

BILL ANALYSIS

S.B. 1638
By: Zaffirini
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding voter fraud by means of mail-in ballots, which often involves persons casting a mail-in ballot using the name of another registered voter. S.B. 1638 seeks to address these concerns by implementing certain procedural safeguards against this practice, including requirements at various stages of the election process for handling, counting, tabulating, reporting, and storing early voting ballots that are voted by mail separately from those voted in person. The bill also extends the types of signature comparisons that a signature verification committee may undertake.

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 rulemaking authority is expressly granted to the secretary of state in SECTION 3 of this bill.

ANALYSIS

S.B. 1638 amends the Election Code to require the county election returns for each election for a statewide or district office, a statewide measure, or president and vice-president of the United States to state for each candidate and for and against each measure the total number of early voting votes cast by personal appearance received in the county and the total number of early voting votes cast by mail received in the county. The bill authorizes the periodic reports published during the tabulation of the unofficial results of certain races to include the total number of early voting votes cast by personal appearance and the total number of early voting votes cast by mail for all applicable races.

S.B. 1638 authorizes a signature verification committee, if such a committee is appointed in an election, to compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signatures on other carrier envelope certificates received for the same election to determine whether the same voter cast more than one ballot by mail. The bill requires a determination that the same voter cast more than one ballot by mail to be made by a majority vote of the committee's membership, requires the committee to report such a determination to the attorney general, and requires the attorney general to investigate the allegations. The bill authorizes the secretary of state to adopt rules relating to the information included in such a report.

S.B. 1638 requires the early voting ballot board to place a ballot envelope containing an accepted ballot voted by mail in a separate ballot box from the ballot box containing the early voting ballots voted by personal appearance and repeals a provision requiring such a use of separate

ballot boxes under certain conditions. The bill requires, for ballots counted at a central counting station, separate tabulation of early voting votes cast by personal appearance and early voting votes cast by mail and separate reporting of those categories on the returns. The bill requires early voting ballots voted by mail to be preserved after the election in a separate container from early voting ballots cast by personal appearance.

S.B. 1638 repeals Section 87.042(c), Election Code.

EFFECTIVE DATE

September 1, 2019.