A BILL TO BE ENTITLED

AN ACT

relating to requiring a voting system to be accessible by persons
with physical disabilities.

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

SECTION 1. Section 122.001(a), Election Code, is amended 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;

(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]

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

(12) 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 provides a practical and effective means for a voter with a physical disability to cast a secret ballot.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
HOUSE
COMMITTEE REPORT
1st Printing

By Yarbrough

Substitute the following for H.B. No. 1053:

By Denny

H.B. No. 1053

C.S.H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voting system to be accessible by persons
with physical disabilities.

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

SECTION 1. Subchapter A, Chapter 122, Election Code, is
amended by adding Section 122.0011 to read as follows:

Sec. 122.0011. ACCESS BY PERSONS WITH DISABILITIES. A
voting system that is acquired on or after September 1, 1999, must:

(1) comply 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) provide a practical and effective means for voters
with physical disabilities to cast a secret ballot.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended.
COMMITTEE REPORT
The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

31 March 1999

Sir:

We, your COMMITTEE ON ELECTIONS
to whom was referred HB 1053, have had the same under consideration and beg to report
back with the recommendation that it
( ) do pass, without amendment.
( ) do pass, with amendment(s).
(✓) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

✓ yes ( ) no  A fiscal note was requested.
✓ yes ( ) no  A criminal justice policy impact statement was requested.
✓ yes ( ) no  An equalized educational funding impact statement was requested.
✓ yes ( ) no  An actuarial analysis was requested.
✓ yes ( ) no  A water development policy impact statement was requested.
✓ yes ( ) no  A tax equity note was requested.

✓ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor ____________________________
Joint Sponsors: ____________________________
Co-Sponsors: ____________________________

The measure was reported from Committee by the following vote:

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BILL ANALYSIS

Office of House Bill Analysis

C.S.H.B. 1053
By: Yarbrough
Elections
4/8/1999
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 require the election process to be accessible to voters with disabilities. To ensure that Texas voting systems are in compliance, this bill incorporates the federal mandate into the Texas statute. C.S.H.B. 1053 requires a voting system to comply with federal law and provides voters with physical disabilities a practical and effective means of casting a secret ballot.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 122, Election Code, by adding Section 122.0011, to provide that a voting system that is acquired on or after September 1, 1999, must comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) (Nondiscrimination under Federal Grants and Programs) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) (Definitions) and its subsequent amendments, and provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original bill by adding Section 122.0011, to provide that a voting system that is acquired on or after September 1, 1999, must comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) (Nondiscrimination under Federal Grants and Programs) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) (Definitions) and its subsequent amendments, and provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The original bill proposed to amend Section 122.001(a) by making the use of any voting system subject to the above provision, which was added as Subdivision (a)(12). Modifies original bill to make nonsubstantive format changes.
HB 1053

SUMMARY OF COMMITTEE ACTION

February 24, 1999  2:00PM
Considered in public hearing
Testimony taken in committee
Referred to subcommittee

March 24, 1999  2:00PM
(SUBCOMMITTEE MEETING)
Considered by subcommittee in public hearing
Testimony taken in subcommittee
Committee substitute considered in subcommittee
Amendment(s) considered in subcommittee
Reported from subcommittee favorably as amended

March 31, 1999  2:00PM
Considered in public hearing
Recalled from subcommittee
Committee substitute considered in committee
Recommended to be sent to Local & Consent
Reported favorably as substituted
HB 1053
HOUSE COMMITTEE REPORT
Elections Committee

February 24, 1999 - 2:00PM
For: Bradley, Dr. Charles E. (Self and American Council of the Blind of Texas)
      DeBeauvoir, Dana (Self and County Clerks Legislative Committee)
      Jerome, Wright (Self)
      Jim, Harrington (Texas Civil Rights Project)
      LaVallo, Richard (Advocacy Inc.)
      McBee, Donna (Self)
      Talamontez, Leticia (Self)
Against: Perez, J.R. (Self and Texas Elections Administrators)
On: Hanshaw, Elizabeth (Secretary of State)
     Nickless, Melinda (Secretary of State)
     Pardue, Craig (Dallas County)
Registering, but not testifying:
For: McDonald, Steve (Texas Democratic Party)

March 24, 1999 - 2:00PM (S/C on DISABLED VOTING)
For: HARRINGTON, JAMES C. (Self and TEXAS CIVIL RIGHTS PROJECT)
Against: PEREZ, J.R. (Self and THE TEXAS ASSOCIATION OF ELECTION ADMINISTRATORS)
On: HANSHAW, ELIZABETH (SEC. OF STATE)
     SIRVELLO, TONY J. (Self and BEVERLY J. KAUFMAN; HARRIS COUNTY CLERK)
Registering, but not testifying:
For: WESTBROOK, REDGE (COALITION OF TEXANS WITH DISABILITIES)
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 8, 1999

TO: Honorable Debra Danburg, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

Local governments currently using procedures which allow all voters to cast secret ballots would not be expected to incur significant costs.

