

## **BILL ANALYSIS**

Senate Research Center  
81R35627 ATP-F

C.S.H.B. 1117  
By: Hochberg (Ellis)  
State Affairs  
5/22/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

C.S.H.B. 1117 amends current law relating to ballot instructions.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 52.0695, Election Code), SECTION 2 (Section 52.071, Election Code), and SECTION 3 (Section 124.007, Elections Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 52, Election Code, by adding Section 52.0695, as follows:

Sec. 52.0695. GENERAL BALLOT INSTRUCTION. (a) Requires that a ballot, in addition to any other required ballot instructions, contain an instruction that clearly and unambiguously describes how to cast a ballot using the voting equipment on which the voter's ballot will be cast and includes an explanation of actions by the voter that may change or otherwise affect a prior selection by the voter. Requires that an instruction required by this subsection describe the effect of not properly marking a paper ballot, if a paper ballot is used.

(b) Requires the secretary of state to determine when the instruction described by Subsection (a) is necessary and by rule to prescribe the specific instruction to be included on a ballot under this section.

(c) Provides that failure to comply with this section is not grounds for a civil action or an action or contest challenging the validity or result of an election in which the ballot instruction required by this section was not given to one or more voters.

SECTION 2. Amends Section 52.071, Election Code, by adding Subsections (c) and (d), as follows:

(c) Requires that an instruction under this section also describe the effect of a straight-party vote if the vote would not apply to all elections on the ballot and any circumstances under which casting a vote for an individual candidate will negate a straight-party vote or otherwise cause a vote for a nominee of the same party to not be recorded or counted.

(d) Requires the secretary of state by rule to prescribe the specific instructions to be included under Subsection (c). Provides that a failure to comply with Subsection (c) is not grounds for a civil action or an action or contest challenging the validity or result of an election in which the ballot instruction described by Subsection (c) was not given to one or more voters.

SECTION 3. Amends Subchapter A, Chapter 124, Election Code, by adding Section 124.007, as follows:

Sec. 124.007. WARNING FOR CERTAIN VOTING ACTIONS. (a) Requires that electronic voting systems, where practicable, provide for a clearly worded warning to

appear if a voter attempts to cast a vote, make a selection, or take another related action that could cancel a prior selection, change a prior selection, or cancel or change a straight-party selection made by the voter.

(b) Requires the secretary of state to determine when the warning described by Subsection (a) is necessary and by rule to prescribe warning language for each voting system approved for use in the state.

(c) Provides that failure to comply with this section is not grounds for a civil action or an action or contest challenging the validity or result of an election in which the warning required by this section was not given to one or more voters.

SECTION 4. Makes application of this Act prospective to January 1, 2010.

SECTION 5. Effective date: upon passage or September 1, 2009.