

BILL ANALYSIS

Senate Research Center

H.B. 1483
By: Danburg (Armbrister)
State Affairs
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Engrossed

DIGEST

Voting by mail has been available to elderly and disabled voters in Texas for decades. It is also available for voters that are out of the country on election day or in jail. There are concerns that voting by mail may lead to certain illegal activities because people can gain access to mail-in ballots. This bill sets forth provisions regarding certain early voting processes and procedures.

PURPOSE

As proposed, H.B. 1483 sets forth provisions regarding certain early voting processes and procedures; provides a criminal penalty.

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 81, Election Code, by adding Section 81.005, as follows:

Sec. 81.005. COMMON OR CONTRACT CARRIER. Prohibits a common or contract carrier from being used to perform an act in accordance with this title unless certain conditions exist.

SECTION 2. Amends Sections 84.001(a) and (e), Election Code, to require a person eligible for early voting to apply for an early voting ballot to be voted by mail. Makes a conforming change.

SECTION 3. Amends Section 84.002(a), Election Code, to require an early voting ballot application to include an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is mailed and to include certain information relating to an application for a ballot to be voted by mail on the ground of age or disability, jail, or on any other ground.

SECTION 4. Amends Section 84.0041(b), Election Code, to provide that an offense under this section is a Class A misdemeanor, rather than Class B misdemeanor.

SECTION 5. Amends Section 84.011(a), Election Code, to require the officially prescribed application form for an early voting ballot on an application for a ballot to be voted by mail to include certain spaces or boxes for an applicant applying on certain grounds and other information. Makes inclusive language changes.

SECTION 6. Amends Section 84.012, Election Code, to make inclusive language changes.

SECTION 7. Amends Section 84.032(d), Election Code, to authorize an application to submit a request by appearing in person, rather than submit a request on election day by appearing in person at the applicant's precinct polling place, and returning the ballot to be voted by mail or presenting a notice received under Section 86.006(e) to certain persons.

SECTION 8. Amends Section 84.033(c), Election Code, to make a conforming change.

SECTION 9. Amends Section 85.031, Election Code, to make conforming and nonsubstantive changes.

SECTION 10. Amends Chapter 85B, Election Code, by adding Section 85.0311, as follows:

Sec. 85.0311. EARLY VOTING CLERK TO SIGN BALLOTS. Requires the early voting clerk's initials to be placed on the back of each ballot to be used at the polling place. Requires the early voting clerk to enter the initials on each ballot or a deputy early voting clerk shall stamp a facsimile of the initials on each ballot.

SECTION 11. Amends Section 85.032, Election Code, to require the secretary of state to prescribe certain procedures regarding the security of the voted early voting ballots.

SECTION 12. Amends Section 85.062, Election Code, to set forth provisions regarding a temporary branch polling place that is movable. Sets forth provisions regarding permanent branch polling places and temporary branch polling places.

SECTION 13. Amends Section 86.001(c), Election Code, to require the clerk to deliver written notice of the reason for the rejection of an application under this section to the applicant at both the residence address and mailing address on the application.

SECTION 14. Amends Section 86.003, Election Code, to require the balloting materials to be addressed to the applicable, rather than mailing, address specified in the voter's application. Deletes a provision regarding the mailing of certain materials to a different address than is required by Subsection (c). Provides that the address to which the balloting materials must be addressed is the address at which the voter is registered to vote unless the ground for voting by mail is age or disability and the voter is living in a certain place. Requires the voter's application to be rejected in accordance with Section 86.001(c) in certain circumstances.

SECTION 15. Amends Section 86.006, Election Code, by amending Subsections (c) and (d) and adding Subsection (e), to set forth provisions for each carrier envelope that is delivered by a common or contract carrier. Requires the early voting clerk to promptly mail or otherwise deliver to the voter a written notice informing the voter of certain information under certain conditions.

SECTION 16. Amends Section 86.010, Election Code, by amending Subsection (c) and adding Subsection (d), to require a person assisting the voter to sign a written oath prescribed by Section 64.034. Prohibits a voter's ballot from being counted if a voter is assisted in violation of Subsection (a) or (b).

SECTION 17. Amends Section 86.013, Election Code, by amending Subsections (d) and (e) and adding Subsection (f), to provide that certain material as prescribed by the secretary of state is required to be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided. Sets forth the language of the required prohibition under this section. Requires the oath of a person assisting a voter to be included on the official carrier envelope.

SECTION 18. Amends Section 86.014(a), Election Code, to authorize a copy of an application for a ballot to be voted by mail to be obtained from the early voting clerk by a certain time, rather than 48 hours after the receipt of the application by the clerk.

SECTION 19. Amends Section 87.002, Election Code, by amending Subsection (b) and adding Subsections (c) and (d), to set forth provisions regarding the appointment of the early voting board. Makes conforming changes.

SECTION 20. Amends Sections 87.027(a), (i), and (j), to provide that Section 87.0271 supersedes this section to the extent of a conflict. Sets forth provisions regarding the comparison of signatures under this section by the signature verification committee. Makes conforming and nonsubstantive changes.

SECTION 21. Amends Chapter 87B, Election Code, by adding Section 87.0271, as follows:

Sec. 87.0271. COMMITTEE REQUIREMENTS SPECIFIC TO GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. Sets forth provisions creating a signature verification committee and outlines the appointment of members to this committee.

SECTION 22. Amends Section 87.041, Election Code, by adding Subsection (e), to set forth provisions regarding the comparison of signatures under this section.

SECTION 23. Amends Section 87.121(f), Election Code, to make a conforming change.

SECTION 24. Amends Section 112.006, Election Code, to delete provisions regarding voting by limited ballot under certain conditions.

SECTION 25. Repealer: Section 84.006, Election Code (Making Application for Ballot Voted By Personal Appearance).

SECTION 26. Makes application of this Act prospective.

SECTION 27. Effective date: September 1, 1997.

SECTION 28. Emergency clause.