A BILL TO BE ENTITLED

AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS AND BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting.
to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Sections 63.010(d) and (e), Election Code, are amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge and of the issues raised by the challenge. The presiding judge shall [may] request the [a] voter to present proof of identification in the form of a personal identification card or other document bearing the voter's photograph and to execute an affidavit that states the facts necessary to support the voter's eligibility to vote. On presentation of the required proof of identification and affidavit, the presiding judge shall determine
the voter's identity. If the voter fails to present the required proof of identification, the presiding judge cannot verify the voter's identity from the proof presented, or the voter refuses to execute an affidavit, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit or, if none, on a written statement containing the voter's name and any known residence address, and, if applicable, on the list of registered voters beside the voter's name. After determining the voter's identity, the presiding judge shall return the personal identification card or document to the voter[7—if—available]—A voter's failure to present proof of identification does not affect the voter's right to vote under this section.

(e) If a [the] challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's [challenged-voter-does—not—execute—an] affidavit does not state [that—states] the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit and, if applicable, on the list of registered voters beside the voter's name.

SECTION 8. Section 64.001, Election Code, is amended to read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot.
except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.010 shall select a ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 9. Section 65.005, Election Code, is amended by adding Subsection (d) to read as follows:

(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 10. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;
(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;
(3) a write-in envelope containing a write-in vote without an attached ballot; or
(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or
(5) a ballot with an unsigned stub.

SECTION 11. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.
(a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;

(3) "Envelope No. 3," addressed to the presiding judge; [and]

(4) "Envelope No. 4," addressed to the voter registrar; and

(5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 12. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 13. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.
SECTION 14. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 15. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the
box or envelope in an unauthorized manner or from making an
unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of
the prescribed preservation period, subject to an extension of the
period under Section 1.013. The ballot stubs are confidential
information and are not subject to public inspection before they
are destroyed.

SECTION 16. Section 66.059, Election Code, is amended to
read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.
(a) On written application by the presiding officer of the local
canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box
containing voted ballots or an envelope containing ballot stubs is
in custody may order the box or envelope opened to retrieve an
election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date, hour, and place for opening the box or envelope on the bulletin
board used for posting notices of the meetings of the governing
body of the political subdivision served by the general custodian
of election records. The notice must remain posted continuously
for the 24 hours immediately preceding the hour set for opening the
box or envelope.

(c) Any interested person may observe the opening of the box
or envelope.

(d) The district judge shall issue the orders necessary to
safeguard the contents of a ballot box or envelope opened under
this section.

SECTION 17. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 19. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the [voted] ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and
ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, [and-the] keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 20. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 21. This Act takes effect September 1, 1997.

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
COAUTHOR AUTHORIZATION-75TH LEGISLATURE
(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

signature of primary author

Debra Danburg

printed name of primary author

Date

For chief clerk use only

Bill or Resolution Number: HB 330

PERMISSION TO SIGN _HB 330_ HAS BEEN GIVEN TO (check only one of the following):

✓ ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S):


I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2120 Alexander Date A2645 Cuellar Date A2935 Giddings Date

