

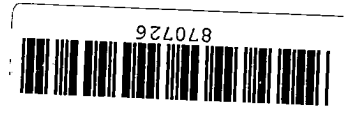
All Published Pre-filed Amendments for HB 6

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Amendment

870726

**The following amendment was
published on 5/5/21 10:22 PM**



21 MAY -5 PM 10:10
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Gonzalez of Dallas

1 Amend C.S. H.B. No. 6 (house committee printing) by
2 striking all below the enacting clause and substituting the
3 following:

4 SECTION 1. Chapter 1, Election Code, is amended by adding
5 Sections 1.0054 and 1.0055 to read as follows:

6 Sec. 1.0054. PROHIBITION ON DISCRIMINATION. Elections in
7 this state shall be conducted in a manner that does not, whether in
8 purpose or in effect, result in denying or abridging the right to
9 vote on account of a voter's race, color, or membership in a
10 protected class.

11 Sec. 1.0055. PROHIBITIONS ON AMENDING OR ALTERING CERTAIN
12 ELECTION PROVISIONS OR PRACTICES. (a) This section applies to a
13 provision of law, a rule, or another regulation or practice
14 regarding the conduct of elections that relates to:

15 (1) the method of electing members of a governing
16 body, including the number of members of a governing body and
17 whether members are elected at large or from single-member
18 districts;

19 (2) the boundaries of a political subdivision, a
20 district, or a precinct;

21 (3) the availability of an interpreter or of voting
22 materials in a language other than English; or

23 (4) the number of polling places in a political
24 subdivision or election precinct.

25 (b) Before any act, rule, order, ordinance, or other change
26 proposed by a house of the legislature, a state agency or
27 department, or the governing body of a political subdivision
28 relating to a provision or practice described by Subsection (a) may
29 be adopted, the house of the legislature, agency, department, or

1 governing body must:

2 (1) publish the proposed change on the public Internet
3 website of the house of the legislature, agency, department, or
4 subdivision continuously for not less than 45 days;

5 (2) accept public comment, including information,
6 points of view, and argument, regarding the proposed change for not
7 less than 30 days;

8 (3) conduct at least one public hearing regarding the
9 proposed change; and

10 (4) submit the proposed change to the attorney general
11 and the United States Department of Justice and request a written
12 opinion regarding whether the proposed change will have either the
13 purpose or the effect of denying or abridging the right to vote on
14 account of race or color in contravention of the guarantees set
15 forth in 52 U.S.C. Section 10303(f)(2).

16 (c) If the house of the legislature, state agency or
17 department, or governing body of a political subdivision amends or
18 alters a proposed change described by Subsection (a) after the
19 change was originally published under Subsection (b), the house of
20 the legislature, agency, department, or political subdivision must
21 publish the amended or altered proposal under Subsection (b)(1),
22 but may accept public comment under Subsection (b)(2) for not less
23 than 15 days.

24 (d) The attorney general shall provide a written opinion in
25 response to a request under Subsection (b)(4).

26 (e) A person who will be subject to or affected by the act,
27 rule, order, ordinance, or other change proposed under Subsection
28 (a) may institute an action in a United States district court for a
29 declaratory judgment that the changes proposed will have the
30 purpose or the effect of denying or abridging the right to vote on
31 account of race or color or in contravention of the guarantees set

1 forth in 52 U.S.C. Section 10303(f)(2).

2 (f) If the United States district court issues an order in
3 an action brought under Subsection (e) holding that the proposed
4 change will have either the purpose or the effect of denying or
5 abridging the right to vote on account of race or color or in
6 contravention of the guarantees set forth in 52 U.S.C. Section
7 10303(f)(2), the person who brought the action shall be entitled to
8 reasonable attorney's fees and the change may not be adopted.

