formerly $250)
(7) chief justice or justice, court of appeals, other than a justice specified by Subdivision $1,875 (formerly $1,500)
(8) chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than 850,000 is wholly or partly situated $2,500 (formerly $2,000)
(9) district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee $1,500 (formerly $1,200)
(10) district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 850,000 $2,500 (formerly $2,000)
(11) judge, statutory county court, other than a judge specified by Subdivision (12) $1,500 (formerly $1,200)
(12) judge of a statutory county court in a county with a population of more than 850,000 $2,500 (formerly $2,000)
(13) district attorney, criminal district attorney, or county attorney performing the duties of a district attorney $1,250 (formerly $1,000)
(14) county commissioner, county clerk, sheriff, county tax assessor-collector, county treasurer, or judge, constitutional county court: (A) county with a population of 200,000 or more $1,250 (formerly $1,000) (B) county with a population of under 200,000 $750 (formerly $600)
(15) justice of the peace or constable: (A) county with a population of 200,000 or more $1,000 (formerly $800) (B) county with a population of under 200,000 $375 (formerly $300)
(16) county surveyor, inspector of hides and animals, or public weigher $75 (formerly $50)

(17) office of the county government for which this schedule does not otherwise prescribe a fee $750 (formerly $600)

NOTE: The filing fees were increased in order to help fund the increase in primary worker pay to $7.00 per hour addressed above; it is currently set at the rate of $5.15 per hour.

SECTION 37 of the Act amends Section 172.126(a) and (c) to clarify that joint election rules apply to both the primary election and the primary runoff election. Also, the amendment provides that if an eligible co-judge and alternate co-judge representing both political parties cannot be found to serve in a joint precinct election, a joint primary cannot be conducted in that precinct, and that precinct must be consolidated with a precinct in which both political parties are represented by co-judges.

Specifically, Subsection (a) is amended to provide that the decision to conduct a joint general primary election or runoff primary election, as applicable, must be made by majority vote of the full membership of the commissioners court and with the unanimous approval of the county clerk and the county chair of each political party required to nominate candidates by primary election. Subsection (c) is amended to provide that if an eligible presiding co-judge and alternate co-judge cannot be found to serve for a particular party in a precinct, a joint primary may not be conducted in that precinct, and that precinct must be consolidated with another precinct that has an eligible presiding co-judge and alternate co-judge to serve for each party.

SECTION 38 of the Act amends Section 173.005(a) to provide that the maximum hourly rate payable with state funds in a particular primary election year to election judges serving in a primary election for attending training programs is the same as the maximum rate for compensation for attending a training program for election judges appointed to serve in elections ordered by the governor or a county authority.

SECTION 39 of the Act amends Section 173.011 to provide that any surplus primary funds will be returned to the Secretary of State. Under prior law the surplus funds were first going to the county elections officer regardless if any expenses were owed to the county.

SECTION 40 of the Act amends Section 212.001 to more clearly provide that a recount deposit is part of the recount requirements and to clarify that any defect in the deposit is a defect in the recount petition request.

SECTION 41 of the Act amends Section 212.088 to provide that the expedited recount request is due at 10:00 a.m. the next business day (rather than 9:00 a.m.) when the deadline falls on a weekend or holiday. This gives the recount requestor more time in which to file.
SECTION 42 of the Act amends Section 212.111(b) to provide that cash or a money order is an acceptable deposit to be submitted along with a recount petition.

SECTION 43 of the Act amends Section 277.002 to provide that for a petition to request a measure election, each signer's birth date and residence address or a voter registration number is required, in addition to other basic elements. Prior law required all three elements plus the other basic elements required in Section 277.002 in order for a signature to be counted as valid.

SECTION 44 repeals Sections 13.072(e), 15.026, 87.0271, 87.1231(b), 145.006, 173.005(b), and 212.111(c), Election Code.

Section 13.072(e) is repealed because of the reasons given at SECTION 5 and SECTION 6 above.

Section 15.026 is repealed because amendments to Section 15.025 of the Code, described above at SECTION 7, makes it a general rule that all changes to a voter's registration records are effective 30 days after the voter submits the new information. Prior Section 15.026 was specific to name changes.

Section 87.0271 is repealed because the revised procedure for a signature verification committee is at Section 87.027 of the Code, described above at SECTION 26.

Section 87.1231(B) is repealed because of the changes to Section 87.1231, described at SECTION 29 above.

Section 145.006 is repealed because of changes to Section 1.006. Prior Section 145.006 provided that Section 1.006 applies to the last day on which a candidate may be declared ineligible to cause the candidate's name to be omitted from the ballot. Revisions to Section 1.006, described above at SECTION 1, clarify the "last performance of an act." Therefore, the specific rule at Section 145.006 is now unnecessary. The procedure remains the same, i.e., the deadline to declare the candidate ineligible moves forward to the next business day.

Section 212.111(c) is repealed because it authorized a "temporary deposit" of cash or a personal check if certain expedited recount deadlines fell on a weekend or on a holiday, making it difficult to obtain a cashier's check. Amendments to Section 212.111(b) of the Code, described above at SECTION 42, now authorize cash as an acceptable recount deposit.

(d) The submitting authority is the Honorable Geoffrey S. Connor, Secretary of State of Texas, in his 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.
The authority responsible for the passage of the Act was the Texas Legislature.

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

The Act was passed by the Texas House on April 30, 2003 and by the Texas Senate on May 28, 2003; the House concurred in Senate amendments on June 1, 2003. The Act was signed by Governor Rick Perry on June 21, 2003.

The Act took effect on September 1, 2003, except that the changes will not affect any election ordered before September 1, 2003.

The provisions of the Act have not been implemented.

These procedures will affect the state of Texas.

The reasons for the changes provided for in the Act are to improve the elections process, to fill omissions and remedy unintended consequences in state election laws, to increase filing fees for primary election candidates in order to help fund the increase in pay for primary workers, and to establish a standardized training program for election workers.

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 further information regarding the effect of the Act on minorities, contact:

The Honorable Carlos Uresti
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0714

The Honorable Joseph D. Deshotel
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0662

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

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

The preclearance history of the affected Election Code sections is as follows. House Bill 1695 affects Sections 1.006, 2.025, 2.051(b), 2.053(c), 13.073(c), 15.025, 16.033(c)(d), 16.0332(a)(b), 16.036(a), 19.001(a), 32.091(a) & (c), 32.111, 32.112, 32.114(a), 32.114(e), 67.003, 83.006(b), 83.007(b), 83.032(b), 84.032(b), (e), 85.001, 86.003(c), 86.007(d), 87.0241(b), (c), 87.027(a), (a-1), (c), (d), (i) & (j), 87.041(b), 87.101, 87.1231(a), 87.125(a), 102.003(b), 104.003, 112.002(a), (c), & (d), 127.066(c), 144.006, 172.024(a), 172.126(a) & (c), 173.005(a), 173.011(b), 212.001, 212.088(a), 212.111(b), 277.002(a); Repealed: Sections 13.072(e), 15.026, 87.0271, 87.1231(b), 145.006, 173.005(b), 212.111(c).

Sections 1.006, 13.073, 32.111, 127.066, 173.005(a), 212.088(a), 212.111(b) were added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985.
Section 2.025 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 and precleared on September 13, 1993.

Section 2.051 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 831, Chapter 17, 77th Legislature, 2001 and precleared on August 20, 2001.

Section 2.053 was added to the Code by Senate Bill 680, Chapter 667, 74th Legislature, 1995 and precleared on September 25, 1995.

Section 15.025 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 127, Chapter 797, 74th Legislature, 1995 and precleared on January 16, 1997.

Section 16.033(c)-(d). Section 16.033 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 127, Chapter 797, 74th Legislature, 1995 and precleared on January 16, 1997.

Section 16.0332(a)(b) was added to the Code by House Bill 1645, Chapter 640, 75th Legislature, 1997 and precleared on August 25, 1997.