A local government which currently is not equipped to allow all voters to cast secret ballots could incur costs associated with the acquisition of new equipment. The cost would depend on the number of polling sites which would require new equipment. The cost of equipment that allows, for instance, for visually impaired voters to cast unassisted secret ballots is estimated by Montgomery County at approximately $10,000 per unit.

Source Agencies: 307  Secretary of State
LBB Staff:    JK, PE, TL, SG
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session
February 24, 1999

TO: Honorable Debra Danburg, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities), As Introduced

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Source Agencies: 307 Secretary of State
LBB Staff: JK, PE, TL, SG
A BILL TO BE ENTITLED
AN ACT

relating to requiring a voting system to be accessible by persons with physical disabilities.

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

SECTION 1. Subchapter A, Chapter 122, Election Code, is amended by adding Section 122.0011 to read as follows:

Sec. 122.0011. ACCESS BY PERSONS WITH DISABILITIES. A voting system that is acquired on or after September 1, 1999, must:

(1) comply 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) provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
By Yarbrough

H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voting system to be accessible by persons
with physical disabilities.

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

SECTION 1. Subchapter A, Chapter 122, Election Code, is
amended by adding Section 122.0011 to read as follows:

Sec. 122.0011. ACCESS BY PERSONS WITH DISABILITIES. A
voting system that is acquired on or after September 1, 1999, must:

(1) comply 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) provide a practical and effective means for voters
with physical disabilities to cast a secret ballot.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 8, 1999

TO: Honorable Debra Danburg, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities), Committee Report 1st House, Substituted

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Source Agencies: 307 Secretary of State
LBB Staff: JK, PE, TL, SG
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

February 24, 1999

TO: Honorable Debra Danburg, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities), As Introduced

No fiscal implication to the State is anticipated.

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Source Agencies: 307 Secretary of State
LBB Staff: JK, PE, TL, SG
A BILL TO BE ENTITLED
AN ACT

relating to requiring a voting system to be accessible by persons
with physical disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Subchapter A, Chapter 122, Election Code, is
amended by adding Section 122.0011 to read as follows:
Sec. 122.0011. ACCESS BY PERSONS WITH DISABILITIES. A
voting system that is acquired on or after September 1, 1999, must:
(1) comply 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) provide a practical and effective means for voters
with physical disabilities to cast a secret ballot.
SECTION 2. This Act takes effect September 1, 1999.
SECTION 3. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended.
FAVORABLE
SENATE COMMITTEE REPORT ON

SB  SCR  SJR  SR  HB  HCR  HJR  1653

By  (Author/Senate Sponsor)

(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,

have on 5/16/99, had the same under consideration and I am instructed to report it

back with the recommendation (s) that it:

( ) do pass and be printed

( ) do pass and be ordered not printed

( ) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested.  ( ) Yes ( ) No

A revised fiscal note was requested.  ( ) Yes ( ) No

An actuarial analysis was requested.  ( ) Yes ( ) No

Considered by subcommittee.  ( ) Yes ( ) No

The measure was reported from Committee by the following vote:


Senator Shapiro, Chair
Senator Shapleigh, Vice-Chair
Senator Bernsen
Senator Brown
Senator Cain
Senator Haywood
Senator Lucio
Senator Nixon
Senator Wentworth

YEA  NAY  ABSENT  PNV

7  0  2  0

COMMITTEE ACTION

Considered in public hearing
Testimony taken

COMMITTEE CLERK  CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files
WITNESS LIST

HB 1053
SENATE COMMITTEE REPORT
State Affairs Committee

May 6, 1999 - 12:30P
Registering, but not testifying:
For: LaVallo, Richard (Advocacy Inc.), Austin
BILL ANALYSIS

Senate Research Center
76R11065 DRH-D

H.B. 1053
By: Yarbrough (Bernsen)
State Affairs
5/4/1999
Engrossed

DIGEST

Currently, the law requires the election process to be accessible to voters with disabilities. To ensure that Texas voting systems are in compliance, this bill incorporates the federal mandate into the Texas statute. H.B. 1053 would require a voting system to comply with federal law and provide voters with physical disabilities a practical and effective means of casting a secret ballot.