9 (g) If the attorney general or the United States Department
10 of Justice determines that the proposed change will have either the
11 purpose or will have the effect of denying or abridging the right to
12 vote on account of race or color or in contravention of the
13 guarantees set forth in 52 U.S.C. Section 10303(f)(2), the change
14 may not be adopted.

15 SECTION 2. Chapter 272, Election Code, is amended to read as
16 follows:

17 CHAPTER 272. MINORITY LANGUAGE [~~BILINGUAL~~] REQUIREMENTS

18 Sec. 272.001. MINORITY LANGUAGE [~~BILINGUAL~~] ELECTION
19 MATERIALS REQUIRED. Minority language [~~Bilingual~~] election
20 materials printed in English and any applicable minority languages
21 [~~Spanish~~] shall be used in elections in this state as provided by
22 this chapter.

23 Sec. 272.002. ELECTION PRECINCTS IN WHICH MINORITY LANGUAGE
24 [~~BILINGUAL~~] MATERIALS USED. (a) Except as provided by Section
25 272.003, minority language [~~bilingual~~] election materials shall be
26 used in each election precinct situated wholly or partly in a county
27 in which, [~~five percent or more of the inhabitants are persons of~~
28 ~~Spanish origin or descent~~] according to the most recent federal
29 decennial census that may be officially recognized or acted upon by
30 the state or political subdivisions:

31 (1) at least five percent of the inhabitants speak a

1 single minority language and are unable to speak or understand
2 English adequately enough to participate meaningfully in the
3 electoral process; or

4 (2) at least 10,000 inhabitants speak a single
5 minority language and are unable to speak or understand English
6 adequately enough to participate meaningfully in the electoral
7 process.

8 (b) An election precinct shall provide election materials
9 in each minority language described by Subsection (a)(1) or (2).

10 Sec. 272.003. EXEMPT ELECTION PRECINCTS. (a) An election
11 precinct to which Section 272.002 applies may be exempted from the
12 minority language [~~bilingual~~] requirement as provided by this
13 section if official census information or other information
14 indicates that less than five percent of the inhabitants of the
15 precinct and less than 10,000 inhabitants of the precinct speak a
16 single minority language and are unable to speak or understand
17 English adequately enough to participate meaningfully in the
18 electoral process [~~persons of Spanish origin or descent comprise~~
19 ~~less than five percent of the precinct's inhabitants~~].

20 (b) To exempt an election precinct from the minority
21 language [~~bilingual~~] requirement, the presiding officer of the
22 governing body of the political subdivision responsible for the
23 expenses of an election, with the approval of the governing body,
24 must file with the authority responsible for procuring the election
25 supplies for the political subdivision's elections:

26 (1) a written certification by the presiding officer
27 that the precinct qualifies for the exemption;

28 (2) a written summary of the official census
29 information or other information relied on to support the
30 exemption;

31 (3) a map or maps indicating the precinct's boundary

1 and the boundaries of the census enumeration areas referred to in
2 the summary; and

3 (4) an authenticated copy of the resolution or other
4 official action showing the governing body's approval of the
5 exemption.

6 (c) An exemption is effective on the 30th day after the date
7 the certification and other materials required by Subsection (b)
8 are filed.

9 (d) In a primary election, each county election precinct
10 that has been exempted under this section is exempt. If an election
11 precinct that qualifies for exemption is not certified as exempt
12 before the 60th day before primary election day, the secretary of
13 state may exempt the precinct for the primary election by filing the
14 certification and other materials as provided by Subsection (b).

15 (e) A precinct exempted under this section remains exempt
16 until:

17 (1) the precinct becomes subject to Section 272.002 as
18 a result of a subsequent federal decennial census; or

19 (2) the effective date of a change in the precinct's
20 boundary.

21 Sec. 272.004. USE OF MINORITY LANGUAGE [~~BILINGUAL~~]
22 MATERIALS FOR EARLY VOTING. Minority language [~~Bilingual~~] election
23 materials shall be used for early voting in each election in which
24 minority language [~~bilingual~~] election materials are used.