Section 16.036(a) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 127, Chapter 797, 74th Legislature, 1995 and precleared on January 16, 1997.

Section 19.001(a) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 500, Chapter 454, 75th Legislature, 1997 and precleared on August 11, 1997.

Section 32.091(a) & (c). Section 32.091 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1023, Chapter 260, 77th Legislature, 2001 and precleared on July 26, 2001.

Section 32.112 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared September 23, 1991).

Section 32.114 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 74, Chapter 916, 73rd Legislature, 1993 and precleared on September 11, 1993.
Section 67.003 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997 and June 7, 1999).

Section 83.006(b) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 83.007(b) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 83.032(b) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 84.032 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 1483, Chapter 1381, 75th Legislature, 1997 and precleared on September 2, 1997.

Section 85.001 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 292, Chapter 115, 75th Legislature, 1997 and precleared on September 5, 1997.

Section 86.003(c) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 1257, Chapter 565, 75th Legislature, 1997 and precleared on August 8, 1997, and by House Bill 1483, Chapter 1381, 75th Legislature, 1997 and precleared on September 2, 1997.

Section 86.007(d) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 and precleared on September 2, 1997 and June 7, 1999.

Section 87.0241(b), (c) was added to the Code by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 and precleared on September 23, 1991. It was most recently amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 and precleared on September 2, 1997 and June 7, 1999.
Section 87.027(a), (a-1), (c), (d), (i) & (j). Section 87.027 was added to the Code by House Bill 612, Chapter 472, 70th Legislature, 1987 and precleared on August 31, 1987. It was most recently amended by House Bill 1483, Chapter 1381, 75th Legislature, 1997 and precleared on September 2, 1997.

Section 87.041(b) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 1483, Chapter 1381, 75th Legislature, 1997 and precleared on September 2, 1997.

Section 87.101 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 87.1231(a) was added by Senate Bill 1050, Chapter 114, 71st Legislature, 1989 and precleared on September 5, 1989. It was most recently amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 and precleared on September 2, 1997 and June 7, 1999.

Section 87.125(a) was added by House Bill 331, Chapter 1349, 75th Legislature, 1997 and precleared on September 2, 1997 and June 7, 1999.

Section 102.003(b) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 104.003 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 112.002(a), (c), & (d) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 1234, Chapter 203, 72nd Legislature, 1991 (precleared on September 23, 1991 and February 10, 1992) and by Senate Bill 1186, Chapter 554, 72nd Legislature, 1991 (precleared on September 23, 1991).

Section 172.024(a) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 2650, Chapter 265, 71st Legislature, 1989 and precleared on September 12, 1989.
Section 172.126(a) & (c) was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by Senate Bill 280, Chapter 54, 70th Legislature, 1987 (precleared August 24, 1987) and by Senate Bill 495, Chapter 90, 70th Legislature, 1987 (precleared on August 31, 1987).

Section 173.011(b) was added by Acts 1997, 75th Leg., ch. 1349, § 63, eff. Sept. 1, 1997. It was most recently amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 and precleared on September 2, 1997 and June 7, 1999.

Section 212.001 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 and precleared on August 16, 1985. It was most recently amended by House Bill 19, Chapter 59, 70th Legislature, 2nd Called Session, 1987 and precleared on November 16, 1987.

Section 277.002(a). Section 277.002 was added by Senate Bill 280, Chapter 54, 70th Legislature, 1987 and precleared August 24, 1987. It was most recently amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 and precleared on September 2, 1997 and June 7, 1999.

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

Sincerely,

Ann McGeehan
Director of Elections

Enclosure

AM:MB:id
CHAPTER 1316

H.B. No. 1695

AN ACT
relating to certain election processes and procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.006, Election Code, is amended to read as follows:

Sec. 1.006. EFFECT OF WEEKEND OR HOLIDAY. (a) If the last day for performance of an act is a Saturday, Sunday, or legal state or national holiday, the act is timely if performed on the next regular business day, except as otherwise provided by this code.

(b) If the last day for performance of an act is extended under Subsection (a), the extended date is used to determine any other dates and deadlines, and the dates or times of any related procedures, that are expressly required to be made on a date or at a time determined in relation to the last day for performance of the act.

(c) A declaration of ineligibility of a candidate is considered to be the performance of an act under this section for purposes of causing the candidate's name to be omitted from the ballot.

(d) The filing of a document, including a withdrawal request or resignation, is considered to be the performance of an act under this section for purposes of creating a vacancy to be filled at a subsequent election.

(e) The death of a person is not considered to be the
SECTION 2. Section 2.025, Election Code, is amended to read as follows:

Sec. 2.025. RUNOFF ELECTION DAY. (a) Except as otherwise provided by this code [Subsection (b)], a runoff election shall be held not earlier than the 20th or later than the 45th [30th] day after the date the final canvass of the main election is completed.

(b) A runoff election date later than [may be held after] the period prescribed by Subsection (a) may be prescribed by a home-rule city charter [law but not later than the 45th day after the date the final canvass of the main election is completed only to--

[(1) permit a joint runoff election to be held with another political subdivision in accordance with Chapter 271, or

[(2) avoid holding the runoff on--

[(A) a legal state or national holiday, or

[(B) a weekend day within three days of a legal state or national holiday].

(c) This section [Subsection (b)] supersedes a law outside this subchapter to the extent of a conflict notwithstanding Section 2.022.

SECTION 3. Section 2.051(b), Election Code, is amended to read as follows:

(b) In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, this subchapter applies to the election in a particular territorial unit.
[

h

B. No. 1695

[ single-member district] if [+ 

[+1] each candidate whose name is to appear on the ballot in that territorial unit [district] is unopposed and no at-large proposition or opposed at-large race is to appear on the ballot. This subchapter applies to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit[+ and 

[+2] the requirements prescribed by Subsection (a) are otherwise met].

SECTION 4. Section 2.053(c), Election Code, is amended to read as follows:

(c) 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 the election.

SECTION 5. Section 13.072(c), Election Code, is amended to read as follows:

(c) Except as provided by Subsection (d) [ex–(e)], if the registrar determines that an application does not comply with Section 13.002 or does not indicate that the applicant is eligible for registration, the registrar shall reject the application.

SECTION 6. Section 13.073, Election Code, is amended by adding Subsection (c) to read as follows:

(c) If the registrar rejects an application for incompleteness but receives a completed application not later than the 10th day after the date the notice is delivered under Subsection


(a) or the date the incomplete application is returned under Subsection (b), as applicable, the original date of submission of the incomplete application is considered to be the date of submission to the registrar for the purpose of determining the effective date of registration.

SECTION 7. Section 15.025, Election Code, is amended to read as follows:

Sec. 15.025. EFFECTIVE DATE OF CERTAIN CHANGES IN REGISTRATION INFORMATION [IN PRECINCT OF NEW RESIDENCE].

(a) Except as provided by Subsections (b) and (d), the registration of a voter described by this subsection whose information [residence] is changed on the registration records [to another county election precinct in the same county] becomes effective as to the change [in the precinct of new residence] on the 30th day after:

(1) the date the voter submits to the registrar [receives] a notice of a change in registration information under Section 15.021 or a [voter's] response under Section 15.053, indicating the change [of residence]; or

(2) the date the voter submits a statement of residence to an election officer under Section 63.0011 or a registration application or change of address to an agency employee under Chapter 20, indicating the change [of residence].

(b) A change in registration information covered by this section is effective for purposes of early voting if it will be effective on election day.

(c) For purposes of determining the effective date of a
change in registration information covered by this section, a
document submitted by mail is considered to be submitted to the
registrar on the date it is placed with postage prepaid and properly
addressed in the United States mail. The date indicated by the post
office cancellation mark is considered to be the date the document
was placed in the mail unless proven otherwise.

(d) If the 30th day before the date of an election is a
Saturday, Sunday, or legal state or national holiday, the document
is considered to be timely if it is submitted to the registrar on or
before the next regular business day.

