

CHAPTER 969

H.B. No. 569

An Act relating to furnishing indelible marking instruments for use at polling places.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 7, Texas Election Code, is amended by adding Section 69a to read as follows:

69a. INDELIBLE MARKING INSTRUMENTS FURNISHED. (a) *At each precinct polling place and absentee polling place at which regular paper ballots are used, a sufficient number of indelible marking instruments shall be furnished for the use of voters. Indelible marking instruments are not required to be furnished to voters voting absentee by mail.*

(b) *In this section, "indelible marking instrument" means an instrument that makes marks that cannot easily be removed or erased.*

SECTION 2. Section 69, Texas Election Code (Article 7.04, Vernon's Texas Election Code), is amended to read as follows:

69. WHEN BOOTH NOT REQUIRED. When voting booths are not required, a guard rail shall be so placed that no one not authorized can approach nearer than six (6) feet of the voter while he is preparing his ballot; and a shelf for writing shall be prepared for him [~~with black lead pencil;~~] and so screened that no other person can see how he prepares his ballot.

SECTION 3. Subdivision 9(c), Section 80, Texas Election Code (Article 7.15, Vernon's Texas Election Code), is amended to read as follows:

(c) When absentee ballots voted by personal appearance or by mail are to be marked [~~with an ordinary pen or pencil;~~] in the manner that ordinary paper ballots are marked, and the absentee ballots are to be counted manually, the ballots shall be handled in the manner provided in Section 37 of this code (Subdivision 6, Article 5.05, Vernon's Texas Election Code) for the handling of absentee paper ballots, and shall be counted and tallied by a special canvassing board in the same way that ordinary paper ballots are tallied.

SECTION 4. Subdivision 17(b), Section 80, Texas Election Code (Article 7.15, Vernon's Texas Election Code), is amended to read as follows:

(b) The election officers shall inspect the voting equipment from time to time while voting is in progress to ascertain that it has not been injured or tampered with and is in proper working order. If any equipment becomes out of order at an election, it shall be repaired or replaced as promptly as possible. If repair or replacement cannot be made, the ballots may be marked [~~with a pencil;~~] and counted manually in the same manner that paper ballots are *marked and* counted.

SECTION 5. 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.

Passed by the House on May 2, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Filed: June 16, 1985, without signature.

Effective: August 26, 1985