

BILL ANALYSIS

Senate Research Center

S.B. 1034
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation from last session allowed voters aged 65 and older and those who are disabled to make one application to vote by mail each year and have that application apply to all elections conducted in that calendar year where the county clerk or elections administrator serves as the early voting clerk.

When the voter votes in person at either early voting or on Election Day all future mail ballots are cancelled automatically. This leads to unintended consequences in certain election cycles. If a voter votes in the May spring election in person, the primary runoff mail ballot already in circulation is cancelled by operation of the law, which in most cases was unintended.

We would like to see the cancellation of future mail ballots in the same calendar year cancelled only as the result of affirmative action by the voter by use of a cancellation form.

S.B.1034 allows voters with annual ballot by mail application on file the option to cancel the mail in ballot for a particular election without cancelling the entire application, or cancel the annual application entirely.

S.B. 1034 amends current law relating to voting by mail, including the cancellation of an application for a ballot to be voted by mail.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 3 (Section 86.013, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 84, Election Code, by adding Section 84.038, as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION FOR CERTAIN VOTERS. Provides that the cancellation of an application for a ballot to be voted by mail under Section 84.032(c) (authorizing an applicant to submit a request after the close of early voting by personal appearance by appearing in person and returning the ballot to be voted by mail to the early voting clerk or executing an affidavit that the applicant has not received the ballot to be voted by mail), (d) (authorizing an applicant to submit a request by appearing in person and returning the ballot to be voted by mail or presenting a certain notice), or (e) (authorizing an applicant to submit a request at any time after early voting ballot is returned to the early voting clerk as a marked ballot and before the ballot is delivered to the early voting ballot board by appearing in person and executing an affidavit that the applicant did not mark the ballot) does not cancel the application with respect to a subsequent election to which the same application applies under Section 86.0015(b) (providing that a certain application is considered to be an application for a ballot for each election in which the county clerk serves as early voting clerk and in which the applicant is eligible to vote and that occurs before the earlier of the end of the calendar year in which the application was submitted or the date the county clerk receives notice from the voter registrar that the voter has submitted a change in registration information).

SECTION 2. Amends Section 86.0015(b), Election Code, by adding a new Section (3) to authorize a person eligible to submit an application under this section to apply to receive all ballots in an even numbered year on the same application submitted for a ballot in the November general election of an odd year.

SECTION 3. Amends Section 86.013(d), Election Code, by adding a new Subsection (6) to authorize the secretary of state by rule to redesign the official carrier envelope by moving all the requirements of (1) through (5) to a separate sheet and styling the signature box to insure that a voter is instructed to and must sign over the flap.

SECTION 4. Effective date: upon passage or September 1, 2015.