SECTION 8. Sections 16.033(c) and (d), Election Code, are
amended to read as follows:

(c) The notice must include:

(1) a request for information relevant to determining
the voter's eligibility for registration; and

(2) a warning that the voter's registration is subject
to cancellation if the registrar does not receive an appropriate
reply on or before the 30th [60th] day after the date the notice is
mailed.

(d) Except as provided by Subsection (e), the registrar
shall cancel a voter's registration if:

(1) after considering the voter's reply, the registrar
determines that the voter is not eligible for registration;

(2) no reply is received from the voter on or before
the 30th [60th] day after the date the notice is mailed to the voter
under Subsection (b); or

(3) each notice mailed under Subsection (b) is
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1 returned undelivered to the registrar with no forwarding
2 information available.
3
4 SECTION 9. Sections 16.0332(a) and (b), Election Code, are
5 amended to read as follows:
6
7 (a) After the registrar receives a list under Section
8 62.113, Government Code, of persons excused or disqualified from
9 jury service because of citizenship status, the registrar shall
10 deliver to each registered voter whose name [who] appears on the
11 list a written notice requiring the voter to submit to the registrar
12 [provide] proof of United States citizenship in the form of a
13 certified copy of the voter's birth certificate, United States
14 passport, or certificate of naturalization or any other [a] form
15 prescribed by the secretary of state. The notice shall be delivered
16 by forwardable mail to the mailing address on the voter's
17 registration application and to any new address of the voter known
18 to the registrar.
19
20 (b) If a voter fails to submit to [provide] the registrar
21 [with] proof of citizenship on or before the 30th [31st] day after
22 the date the notice is mailed [to the voter], the registrar shall
23 cancel the voter's registration.
24
25 SECTION 10. Section 16.036(a), Election Code, is amended
26 to read as follows:
27
28 (a) Immediately after cancellation of a voter's
29 registration under Section 16.031(a)(3), 16.033, [or] 16.0331, or
30 16.0332, the registrar shall deliver written notice of the
31 cancellation to the voter.
32
33 SECTION 11. Section 19.001(a), Election Code, is amended to
read as follows:

(a) Before May 15 of each year, the registrar shall prepare and submit to the comptroller of public accounts a statement containing:

(1) the total number of initial registrations for the previous voting year;

(2) the total number of registrations canceled under Sections 16.031(a)(1), [and] 16.033, and 16.0332 for the previous voting year; and

(3) the total number of registrations for which information was updated for the previous voting year.

SECTION 12. Section 32.091, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), an election judge or clerk is entitled to compensation for services rendered at a precinct polling place at an hourly rate not to exceed the amount fixed by the appropriate authority, which amount must be at least the federal minimum hourly wage. A judge or clerk may be compensated at that rate for services rendered under Section 62.014(c).

(c) For a primary or runoff primary election, the minimum hourly rate is the greater of the maximum rate provided by Subsection (a) or, if the election officer attended a training program as provided by Subchapter F, §7.

SECTION 13. Section 32.111, Election Code, is amended to read as follows:

Sec. 32.111. TRAINING STANDARDS FOR ELECTION JUDGES. (a)
The secretary of state shall (governing body of a political subdivision that holds elections or the county executive committee of a political party that holds primary elections may):

(1) adopt [minimum] standards of training in election law and procedure for presiding or alternate election judges [serving in its elections]; [and]

(2) develop materials for a standardized curriculum for that training; and

(3) distribute the materials as necessary to the governing bodies of political subdivisions that hold elections and to each county executive committee of a political party that holds a primary election [require that a person meet those standards before appointment or service as a judge].

(b) The [Minimum] training standards may include required attendance at appropriate training programs or the passage of an examination at the end of a training program.

SECTION 14. Section 32.112, Election Code, is amended to read as follows:

Sec. 32.112. EXPENSE OF TRAINING JUDGES. The governing body of a political subdivision may appropriate funds to:

(1) compensate its election judges, early voting clerk, and deputy early voting clerks in charge of early voting polling places for attending a training program required under Section 32.111 [program], at an hourly rate not to exceed the maximum rate of compensation of an election judge for services rendered at a precinct polling place or, if applicable, for attending a training program under Section 32.114; and
(2) pay the expenses of conducting the programs.

SECTION 15. Sections 32.113(a) and (b), Election Code, are amended to read as follows:

(a) The governing body of a political subdivision other than a county may, and the county executive committee of a political party shall, provide training programs for its election officers using the standardized training program and materials developed and provided by the secretary of state under Section 32.111.

(b) A political subdivision or county executive committee may conduct its training programs independently or jointly with other entities.

SECTION 16. Section 32.114, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 [program] for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program.

(e) An election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate not to exceed $7.

SECTION 17. Section 67.003, Election Code, is amended to read as follows:

Sec. 67.003. TIME FOR LOCAL CANVASS. Each local canvassing
authority shall convene to conduct the local canvass at the time set
by the canvassing authority's presiding officer:

(1) on the seventh day after election day for:

(A) the general election for state and county
officers; or

(B) an election of a political subdivision that
is held jointly with an election of:

(i) a county; or

(ii) one or more other political
subdivisions under an election services contract with the county
election officer; or

(2) not earlier than the third day or later than the
sixth day after election day for an election other than an [the
general] election described by Subdivision (1) [for state and
county officers].

SECTION 18. Section 83.006(b), Election Code, is amended
to read as follows:

(b) To be eligible for appointment as early voting clerk
under this section, a person must meet the requirements for
eligibility for service as a presiding election judge, except that:

(1) an appointee must be a qualified voter of the
political subdivision and is not required to be a qualified voter of
any other particular territory; [and]

(2) in an election in which an officer of the political
subdivision is a candidate, an appointee's status as an employee of
the political subdivision does not make the appointee ineligible
for appointment as the clerk; and
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(3) an appointee who is a permanent employee of the
political subdivision and a qualified voter of any territory is not
required to be a qualified voter of the political subdivision.

SECTION 19. Section 83.007(b), Election Code, is amended to
read as follows:

(b) To be eligible for appointment as early voting clerk
under this section, a person must meet the requirements for
eligibility for service as a presiding election judge, except that:

1) an appointee must be a qualified voter of the
territory covered by the election and is not required to be a
qualified voter of any other particular territory, and

2) an appointee who is a permanent employee of the
authority ordering the election and a qualified voter of any
territory is not required to be a qualified voter of the territory
covered by the election.

SECTION 20. Section 83.032(b), Election Code, is amended to
read as follows:

(b) For a temporary deputy to be eligible for appointment as
a deputy early voting clerk under this section, the temporary
deputy must meet the requirements for eligibility for service as a
presiding election judge, except that:

1) an appointee is not required to be a qualified
voter of any particular territory other than the county, in the case
of an appointment by a county clerk, or the city, in the case of an
appointment by a city secretary; [and]

2) in an election in which the early voting clerk is a
candidate, an appointee's status as an employee of the clerk does
not make the appointee ineligible for appointment as a deputy early
voting clerk; and

(3) an appointee who is a permanent employee of the
county or city, as applicable, and a qualified voter of any
territory is not required to be a qualified voter of the county or
city, as applicable.

SECTION 21. Section 84.032, Election Code, is amended by
amending Subsection (b) and adding Subsection (e) to read as
follows:

(b) A request must:

(1) be in writing and signed by the applicant;

(2) specify the election for which the application was
made; and

(3) except as provided by Subsection (c), (d), or
(e), be received by the early voting clerk:

(A) not later than the third day before election
day; and

(B) if an early voting ballot sent to the
applicant is returned to the clerk as a marked ballot, before the
marked ballot’s arrival at the address on the carrier envelope.

(e) An applicant may also submit a request at any time after
the early voting ballot is returned to the early voting clerk as a
marked ballot and before the ballot is delivered to the early voting
ballot board by appearing in person and executing an affidavit that
the applicant did not mark the ballot.

