

BILL ANALYSIS

C.S.H.B. 2163
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties believe that state law should allow the comparison of multiple signatures of a voter who completes an early ballot by mail application, including certain previous records of signatures, to confirm the voter's identity as an extra measure of security and to prevent voter fraud. C.S.H.B. 2163 seeks to provide for this security measure.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2163 amends the Election Code to change the signatures with which a signature verification committee is required to compare the signature on each carrier envelope certificate for an early voting ballot voted by mail, except those signed for a voter by a witness, to determine whether the signatures are those of the same person from the signature on the voter's ballot application to any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar. The bill authorizes the committee to also compare the signatures with any two or more signatures of the voter made before the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the same person but prohibits the committee from using the signatures to determine that the signatures are not those of the same person.

C.S.H.B. 2163 authorizes the use of signatures of a voter made within the preceding six years and on file with the general custodian of election records in the comparison made by the early voting ballot board to determine the validity of the voter's signature on certain documents relating to an early voting ballot voted by mail and removes the specification that signatures of the voter made within the preceding six years and on file with the voter registrar may not be used to determine that the signatures are not those of the same person. The bill also authorizes the early voting ballot board, in determining if neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate has been executed by a person other than the voter unless signed by a witness, to compare the signatures with any two or more signatures of the voter made before the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the same person but prohibits the board from using the signatures to determine that the signatures are not those of the same person.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2163 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar [~~the signature on the voter's ballot application~~] to determine whether the signatures are those of the same person. The committee may also compare the signatures with any two or more signatures of the voter made before the preceding six years and on file with the general custodian of election records or voter registrar [~~the signature on the voter's registration application~~] to confirm that the signatures are those of the same person but may not use the signatures [~~registration application signature~~] to determine that the signatures are not those of the same person. Except as provided by Subsection (1), a determination under this subsection that the signatures are not those of the same person must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the same person in separate containers from those of voters whose signatures are those of the same person. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 1. Section 87.041, Election Code, is amended.

SECTION 2. Same as introduced version.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.