PURPOSE

As proposed, H.B. 1053 requires a voting system to be accessible by persons with physical disabilities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 122A, Election Code, by adding Section 122.0011, as follows:

Sec. 122.0011. ACCESS BY PERSONS WITH DISABILITIES. Requires a voting system that is acquired on or after September 1, 1999, to comply with certain federal laws and to provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

May 4, 1999

TO: Honorable Florence Shapiro, Chair, Senate Committee on State Affairs

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities.), As Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

Local governments currently using procedures which allow all voters to cast secret ballots would not be expected to incur significant costs.

A local government which currently is not equipped to allow all voters to cast secret ballots could incur costs associated with the acquisition of new equipment. The cost would depend on the number of polling sites which would require new equipment. The cost of equipment that allows, for instance, for visually impaired voters to cast unassisted secret ballots is estimated by Montgomery County at approximately $10,000 per unit.

Source Agencies: 307 Secretary of State
LBB Staff: JK, SD, PE, TL, SG
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 76th Regular Session

April 8, 1999

TO: Honorable Debra Danburg, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities), Committee Report 1st House, Substituted

| No fiscal implication to the State is anticipated. |

Local Government Impact

Local governments currently using procedures which allow all voters to cast secret ballots would not be expected to incur significant costs.

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Source Agencies: 307 Secretary of State
LBB Staff: JK, PE, TL, SG
TO: Honorable Debra Danburg, Chair, House Committee on Elections

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1053 by Yarbrough (Relating to requiring a voting system to be accessible by persons with physical disabilities), As Introduced

No fiscal implication to the State is anticipated.

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Source Agencies: 307 Secretary of State
LBB Staff: JK, PE, TL, SG
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1053, by Yarbrough/Bernsen, (Bill No.)
was heard by the State Affairs Committee on 5/4, 1999,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

(Clerk of the reporting committee)

IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor. Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.
AN ACT

relating to requiring a voting system to be accessible by persons with physical disabilities.

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

SECTION 1. Subchapter A, Chapter 122, Election Code, is amended by adding Section 122.0011 to read as follows:

Sec. 122.0011. ACCESS BY PERSONS WITH DISABILITIES. A voting system that is acquired on or after September 1, 1999, must:

(1) comply 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) provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
H.B. No. 1053

President of the Senate

I certify that H.B. No. 1053 was passed by the House on April 23, 1999, by a non-record vote.

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 1053 was passed by the Senate on May 17, 1999, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: 

Date

Governor
President of the Senate

Speaker of the House

I certify that H.B. No. 1053 was passed by the House on April 23, 1999, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1053 was passed by the Senate on May 17, 1999, by the following vote:

Yeas 30, Nays 0

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT26;
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I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above.
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A BILL TO BE ENTITLED
AN ACT

Relating to requiring a voting system to be accessible by persons with physical disabilities.

H.B. No. 1053

By

Filed with the Chief Clerk

FEB 10 1999
Read first time and referred to Committee on

MAR 31 1999
Reported favorably (as substituted)

APR 15 1999
Sent to Committee on (Calendar)
(Local & Consent Calendars)

APR 23 1999
Read second time (comm. subst.) (amended); passed to third reading (Davis) by a (non-record vote) constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of_______ yea, _______ nay, _______ present, not voting

APR 23 1999
Read third time (Davis), finally passed (Davis) by a (non-record vote)

APR 26 1999
Engrossed

APR 26 1999
Sent to Senate

OTHER HOUSE ACTION:

APR 21 1999
Received from the House

APR 27 1999
Read and referred to Committee on...

STATE AFFAIRS

MAY 6 1999
Reported favorably

May 6 1999
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

MAY 17 1999
Ordered not printed

MAY 17 1999
Laid before the Senate

MAY 17 1999
Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)

MAY 17 1999
Read second time, _______ and passed to third reading by (unanimous consent) (Davis vote)

MAY 17 1999
Senate and Constitutional 3 Day Rules suspended by a vote of 30 yea, 0 nay

MAY 17 1999
Read third time, _______ and passed by (Davis vote)

MAY 17 1999
Returned to the House

OTHER SENATE ACTION:

SECRETARY OF THE SENATE
MAY 7 1999

Returned from the Senate (amendments)

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: ______________________, Chair; ______________________

______________________________________________

Senate granted House request. Senate conferees appointed: ______________________, Chair;

______________________________________________

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)