SECTION 22. Section 85.001(c), Election Code, is amended to
read as follows:
(c) If the date prescribed by Subsection (a) or (b) for beginning the period is a Saturday, Sunday, or legal state holiday, the early voting period begins [→

[→++] on the next regular business day[→++]

[→(2)] on that Saturday or Sunday if early voting is ordered to be conducted on that day under Section 85.006].

SECTION 23. Section 86.003(c), Election Code, is amended to read as follows:

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the ground for voting by mail is:

(1) absence from the county of residence, in which case the address must be an address outside the voter's county of residence;

(2) confinement in jail, in which case the address must be the address of the jail or of a relative described by Section 84.002(a)(4); or

(3) age or disability and the voter is living at a hospital, nursing home or other long-term care facility, or retirement center, or with a relative described by Section 84.002(a)(3), in which case the address must be the address of that facility or relative.

SECTION 24. Section 86.007(d), Election Code, is amended to read as follows:

(d) A marked ballot voted by mail that arrives after the time prescribed by Subsection (a) shall be counted if:
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1 (1) the ballot was cast from an address outside the
2 United States;
3 (2) the carrier envelope was placed for delivery
4 before the time the ballot is required to arrive under Subsection
5 (a); and
6 (3) the ballot arrives at the address on the carrier
7 envelope not later than:
8
9 (A) the fifth day after the date of:
10 (i) the general election for state and
11 county officers; or
12
13 (ii) an election of a political subdivision
14 that is held jointly with an election of:
15
16 (a) a county; or
17
18 (b) one or more political
19 subdivisions under an election services contract with the county
20 election officer; or
21
22 (B) the second day after the date of an election
23 other than an [the general] election described by Paragraph (A)
24 [for state and county officers].
25
26 SECTION 25. Section 87.0241, Election Code, is amended by
27 amending Subsection (b) and adding Subsection (c) to read as
28 follows:
29
30 (b) The board may not count early voting ballots until:
31 (1) the polls open on election day; or
32 (2) in an election conducted by an authority of a
33 county with a population of 100,000 or more or conducted jointly
34 with such a county, the end of the period for early voting by
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1 personal appearance.

2 (c) The secretary of state shall prescribe any procedures
3 necessary for implementing this section in regard to elections
4 described by Subsection (b)(2).

5 SECTION 26. Section 87.027, Election Code, is amended by
6 amending Subsections (a), (c), (d), (i), and (j) and adding
7 Subsection (a-1) to read as follows:
8
9 (a) Except as provided by Subsection (a-1), a [A] signature
10 verification committee may be appointed in any election. The early
11 voting clerk is the authority responsible for determining whether a
12 signature verification committee is to be appointed. If the clerk
13 determines that a committee is to be appointed, the clerk shall
14 issue a written order calling for the appointment. [Section
15 87.0271 supersedes this section to the extent of a conflict.]
16
17 (a-1) A signature verification committee shall be appointed
18 in the general election for state and county officers on submission
19 to the early voting clerk of a written request for the committee by
20 at least 15 registered voters of the county. The request must be
21 submitted not later than the preceding October 1, and a request
22 submitted by mail is considered to be submitted at the time of its
23 receipt by the clerk.
24
25 (c) Not later than the fifth day after the date the early
26 voting clerk issues the order calling for the appointment of a
27 signature verification committee, or not later than October 15 for
28 a committee required under Subsection (a-1), the appropriate
29 authority shall appoint the members of the committee and designate
30 one of the appointees as chair, subject to Subsection (d). The
authority shall fill a vacancy on the committee by appointment as
soon as possible after the vacancy occurs, subject to Subsection (d). The early voting clerk shall post notice of the name and
residence address of each appointee. The notice must remain posted continuously for the period beginning the day after the date of the
appointment and ending on the last day of the committee's operation in the election.

(d) The early voting clerk shall determine the number of
members who are to compose the signature verification committee and
shall state that number in the order calling for the committee's
appointment. A committee must consist of not fewer than five
members. In an election in which party alignment is indicated on the ballot, each county chair of a
political party with a nominee or aligned candidate on the ballot
shall submit to the appointing authority a list of names of persons eligble to serve on the signature verification committee. The
authority shall appoint at least two persons from each list to serve as members of the committee. The same number of members must be
appointed from each list. The authority shall appoint the chair of the committee from the list provided by the political party whose
nominee for governor received the most votes in the county in the
most recent gubernatorial general election. A vacancy on the
committee shall be filled by appointment from the original list or
from a new list submitted by the appropriate county chair [must be
balanced as equally as possible by members of each political party
required to nominate candidates by primary election].

(i) The signature verification committee shall compare the
signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the same person. The committee may also compare the signatures with the signature on the voter's registration application to confirm that the signatures are those of the same person [match] but may not use the registration application signature to determine that the signatures are not those of the same person [do not match]. A determination under this subsection that the signatures are not those of the same person [do not match] must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the same person [do not match] in separate containers from those of voters whose signatures are those of the same person [match]. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge but within the period permitted for the early voting clerk's delivery of early voting ballots to the board.

(j) If a signature verification committee is appointed, the early voting ballot board shall follow the same procedure for accepting the early voting ballots voted by mail as in an election without a signature verification committee, except that the board may not determine whether a voter's signatures on the carrier envelope certificate and ballot application are those of the same person [match] if the committee has determined that the signatures are those of the same person [match]. If the committee has
1 determined that the signatures are not those of the same person [do not match], the board may make a determination that the signatures 
2 are those of the same person [match] by a majority vote of the 
3 board's membership.

4 SECTION 27. Section 87.041(b), Election Code, is amended to 
5 read as follows:

6 (b) A ballot may be accepted only if:

7 (1) the carrier envelope certificate is properly 
8 executed;

9 (2) neither the voter's signature on the ballot 
10 application nor the signature on the carrier envelope certificate 
11 is determined to have been executed by a person other than the 
12 voter, unless signed by a witness;

13 (3) the voter's ballot application states a legal 
14 ground for early voting by mail;

15 (4) the voter is registered to vote, if registration 
16 is required by law;

17 (5) the address to which the ballot was mailed to the 
18 voter, as indicated by the application, was outside the voter's 
19 county of residence, if the ground for early voting is absence from 
20 the county of residence; [and]

21 (6) for a voter to whom a statement of residence form 
22 was required to be sent under Section 86.002(a), the statement of 
23 residence is returned in the carrier envelope and indicates that 
24 the voter satisfies the residence requirements prescribed by 
25 Section 63.0011; and

26 (7) the address to which the ballot was mailed to the
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voter is an address that is otherwise required by Sections 84.002
and 86.003.

SECTION 28. Section 87.101, Election Code, is amended to
read as follows:

Sec. 87.101. [PREPARATION OF BALLOTS] DELIVERY OF BALLOTS
TO COUNTING STATION. [(a)] On the direction of the presiding
judge, the early voting ballot board[, in accordance with Section
85.023(b),] shall deliver to the central counting station [open]
the container for the early voting electronic system ballots that
are to be counted by automatic tabulating equipment at a central
counting station. The board shall make the delivery without
opening the container and[, remove the ballots from the container,
and remove any ballots enclosed in ballot envelopes from their
envelopes.]

[(b)] On the direction of the presiding judge, the early
voting ballot board may prepare the ballots for delivery to the
central counting station at any time after they are received and
shall deliver them] in accordance with the procedure applicable to
electronic system ballots cast at a precinct polling place.

