

BILL ANALYSIS

C.S.H.B. 658
By: Bernal
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerned citizens note that a voter with a medical condition or disability that impairs the voter's mobility may be required to wait hours in line to vote, potentially putting the voter's health at risk. C.S.H.B. 658 seeks to address this issue by granting such individuals priority for voting.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 658 amends the Election Code to authorize an election officer to accept a voter with a mobility problem that substantially impairs the voter's ability to ambulate before accepting other voters at the polling place who arrived before the voter with a mobility problem. The bill requires notice of the priority given to such voters to be posted at one or more locations in each polling place where it can be read by persons waiting to vote, on the secretary of state's website, and on each website relating to elections maintained by a county. The bill sets out the required language for the notice. The bill authorizes a person assisting a voter with a mobility problem that substantially impairs the voter's ability to ambulate to be accepted to vote concurrently with such a voter at the voter's request.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 658 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:
Sec. 63.0013. ACCEPTING VOTERS

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:
Sec. 63.0013. ACCEPTING VOTERS

85R 28734

17.125.272

Substitute Document Number: 85R 23672

WITH CERTAIN DISABILITIES. (a) In this section, "mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code.

(b) An election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person.

(c) Notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted:

(1) at one or more locations in each polling place where it can be read by persons waiting to vote;

(2) on the Internet website of the secretary of state; and

(3) each Internet website relating to elections maintained by a county.

(d) The notice required by Subsection (c) must read: "Pursuant to Section 63.0013, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around ("ambulate"). If you have a mobility-related problem, or disability that qualifies you for a disabled parking placard, please inform an election officer at your polling place. In accordance with Section 681.001, Transportation Code, a mobility problem that substantially impairs a person's ability to ambulate means that the person suffers from the following: paralysis; lung disease; uses portable oxygen; cardiac deficiency; is severely limited in the ability to walk because of an arthritic, neurological, or orthopedic condition wheelchair confinement; arthritis; foot disorder; cannot walk 200 feet without stopping to rest; or another medical condition causing a person to use a brace, cane, crutch, or other assistive device.

SECTION 2. This Act takes effect September 1, 2017.

85R 28734

Substitute Document Number: 85R 23672

WITH CERTAIN DISABILITIES. (a) In this section, "mobility problem that substantially impairs a person's ability to ambulate" has the meaning assigned by Section 681.001, Transportation Code.

(b) An election officer may accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person.

(c) Notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted:

(1) at one or more locations in each polling place where it can be read by persons waiting to vote;

(2) on the Internet website of the secretary of state; and

(3) on each Internet website relating to elections maintained by a county.

(d) The notice required by Subsection (c) must read: "Pursuant to Section 63.0013, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility problem may also, at the individual's request, be given voting order priority.

Disabilities and conditions that may qualify you for voting order priority include paralysis, lung disease, the use of portable oxygen, cardiac deficiency, severe limitation in the ability to walk due to arthritic, neurological, or orthopedic condition, wheelchair confinement, arthritis, foot disorder, the inability to walk 200 feet without stopping to rest, or use of a brace, cane, crutch, or other assistive device."

(e) A person assisting a voter in accordance with Section 64.032(c) may be accepted to vote concurrently with a person accepted under Subsection (b) of this section at the voter's request.

SECTION 2. Same as introduced version.

17.125.272