25 Sec. 272.005. REQUIRED MINORITY LANGUAGE [~~BILINGUAL~~]
26 MATERIALS. (a) The instruction posters must be printed in English
27 and any applicable minority language [~~Spanish~~] on separate posters
28 or on the same poster with the minority language [~~Spanish~~] text next
29 to the English text. If separate posters are used, they must be
30 posted side by side.

31 (b) Except as provided by Section 272.006, ballots must be

1 printed with all ballot instructions, office titles, column
2 headings, proposition headings, and propositions appearing in
3 English and any applicable minority language [~~Spanish~~].

4 (c) Except as provided by Section 272.006, the following
5 materials must contain a minority language [~~Spanish~~] translation
6 beneath the English text:

7 (1) the official affidavit forms and other official
8 forms that voters are required to sign in connection with voting;

9 (2) the official application forms for early voting
10 ballots;

11 (3) written instructions furnished to early voting
12 voters; and

13 (4) the balloting materials furnished to voters in
14 connection with early voting by mail.

15 Sec. 272.006. SEPARATE TRANSLATION AUTHORIZED. (a) In an
16 election precinct in which use of minority language [~~bilingual~~]
17 election materials is required, [~~bilingual~~] printing of the ballot
18 in multiple languages is not required if a minority language
19 [~~Spanish~~] translation of the ballot is posted in each voting
20 station and a statement in each minority language [~~Spanish~~] is
21 placed on the ballot informing the voter that the translation is
22 posted in the station.

23 (b) If a separate translation of the ballot is made under
24 Subsection (a), the translation must be furnished to each voter to
25 whom an early voting ballot to be voted by mail is provided.

26 (c) An item specified by Section 272.005(c) is not required
27 to contain a [~~Spanish~~] translation if:

28 (1) for an item used in connection with voting at a
29 polling place:

30 (A) a separate translation of the item is made
31 available to the voter on request; and

1 (B) the item contains a statement in each
2 applicable minority language [~~Spanish~~] informing the voter of the
3 availability of the translation; or

4 (2) for an item used in connection with early voting by
5 mail, a separate translation of the item is furnished with the item
6 to the voter.

7 Sec. 272.007. AUTHORITY PREPARING TRANSLATION. (a) Except
8 as otherwise provided by this section, the secretary of state shall
9 prepare the [~~Spanish~~] translation for the minority language
10 [~~bilingual~~] election materials required by Sections 272.005 and
11 272.006.

12 (b) The secretary of state shall prepare the [~~Spanish~~]
13 translation of the ballot propositions into each minority language
14 for proposed constitutional amendments and other measures
15 submitted by the legislature if the legislature does not provide a
16 translation.

17 (c) The authority responsible for having the official
18 ballot prepared for an election other than a primary election or an
19 election ordered by the governor shall prepare the minority
20 language [~~Spanish~~] translation of the contents of the ballot.

21 Sec. 272.008. OPTIONAL USE OF MINORITY LANGUAGE [~~BILINGUAL~~]
22 MATERIALS. (a) The governing body of the political subdivision
23 responsible for the expenses of an election may require the use of
24 minority language [~~bilingual~~] election materials in one or more
25 election precincts.

26 (b) If minority language [~~bilingual~~] materials are required
27 to be used under this section, an authenticated copy of the
28 resolution or other official action showing the governing body's
29 decision shall be filed with the authority responsible for
30 procuring the election supplies for the political subdivision's
31 elections.

1 Sec. 272.009. MINORITY LANGUAGE [~~BILINGUAL~~] ELECTION
2 CLERKS. (a) The presiding judge of an election precinct subject to
3 Section 272.002 shall make reasonable efforts to appoint a
4 sufficient number of election clerks who are fluent in both English
5 and a minority language [~~Spanish~~] to serve the needs of the minority
6 language-speaking [~~Spanish-speaking~~] voters of the precinct.