SECTION 29. Section 87.1231(a), Election Code, is amended
to read as follows:

[(a)] Not later than the time of the local canvass, the
early voting clerk shall deliver to the local canvassing authority
a report of the total number of early voting votes for each
candidate or measure by election precinct. The report may reflect
the total for votes by mail and the total for votes by personal
appearance.
SECTION 30. Section 87.125(a), Election Code, is amended to read as follows:

(a) The early voting ballot board shall convene to count ballots voted by mail described by Section 86.007(d) at the time set by the presiding judge of the board [on]:

(1) on the sixth day after the date of:

(A) the general election for state and county officers; or

(B) an election of a political subdivision that is held jointly with an election of:

(i) a county; or

(ii) one or more political subdivisions under an election services contract with the county election officer;

(2) on the second [fifth] day after the date of a primary [special] election, at a time following the last mail delivery, or on an earlier day or at an earlier time if the early voting clerk certifies that all ballots mailed from outside the United States have been received; or

(3) not earlier than the third day or later than the fifth day after the date of an election other than an election described by Subdivision (1) or (2).

SECTION 31. Section 102.003(b), Election Code, is amended to read as follows:

(b) An application may be submitted after the last day of the period for early voting by personal appearance and before 5 [p.m.] on election day.
SECTION 32. Section 104.003, Election Code, is amended to read as follows:

Sec. 104.003. TIME AND PLACE FOR VOTING. Voting under this chapter shall be conducted on election day, beginning at 7 a.m. and concluding at 7 p.m., at the main early voting polling place[—except that the voting shall begin at 7 a.m. and conclude at 7 p.m. in an election in which mechanical voting machines are used]. However, if the early voting ballots voted by mail are processed at a location other than the main early voting polling place, the early voting clerk may require the voting to be conducted at that location.

SECTION 33. Section 112.002, Election Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) 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; and

(2) [the date of the election is not more than 90 days after the new residence is established; and

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

(c) Before being accepted for voting under this chapter, the voter must execute a statement including:

(1) a statement that the voter satisfies the
applicable requirements prescribed by Subsection (a);

(2) the voter's residence address or, if the residence
has no address, the address at which the voter receives mail and a
concise description of the voter's residence;

(3) the month, day, and year of the voter's birth; and

(4) the date the statement is executed.

(d) A statement executed under Subsection (c) shall be
submitted:

(1) to an election officer at the main early voting
polling place, if the person is voting by personal appearance; or

(2) with the person's application for a ballot to be
voted by mail, if the person is voting by mail.

SECTION 34. Section 127.066(c), Election Code, is amended
to read as follows:

(c) After the box is sealed, it shall be delivered to the
central counting station by two election officers [in accordance
with the procedure for delivering ballot box no. 3 to the central
counting station]. The officers shall deliver the box to the
presiding judge of the central counting station or to the judge's
designee.

SECTION 35. Chapter 144, Election Code, is amended by
adding Section 144.006 to read as follows:

Sec. 144.006. FILING DEADLINE FOR DECLARED WRITE-IN
CANDIDATE. Except as otherwise provided by law, a declaration of
write-in candidacy must be filed not later than 5 p.m. of the fifth
day after the date an application for a place on the ballot is
required to be filed in an election in which:
(1) the filing deadline for an application for a place on the ballot is the 45th day before election day; and
(2) write-in votes may be counted only for names appearing on a list of declared write-in candidates.

SECTION 36. Section 172.024(a), Election Code, is amended to read as follows:

(a) The filing fee for a candidate for nomination in the general primary election is as follows:

(1) United States senator.............. $5,000 [4,000]
(2) office elected statewide, except United States senator ................. 3,750 [3,000]
(3) United States representative ...... 3,125 [2,500]
(4) state senator .................... 1,250 [1,000]
(5) state representative .............. 750 [600]
(6) member, State Board of Education .... 300 [250]
(7) chief justice or justice, court of appeals, other than a justice specified by Subdivision (8) ........ 1,875 [1,500]
(8) chief justice or justice of a court of appeals that serves a court of appeals district in which a county with a population of more than 850,000 is wholly or partly situated......................... 2,500 [2,000]
(9) district judge or judge specified by Section 52.092(d) for which this schedule does not otherwise prescribe a fee.................. 1,500 [1,200]
(10) district or criminal district judge of a court in a judicial district wholly contained in a county with a population of more than 850,000 ........ 2,500 [2,000]
(11) judge, statutory county court, other than a judge
specified by Subdivision (12) .................. 1,500 [1,200]

(12) judge of a statutory county court in a county with
a population of more than 850,000 .................. 2,500 [2,000]

(13) district attorney, criminal district attorney,
or county attorney performing the duties of a district
attorney ................................................. 1,250 [1,000]

(14) county commissioner, county clerk, sheriff,
county tax assessor-collector, county treasurer, or judge,
constitutional county court:

(A) county with a population of 200,000 or
more ......................................................... 1,250 [1,000]

(B) county with a population of under
200,000 .................................................. 750 [600]

(15) justice of the peace or constable:

(A) county with a population of 200,000 or
more ......................................................... 1,000 [800]

(B) county with a population of under
200,000 .................................................. 375 [300]

(16) county surveyor, inspector of hides and animals,
or public weigher ........................................ 75 [50]

(17) office of the county government for which this
schedule does not otherwise prescribe a fee ............ 750 [600]

SECTION 37. Sections 172.126(a) and (c), Election Code, are
amended to read as follows:

(a) The primary elections in a county may be conducted
jointly at the regular polling places designated for the general
election for state and county officers. The county clerk shall 
supervise the overall conduct of the joint primary elections. This 
section applies to the conduct of joint primary elections 
notwithstanding and in addition to other applicable provisions of 
this code. The decision to conduct a joint general primary election 
or runoff primary election, as applicable, must be made by majority 
vote of the full membership of the commissioners court and with the 
unanimous approval of the county clerk and the county chair of each 
political party required to nominate candidates by primary 
election.

(c) One set of election officers shall conduct the primary 
elections at each polling place. Not later than the second Monday 
in December preceding the primary elections, each county chair 
shall deliver to the county clerk a list of the names of the 
election judges and clerks for that party. The presiding judge of 
each party, or alternate judge if applicable, serves as a co-judge 
for the precinct. If an eligible presiding co-judge and alternate 
co-judge cannot be found to serve for a particular party in a 
precinct, a joint primary may not be conducted in that precinct, and 
that precinct must be consolidated with another precinct that has 
an eligible presiding co-judge and alternate co-judge to serve for 
each party. The county clerk shall appoint the election clerks in 
accordance with rules prescribed by the secretary of state. The 
secretary of state shall prescribe the maximum number of clerks 
that may be appointed for each precinct. The early voting ballot 
board and any central counting station shall also be composed of and 
administered by one set of election officers that provides
representation for each party, and the secretary of state by rule
shall prescribe procedures consistent with this subsection for the
appointment of those officers.

SECTION 38. Section 173.005(a), Election Code, is amended
to read as follows:

[(a)] The maximum hourly rate payable with state funds in a
particular primary election year to election judges serving in a
primary election for attending training programs is the same as the
maximum rate prescribed by this code for [a political
subdivision's] compensation for attending a training program for
election judges appointed to serve in elections ordered by the
governor or a county authority [of its election judges for the same
activity].

SECTION 39. Section 173.011(b), Election Code, is amended
to read as follows:

(b) Any surplus remaining in a county primary fund shall be
remitted to the secretary of state [county clerk] immediately after
the final payment from the fund of the necessary expenses for
holding the primary elections for that year, but not later than July
1 following the applicable primary election. The surplus in the
primary fund shall be remitted regardless of whether state funds
were requested by the chair. [Any surplus primary funds received by
the county clerk under this subsection may be used only for paying
the remaining expenses of the joint primary election.]

