

SUBJECT: Processing certain early voting ballots before election day

COMMITTEE: Elections — favorable, without amendment

VOTE: 8 ayes — L. Taylor, Berman, Branch, Burkett, Farias, Isaac, P. King, Veasey

0 nays

1 absent — Hernandez Luna

WITNESSES: For — Jacquelyn Callanen, Bexar County Elections Administration; Skipper Wallace, Texas Republican County Chairs Association

Against — None

On — Elizabeth Hanshaw Winn, Texas Secretary of State; Ed Johnson, Harris County Clerk's Office

BACKGROUND: Election Code, sec. 87.0241 governs the processing of ballots before the polls open.

DIGEST: HB 631 would allow an early voting ballot board to establish a process for removing data from voting machines used in early voting before the polls opened on election day if:

- the county would use the voting machines on election day; and
- the secretary of state approved the process.

The bill would take effect September 1, 2011.

SUPPORTERS SAY: Under current law, early voting ballots may be counted by an early voting ballot board only when polls are open on election day, or in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the end of the period for early voting by personal appearance.

These procedures are designed to protect the sanctity of the voting process. However, it can be expensive for the state's rural communities because it means that a county has to have one set of electronic voting machines for early voting and another for election day voting. The second set is required because the early voting ballot board is counting the ballots from early voting that are contained on the first set of machines. The average cost of a single electronic voting machine is about \$3,500. This can be a financial hardship for some smaller counties, especially in the current budgetary climate. The bill would allow the early voting ballot board to count the votes before election day, so that the same electronic voting machines could be used for early voting and for election day voting.

The bill also would help large jurisdictions that needed to be able to use all of their voting equipment on election day but under current law cannot. The process for capturing, retaining, and reading voting data is secure and approved by the secretary of state. The requirement to keep the data retained in the voting units is a hold-over from when paper ballots were used exclusively. With total electronic voting, this is not necessary any longer.

The bill would not require a jurisdiction to establish the procedures. If a jurisdiction chose to establish a process, the secretary of state would have the final approval, ensuring that election data would be safe and secure.

**OPPONENTS
SAY:**

The procedures outlined in current law are in place because they are standard security procedures. The equipment used for early voting is locked down until the entire election is over and the canvass is performed.

It is a bad idea to allow a jurisdiction to use the same voting equipment for early voting and for election day voting. The data from early voting would have to be erased in order for the machine to be used for election day voting. If there were a glitch and the saved data could not be read or there was a problem and the data was not saved correctly, then the entire early voting information would be lost.