7 (b) If the number of election clerks appointed under
8 Subsection (a) is insufficient to serve the needs of the minority
9 language-speaking [~~Spanish-speaking~~] voters in the election, the
10 authority appointing election judges for the election shall appoint
11 at least one clerk who is fluent in both English and each minority
12 language [~~Spanish~~] to serve at a central location to provide
13 assistance for minority language-speaking [~~Spanish-speaking~~]
14 voters. On a primary election day, the county chairs of each party
15 holding a primary shall each appoint one clerk under this
16 subsection.

17 Sec. 272.010. VOTER REGISTRATION APPLICATION FORM. (a)
18 The secretary of state shall prescribe a voter registration
19 application form that is printed in each minority language
20 [~~Spanish~~] or shall include a minority language [~~Spanish~~]
21 translation beneath the text of the English-language registration
22 application form prescribed by the secretary.

23 (b) The voter registrar for each county containing an
24 election precinct subject to Section 272.002 shall maintain a
25 supply of the form required by Subsection (a) and shall keep a
26 notice in each minority language spoken in the county [~~Spanish~~]
27 posted at the place in the registrar's office where voter
28 registration is conducted stating that application forms in
29 minority languages [~~Spanish~~] are available.

30 (c) The form required by Subsection (a) may be used in any
31 county in this state.

1 Sec. 272.011. MINORITY LANGUAGE [BILINGUAL] ELECTION
2 MATERIALS REQUIRED IN CERTAIN POLITICAL SUBDIVISIONS. [~~a~~] If
3 the director of the census determines under the federal Voting
4 Rights Act (52 U.S.C. Section 10503) [~~42 U.S.C. Section 1973aa-1a~~]
5 that a political subdivision must provide election materials in a
6 language other than English [~~or Spanish~~], the political subdivision
7 shall provide election materials in that language [~~in the same~~
8 ~~manner in which the political subdivision would be required to~~
9 ~~provide materials in Spanish~~] under this chapter[, ~~to the extent~~
10 ~~applicable~~].

11 [~~b~~] ~~The secretary of state shall prepare the translation~~
12 ~~for election materials required to be provided in a language other~~
13 ~~than English or Spanish for the following state prescribed voter~~
14 ~~forms:~~

15 [~~1~~] ~~voter registration application form required by~~
16 ~~Section 13.002,~~

17 [~~2~~] ~~the confirmation form required by Section 15.051,~~

18 [~~3~~] ~~the voting instruction poster required by Section~~
19 ~~62.011,~~

20 [~~4~~] ~~the reasonable impediment declaration required~~
21 ~~by Section 63.001(b),~~

22 [~~5~~] ~~the statement of residence form required by~~
23 ~~Section 63.0011,~~

24 [~~6~~] ~~the provisional ballot affidavit required by~~
25 ~~Section 63.011,~~

26 [~~7~~] ~~the application for a ballot by mail required by~~
27 ~~Section 84.011,~~

28 [~~8~~] ~~the carrier envelope and voting instructions~~
29 ~~required by Section 86.013, and~~

30 [~~9~~] ~~any other voter forms that the secretary of state~~
31 ~~identifies as frequently used and for which state resources are~~

1 ~~otherwise available.]~~

2 SECTION 3. Chapter 276, Election Code, is amended by adding
3 Section 276.014 to read as follows:

4 Sec. 276.014. VOTER INTIMIDATION. (a) A person commits an
5 offense if the person, in the presence of a voter, intimidates,
6 threatens, or coerces or attempts to intimidate, threaten, or
7 coerce a voter to:

8 (1) vote for or against a specific candidate,
9 political party, or measure; or

10 (2) not vote in an election in which the voter is
11 eligible to vote.

12 (b) An offense under this section is a Class A misdemeanor.

13 SECTION 4. This Act takes effect September 1, 2021.