SECTION 40. Section 212.001, Election Code, is amended to
read as follows:

Sec. 212.001. GENERAL REQUIREMENTS FOR RECOUNT
DOCUMENT. A recount document submitted under this title must:

(1) be in writing;

(2) identify the office or measure for which a recount is desired;

(3) state the grounds for the recount;

(4) state the side of the measure that the person requesting the recount represents, if applicable;

(5) identify the election precincts, grouped by county or other appropriate territorial unit if the election involves more than one local canvassing authority, for which a recount is desired and must indicate the method of voting used in each precinct;

(6) be signed by:

(A) the person requesting the recount or, if there is more than one, any one or more of them; or

(B) an agent of the person requesting the recount;

(7) state each requesting person's name, residence address, and, if authorization to obtain the recount is based on eligibility to vote in the election, voter registration number, and county of registration if the election covers territory in more than one county;

(8) designate an agent who is a resident of this state to receive notice under this title on behalf of the person requesting the recount if:

(A) the person requesting the recount is not a resident of this state; or

(B) there is more than one person requesting the
recount;

(9) state the mailing address and at least one telephone number, if any, at which the person requesting the recount or an agent, identified by name, may receive notice given under this title; [and]

(10) state the mailing address and at least one telephone number, if any, at which the opposing candidates for the office or their agents, identified by name, may receive notice given under this title; and

(11) be accompanied by a deposit as provided by Subchapter F.

SECTION 41. Section 212.088(a), Election Code, is amended to read as follows:

(a) If the deadline for submitting an expedited recount petition falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 [9] a.m. of the next regular business day.

SECTION 42. Section 212.111(b), Election Code, is amended to read as follows:

(b) The deposit must be in the form of cash or a cashier's check or money order made payable to the recount coordinator.

SECTION 43. Section 277.002(a), Election Code, is amended to read as follows:

(a) For a petition signature to be valid, a petition must:

(1) contain in addition to the signature:

(A) the signer's printed name;
H.B. No. 1695

(B) the signer's:

(i) date of birth and residence address; or

(ii) [the—signer's] voter registration number and, if the territory from which signatures must be obtained is situated in more than one county, the county of registration; and

(C) [the—signer's residence address; and

(D) the date of signing; and

(2) comply with any other applicable requirements prescribed by law.

SECTION 44. Sections 13.072(e), 15.026, 87.0271, 87.1231(b), 145.006, 173.005(b), and 212.111(c), Election Code, are repealed.

SECTION 45. (a) This Act takes effect September 1, 2003.

(b) As they relate to the holding of an election, the changes in law made by this Act apply only to an election ordered on or after September 1, 2003.
H.B. No. 1695

President of the Senate

Speaker of the House

I certify that H.B. No. 1695 was passed by the House on April 30, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1695 on June 1, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1695 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 21 JUN 03

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE 6/22/03

Secretary of State
October 2, 2003

Mr. Joseph D. Rich  
Chief, Voting Section  
Civil Rights Division  
Room 7254 - NWB  
U.S. Department of Justice  
950 Pennsylvania, Ave., N.W.  
Washington, D.C. 20530

RE: Submission under Section 5, Voting Rights Act, of changes to the Texas voter registration application.

Dear Mr. Rich:

The Secretary of State has adopted changes to the voter registration application. These changes were necessitated by new requirements for voter registration for federal elections set out in the federal Help America Vote Act of 2002 (HAVA) and House Bill 1549 which codified the new federal requirements into state law.

Pursuant to 28 C.F.R. § 51.35, we respectfully request expedited consideration. Federal and state laws require that the new application forms be in place no later than January 1, 2004. As soon as preclearance is obtained, the Secretary of State will need to print several million cards in English and Spanish, and distribute these cards to all county voter registration offices and to all state voter registration agencies designated pursuant to the National Voter Registration Act. Our goal is to print and distribute the new cards in November and we would greatly appreciate a response by the first week in November if at all possible.

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

(a) & (b) A copy of materials relating to the change in procedure are enclosed herewith. These are representative samples of the form.

(c) The Office of Secretary of State has adopted changes to the Texas voter registration application. A copy of the new form is enclosed with a copy of the current voter registration application for comparison. Descriptions of the changes follow.
1. **Physical layout change**

The form has been changed from the prior two-part perforated form to a three-part fold-over form. The old form was designed to allow the voter to separate the instructions from the application and return the completed application in postcard form to the voter registrar. On the new form, after completing the application, the applicant folds the instructions over the completed application and returns it to the voter registrar. This change was necessary to provide additional space to include the additional instructions, and to allow the applicant to enclose a copy of his or her identification (if necessary). The new form also better protects the applicant’s privacy. The new form requires the applicant to provide the applicant’s driver’s license number, or Texas Department of Public Safety Identification Card number (DPS ID Card) or the last four digits of the applicant’s social security number. On the old card, the ID information was optional; the Secretary of State believes that with ID information now mandatory, creating a form that allows an applicant to conceal his or her personal information will encourage applicants to complete the application.

2. **Spanish Language changes**

The prior form contained both English and Spanish on the same form. The new design provides for two separate forms; one in English and one in Spanish. This change was necessary because of the additional language required under HAVA. The font size of the Spanish application portion of the old form was already shrunk to the point of near illegibility. The English on the old application was also hard to read. This office received numerous complaints about the form’s legibility, especially from older persons. Separating the language on the voter registration forms allows a larger size font to be used on both forms. The Secretary of State will distribute sufficient numbers of Spanish and English forms to all counties, voter registration agencies, and will instruct those entities to ask applicants if they desire the English or Spanish form. The Secretary of State will also post both forms on our agency website, and maintain sufficient supplies in stock to respond to requests and to continually provide enough forms to the counties.

There are two statements written in Spanish on the English language form directing citizens to the Secretary of State’s office for copies of the Spanish language voter registration application. The same statements appear in English on the Spanish form.

3. **Content changes**

The content has been amended to reflect the changes required under HAVA.

1) The general voter registration information statements on the back of the form have been changed to state that a voter’s registration will become effective 30 days after receipt or on the voter’s 18th birthday, whichever
is earlier. This is consistent with the new required question which asks if the applicant will be 18 years of age on or before the election day.

2) New language on the instruction explains the new HAVA identification requirements. It informs the voter that if he or she does not have a Texas driver’s license number, DPS ID card number, or social security number, then the applicant must check the applicable box. The general voter registration information also includes an explanation of the identification requirements for first time registrants.

3) The instructions on the front of the card contain a statement in Spanish that the voter registration form is available in Spanish and directs the applicant to contact the Secretary of State’s toll-free number for a copy. On the Spanish form this statement is in English and explains that the form is also available in English.

4) On the prior form, the applicant’s submission of the Social Security number, Texas Driver’s License number, or DPS ID card number was optional. Under HAVA, one of these identification numbers is required. Further, the old form provided the voter space to include both the social security number and the driver’s license or DPS ID card number. HAVA requires the voter to submit only one number, so they were consolidated into one space on the form.

5) The instructions on the front of the application have been streamlined. Duplicative instructions from the prior form (such as defining a person’s name and defining residence address, both of which are repeated on the form itself) have been deleted.

6) Following the instructions are the age and citizenship checkboxes, which are considered part of the application. The statement that if the applicant checked “no” on either of these questions, the applicant should not complete the application is also added. This language is required by section 303(b) of HAVA. The final checkbox on the first page of the form is for the applicant to indicate whether he or she has voted in a federal election in the county. If the applicant answers “no,” he or she will have to include the required copy of an authorized identification, either with the voter registration application or the first time the voter votes.

7) A new box is added on the application for the applicant to check if he or she does not have a driver’s license number, DPS ID number, or a social security number.

8) On the prior form, the felony affirmation that the applicant signed referred the applicant to Section 13.001 of the Election Code for information on the eligibility of a convicted felon. The new form more clearly explains the process by which a convicted felon regains his or
her eligibility; this change is made possible by the increased amount of space on the single language application.

(d) The submitting authority is the Honorable Geoffrey S. Connor, Secretary of State of Texas, in his 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 change in procedure is the Honorable Geoffrey S. Connor, Secretary of State of Texas.

(h) These changes were necessitated by the requirements of Section 303(b)(2) of HAVA for mail voter registration applications. HAVA was enacted on October 29, 2002. The changes were also necessitated by Sections 1-3 of House Bill 1549, Chapter 1315, 78th Legislature, Regular Session, 2003, which was recently submitted to the Department of Justice for preclearance.

(i) House Bill 1549 will take effect on January 1, 2004.

(j) The changes to the form will take effect on January 1, 2004.

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

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

(m) The reason for the change is to comply with the voter registration application requirements for federal elections set out in the Help America Vote Act of 2002.

(n) This change 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 further information regarding the effect of the Act on minorities, contact:

The Honorable Geoffrey S. Connor
Texas Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
(512) 463-5650

The Honorable Luis Saenz
Texas Assistant Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
(512) 463-5650

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

(p) The prior version of the voter registration application was precleared on October 23, 1995 (File No. DJ 166-012-3-95-2889).
If you have any questions or need additional information, please contact Paul Miles, Staff Attorney, Elections Division, at (512) 463-5650.

Sincerely,

[Signature]

Ann McGeehan
Director of Elections

Enclosure

AM:PM:sc
INSTRUCCIONES PARA LLENAR LA SOLICITUD DE REGISTRO ELECTORAL

Por favor proporcione toda la información que se pide en la solicitud. Escriba en letra de molde con tinta o con máquina de escribir. Si tiene dudas o desea obtener más detalles sobre cómo llenar esta solicitud, llame a la Secretaría de Estado al 1-800-252-VOTE (8683), TDD 1-800-735-2989.

1. Requisitos
   • Tiene que registrarse para votar en el condado en que reside.
   • Tiene que ser ciudadano de los Estados Unidos.
   • Tiene que tener por lo menos 17 años y 10 meses antes de inscribirse y tener 18 años cumplidos en la fecha de las próximas elecciones generales.
   • No puede haber sido declarado definitivamente culpable de un delito grave o si es autor de un delito grave, haber cumplido toda su condena, incluyendo el periodo de reincarceración, libertad condicional, libertad supervisada, libertad vigilada, o haber sido indultado.

2. Instrucciones
   • Llene las secciones de abajo claramente con letra de molde.
   • La información que se necesita para procesar esta solicitud incluye: nombre; domicilio residencial; fecha de nacimiento; número de licencia de conducir de Texas, número de identificación personal, y/o los cuatro últimos dígitos de su número de seguro social. Si no tiene ninguno de estos números de identificación, marque la casilla que indica que no los tiene.

This application is available in English. Please call the Secretary of State's Office toll free at 1.800.252.8683 to receive a copy in English.

CONTESTE ESTAS PREGUNTAS ANTES DE SEGUIR ADELANTE

¿Es usted ciudadano de los Estados Unidos de América? Sí ☐ No ☐

¿Habrá usted cumplido 18 años de edad antes del día de las elecciones? Sí ☐ No ☐

Si su respuesta a cualquiera de las dos preguntas anteriores es "No", no tiene esta solicitud.

¿Ha votado alguna vez en este condado en elecciones para un cargo federal? Sí ☐ No ☐ Si respondió "No" a esta pregunta, asegúrese de ver las instrucciones especiales sobre los requisitos de identificación al dorso de esta solicitud.
GENERAL VOTER REGISTRATION INFORMATION

- Your voter registration will become effective 30 days after it is received or on your 18th birthday, whichever is later.
- If you move to another county, you must re-register in the county of your new residence.
- If you decline to register to vote, the fact that you have declined to register will remain confidential and will be used only for registration purposes. If you do register to vote, the identity of the office (if applicable) at which you submitted a voter registration application will remain confidential and will be used only for voter registration purposes.
- You must provide your driver's license, personal identification number, and/or the last four digits of your social security number. If you do not have such an identification number, then you must indicate by checking the box on the application side.

IDENTIFICATION REQUIREMENT: If you are submitting this form by mail and you are registering for the first time in this county, enclose a copy of one of the following with your application: a copy of a current and valid ID; a copy of a current utility bill; bank statement; government check; paycheck; or other government document that shows your name and address. If you do not enclose a copy of identification now and you are registering to vote by mail and have not voted in an election in this county for a federal office, you will be required to present such identification when you vote in person or enclose a copy of such identification with your ballot if you vote by mail.

Este formulario está disponible en Español. Favor de llamar sin cargo a la oficina del Secretario de Estado al 1-800-252-8683 para conseguir una versión en Español.
INSTRUCTIONS FOR COMPLETING APPLICATION FOR VOTER REGISTRATION

Please complete all of the information on the application. Print in ink or type. If you have any questions about how to fill out this application, please call the Secretary of State's Office toll free at 1-800-252-VOTE(8683), TDD 1-800-735-2989.

1. Qualifications
   - You must register to vote in the county in which you reside.
   - You must be a citizen of the United States.
   - You must be at least 17 years and 10 months old to register, and you must be 18 years of age by the next general election.
   - You must not be finally convicted of a felony, or if you are a felon, you must have completed all of your punishment, including any term of incarceration, parole, supervision, period of probation, or you must have received a pardon.

2. Instructions
   - Complete the sections below by printing legibly.
   - Information required to process the application includes: name; residence address; date of birth; Texas driver's license number, personal identification number, and/or last four digits of Social Security Number. If you do not have any of these identification numbers, check the box indicating that you do not.

Este formulario para inscribirse para votar tambien esta disponible en Espanol. Para conseguir la version en Espanol favor de llamar sin cargo 1-800-252-8683 a la oficina del Secretario de Estado.

VOTER REGISTRATION APPLICATION

<table>
<thead>
<tr>
<th>VOTER REGISTRATION APPLICATION</th>
<th>Additional Information</th>
<th>For Official Use Only</th>
<th>P.O. Box Name</th>
</tr>
</thead>
</table>

COMPLETE THESE QUESTIONS BEFORE PROCEEDING

Are you a United States Citizen? □ Yes □ No
Will you be 18 years of age on or before election day? □ Yes □ No
If you checked 'no' in response to either of these questions, do not complete this form.

Have you ever voted in this county for a federal office? □ Yes □ No
If you answered "no" to this question, be sure to complete instructions regarding identification requirements on the reverse side of the application.
INSTRUCTIONS FOR COMPLETING APPLICATION FOR VOTER REGISTRATION

Please complete all of the information on the application. Print in ink or type. If you have any questions about how to fill out this application, please call the Secretary of State’s Office toll free at 1-800-252-VOTE (8683), TDD 1-800-735-2999.

1. Name—Give your full name including first, middle and last. If you have changed your name, give former name.

2. Residence Address - Include street address, city, state, and zip. If you do not have a street address, give a description of the location of where you live.

3. Mailing Address - If mail cannot be delivered to your residence, give a mailing address.

4. Gender, Social Security Number, Telephone Number, and Driver’s License Number or Identification Number are optional. The social security number is solicited by authority of sec. 13.122 and will be used to maintain the accuracy of the registration records. Your voter registration application is open to the public.

5. City and County of Former Residence - If you were previously registered in another county in Texas, complete this box.

6. Agent - An agent may apply for voter registration for another person as long as that person is related to the applicant as husband, wife, father, mother, son, or daughter. The agent must also be a registered voter or have submitted an application for registration. Indicate the relationship of the agent on the application. Indicate relationship next to signature.

7. Sign Your Name. If you cannot sign your name next to the X, a person may witness you making your mark. Give the name and address of the person who witnessed your mark above the signature line. If you cannot make a mark, have your witness state the applicant could not make a mark. You do not need a witness if you can sign your name.

8. Indicate by checking the appropriate box above your signature if this application is a new registration, a change of name or address, or request for replacement certificate.

GENERAL VOTER REGISTRATION INFORMATION

You may register to vote at any time. You must be at least 17 years and 10 months old to register. Your voter registration will become effective 30 days after it is received or on your 18th birthday, whichever is later. YOU MUST BE A U.S. CITIZEN TO REGISTER. If you move to another county, you must re-register with the county of your new residence.

If you decline to register to vote, the fact that you have declined to register will remain confidential and will be used only for registration purposes. If you do register to vote, the office (if applicable) at which you submitted a voter registration application will remain confidential and will be used only for voter registration purposes.

* Tear off on dotted line and return lower portion to Voter Registrar.

Procedido por la Secretaría de Estado, 17:37 PM.1:0.5

VOTER REGISTRATION APPLICATION
(SOLICITUD DE INSCRIPCIÓN DE VOTANTE)

Last Name (Apellido apellidado)

First Name (NOT HUSBAND’S)
(In nombre de pila) (Héritage nombre no el esposo)

Middle/Maiden Name (If any)
(Segundo Nombre/Apellido de Soltera)

For Official Use Only
FCT
Cert. Num.

Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live. (Do not include P.O. Box or Rural Route).
(Domicilio: Calle y número, número de apartamento, Ciudad, Estado, y Código Postal. Si no incluye su apartado postal, si su residencia rural.)

Mailings Address, City, State and ZIP: If mail cannot be delivered to your residence address.
(Dirección postal, Ciudad, Estado, y Código Postal si no se puede entregar correspondencia a domicilio.)

Date of Birth: month, day, year
(Fecha de nacimiento: mes, día, año)

City, County, and State of Former Residence
(Ciudad, Condado, Estado de su residencia anterior)

Social Security No. (Optional) (Número de Seguro Social [opcional])

TX Driver’s License No. or Personal I.D. No. (Issued by TX Dept. of Public Safety) (Número de su licencia de manejo o de su Cédula de Identidad expedida por el Departamento de Seguridad Pública de Texas) (opcional)

Telephone Number (Optional) (Número telefónico) (opcional)

Check one (marque uno)

New (Nuevo) [X] Change (Cambiar) [ ] Replacement (Reemplazar)

[ ]

Date (Fecha)

I affirm that I (Declaro que)

* am a resident of this county (reside el condado)
* have not been convicted of a felony or if a felon I am eligible for registration under section 13.001, Election Code (y no he sido condenado/a por un delito en un tribunal, o si un felón, soy elegible para inscribirme en el registro de votantes, sea que estoy habilitado/a para inscribirme, a no ser de lo dispuesto por la lección 13.001 del Código Electoral)
* have not been declared mentally incompetent by final judgment of a court of law. (Se me ha declarado mentalmente incapacitado por orden judicial)

Signature of Applicant or Agent and Relationship to Applicant or Principal Name of Applicant if Signed by Witness and Date. (Firma del solicitante o de su apoderado/a y que permita identificar al apoderado con el de la solicitud. Si la firma es de otro/a individuo, el nombre del individuo debe ser solicitado con base de nombre y apellido figura.)
INSTRUCCIONES PARA LLENAR LA SOLICITUD DE INSCRIPCION DE VOTANTES

Sirvase indicar todos los datos que se piden en la solicitud. Escriba con tinta, usando letra de molde, o con máquina de escribir. Si tiene alguna pregunta sobre la manera de llenar la solicitud, llame a las oficinas del Secretario de Estado marcando el número gratuito 1-800-252-VOTE (9863).

1. Nombre: Escriba su nombre completo: nombre de pila, segundo nombre y apellido usual. Si cambió de nombre, ponga el nombre que usaba anteriormente.

2. Domicilio: Incluya calle y número, ciudad, estado y código postal. Si su dirección no es a base de calle y número, indique la ubicación de su residencia.

3. Dirección postal: Si no se le puede entregar su correspondencia a domicilio, indique una dirección postal.

4. Sexo, Número de seguro social, Teléfono y Número de licencia de manejar o cédula de identidad. Estos datos son optativos. Se le pide su número de seguro social a tenor de la sección 13.122 y se utiliza ese número para verificar la exactitud de los registros de inscripción. Su solicitud de inscripción en el registro de votantes es un documento del dominio público.

5. Ciudad y condado de su residencia anterior: Llene esta parte si ya se había inscrito para votar en otro condado de Tejas.

6. Apoderados: Un apoderado puede solicitar la inscripción de votante a nombre de otra persona, siempre que sea esposo o esposa, padre o madre, hijo o hija del/de la solicitante. El apoderado también debe estar inscrito en el registro electoral o haber presentado una solicitud de inscripción y anotar, junto a su firma, su parentesco con el o la votante.

7. Firmar: Si usted no puede firmar junto a la X impresa en el formulario, puede pedir que otra persona le sirva de testigo al firmar su marca junto a la X. En el espacio arriba de la línea destinada a su firma, anote el nombre y la dirección de la persona que da fe de su firma. De no poder hacer una marca, el testigo deberá indicar que el o la solicitante no pudo hacerla. Si usted puede firmar con su nombre, no requiere testigo.

8. Usando los espacios en blanco que aparecen sobre el relleno de su firma, por favor señale si esta es la primera vez que solicita inscribirse como votante, si nos está informando de que ha cambiado de nombre, apellido o domicilio o si está solicitando que se le envíe una copia de su matrícula electoral.

INFORMACION GENERAL PARA VOTANTES

Usted puede inscribirse para votar cuando desee. Para poder inscribirse, debe haber cumplido no menos de 17 años con 10 meses. Su inscripción para votar se hará vigente en la fecha que ocurra más tarde, que sea: a los 30 días de su recibo o al cumplir usted los 18 años. USTED DEBE SER CIUDADANO/A DE LOS ESTADOS UNIDOS PARA INSCRIBIRSE. En caso de haberse cambiado a otro condado, deberá reinscribirse en su nuevo condado de residencia.

Si se niega a inscribirse para votar, su negativa a inscribirse se mantendrá confidencial y sólo será utilizada para fines del registro electoral. Por otra parte, si usted se inscribe para votar se mantendrá confidencial la identidad de la oficina (si la hay) en que presentó su solicitud de inscripción para votar. Esta información sólo será utilizada para fines del registro electoral.

Separé la parte de abajo siguiendo la línea de puntos y devuélvala al Registrador de Votantes.
November 20, 2003

Ann McGeehan, Esq.
Director of Elections
Secretary of State’s Office
P.O. Box 12060
Austin, Texas 78711-2060

Dear Ms. McGeehan:

This refers to Chapter 1315 (2003), which makes numerous changes to comply with the Help America Vote Act of 2002, 42 U.S.C. 15301 to 15545 ("HAVA"), including, inter alia: the establishment of a statewide voter registration database, provisional voting, and an administrative complaint procedure, changes in voting method and election administration, and changes in voter registration, early voting, polling place, and voter identification procedures; changes in the voter registration form to comply with HAVA; and Chapter 1316 (2003), which makes numerous revisions to the Election Code, including, inter alia: the changes in election administration and in the procedures for voter registration, early voting, candidate qualifying, joint elections, and referenda, for the State of Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 23, 2003; supplemental information was received on October 3, 2003.

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. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).
Chapters 1315 and 1316 include a number of provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to these chapters will be subject to Section 5 review. See 28 C.F.R. 51.15.

Sincerely,

Joseph D. Rich
Chief, Voting Section
Memorandum of Telephonic Communication

Date: October 24, 2003 Attorney/Analyst: Luz V. Lopez-Ortiz
File No.: [Redacted]
Other Party: [Redacted] Race: H Tel. No.: [Redacted]
Title/Organization: [Redacted]
Jurisdiction: Texas
Subject: Texas HAVA Submission

[Redacted] however, states that [Redacted] is not very familiar with
the state HAVA legislation. [Redacted] notes that [Redacted] has not
heard any negative comments concerning the HAVA legislation adopted
by the state. [Redacted] says that the committee had "a very hard
time" getting the state to commit to the voter education component
that was eventually included in the state's HAVA legislation. [Redacted]
[Redacted] that the committee represented an attempt by
the state to include different perspectives, but [Redacted] is
disappointed that the end product does not provide clear guidelines
for voter education. [Redacted] believes that if the state
makes a substantial effort to adequately educate voters, the new
identification requirements should not pose a problem for Latino
voters. [Redacted] does not object to the state
legislation, but would have preferred if the counties exercised
less influence in matters of voter education and voter
registration.