A2115 Allen Date A2635 Culberson Date A2880 Glaze Date

A2105 Alvarado Date A2670 Danburg Date A2985 Goodman Date

A2135 Averitt Date A2675 Davila Date A2990 Goosby Date

A2160 Bailey Date A2625 Davis Date A3005 Gray Date

A2200 Berlanga Date A2680 Delisi Date A3010 Greenberg Date

A2250 Bonnen Date A3385 Denny Date A3020 Gruendorf Date

A2210 Bosse Date A2705 Driver Date A3030 Gutierrez Date

A2260 Brimer Date A2665 Dakes Date A3035 Haggerty Date

A2255 Burnam Date A2660 Dunnam Date A2695 Hamric Date

A2400 Carter Date A2650 Dutton Date A3170 Hartnett Date

A2585 Chavez Date A2770 Edwards Date A3345 Hawley Date

A2480 Chisum Date A2760 Ehrhardt Date A3180 Hefflin Date

A2525 Christian Date A2775 Eiland Date A3230 Hernandez Date

A2520 Clark Date A2785 Ekins Date A3240 Hightower Date

A2435 Coleman Date A2810 Farrar Date A3310 Hilbert Date

A2565 Cook Date A2830 Flanell Date A3250 Hildebran Date

A2595 Cortez Date A2840 Flores Date A3275 Hill Date

A2600 Counts Date A2920 Gallego Date A3270 Hinojosa Date

A2605 Crabb Date A2910 Galloway Date A3285 Hirsch Date

A2610 Craddick Date A2930 Garcia Date A3305 Hochberg Date
<table>
<thead>
<tr>
<th>A3290 Hodge</th>
<th>Date</th>
<th>A3845 McReynolds</th>
<th>Date</th>
<th>A4435 Shields</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>A3295 Holzeausser</td>
<td>Date</td>
<td>A3840 Merritt</td>
<td>Date</td>
<td>A4445 Siebert</td>
<td>Date</td>
</tr>
<tr>
<td>A3300 Horn</td>
<td>Date</td>
<td>A3850 Moffat</td>
<td>Date</td>
<td>A4525 Smith</td>
<td>Date</td>
</tr>
<tr>
<td>A3315 Howard</td>
<td>Date</td>
<td>A3860 Moreno</td>
<td>Date</td>
<td>A4530 Smithhee</td>
<td>Date</td>
</tr>
<tr>
<td>A3355 Hunter</td>
<td>Date</td>
<td>A3865 Mowery</td>
<td>Date</td>
<td>A4550 Solis</td>
<td>Date</td>
</tr>
<tr>
<td>A3350 Hupp</td>
<td>Date</td>
<td>A3885 Naishnat</td>
<td>Date</td>
<td>A4505 Solomons</td>
<td>Date</td>
</tr>
<tr>
<td>A3375 Isett</td>
<td>Date</td>
<td>A3895 Nixon</td>
<td>Date</td>
<td>A4515 Staples</td>
<td>Date</td>
</tr>
<tr>
<td>A3380 Jackson</td>
<td>Date</td>
<td>A3875 Oakiry</td>
<td>Date</td>
<td>A4510 Stiles</td>
<td>Date</td>
</tr>
<tr>
<td>A3415 Janek</td>
<td>Date</td>
<td>A3990 Ogden</td>
<td>Date</td>
<td>A4570 Swinford</td>
<td>Date</td>
</tr>
<tr>
<td>A3405 Jones, Delwin</td>
<td>Date</td>
<td>A3880 Oliveira</td>
<td>Date</td>
<td>A4585 Taiton</td>
<td>Date</td>
</tr>
<tr>
<td>A3400 Jones, Jesse</td>
<td>Date</td>
<td>A3886 Olivo</td>
<td>Date</td>
<td>A4605 Telford</td>
<td>Date</td>
</tr>
<tr>
<td>A3440 Junell</td>
<td>Date</td>
<td>A4010 Palmer</td>
<td>Date</td>
<td>A4630 Thompson</td>
<td>Date</td>
</tr>
<tr>
<td>A3460 Kamel</td>
<td>Date</td>
<td>A4070 Patterson</td>
<td>Date</td>
<td>A4635 Tillery</td>
<td>Date</td>
</tr>
<tr>
<td>A3475 Keel</td>
<td>Date</td>
<td>A4180 Pickett</td>
<td>Date</td>
<td>A4640 Torres</td>
<td>Date</td>
</tr>
<tr>
<td>A3480 Keffer</td>
<td>Date</td>
<td>A4185 Pitts</td>
<td>Date</td>
<td>A2730 Turner, Bob</td>
<td>Date</td>
</tr>
<tr>
<td>A3465 King</td>
<td>Date</td>
<td>A4110 Place</td>
<td>Date</td>
<td>A4685 Turner, Sylvester</td>
<td>Date</td>
</tr>
<tr>
<td>A3485 Krusee</td>
<td>Date</td>
<td>A4190 Price</td>
<td>Date</td>
<td>A4690 Uhr</td>
<td>Date</td>
</tr>
<tr>
<td>A3490 Kubiak</td>
<td>Date</td>
<td>A4200 Puentes</td>
<td>Date</td>
<td>A4720 Van de Pute</td>
<td>Date</td>
</tr>
<tr>
<td>A3450 Kuempel</td>
<td>Date</td>
<td>A4230 Rabuck</td>
<td>Date</td>
<td>A4990 Walker</td>
<td>Date</td>
</tr>
<tr>
<td>A3510 Laney</td>
<td>Date</td>
<td>A4210 Ramsay</td>
<td>Date</td>
<td>A4995 West</td>
<td>Date</td>
</tr>
<tr>
<td>A3605 Lewis, Glenn</td>
<td>Date</td>
<td>A4240 Rangel</td>
<td>Date</td>
<td>A5035 Williams</td>
<td>Date</td>
</tr>
<tr>
<td>A3600 Lewis, Ron</td>
<td>Date</td>
<td>A4235 Raymond</td>
<td>Date</td>
<td>A5010 Williamson</td>
<td>Date</td>
</tr>
<tr>
<td>A3615 Longoria</td>
<td>Date</td>
<td>A4245 Reyna, Arthur</td>
<td>Date</td>
<td>A5000 Wilson</td>
<td>Date</td>
</tr>
<tr>
<td>A3620 Luna, Vilma</td>
<td>Date</td>
<td>A4236 Reyna, Elvira</td>
<td>Date</td>
<td>A5020 Wise</td>
<td>Date</td>
</tr>
<tr>
<td>A3715 Madden</td>
<td>Date</td>
<td>A4260 Rhodes</td>
<td>Date</td>
<td>A5015 Wohlgemuth</td>
<td>Date</td>
</tr>
<tr>
<td>A3750 Marchant</td>
<td>Date</td>
<td>A4315 Rodriguez</td>
<td>Date</td>
<td>A4980 Wolens</td>
<td>Date</td>
</tr>
<tr>
<td>A3700 Maxey</td>
<td>Date</td>
<td>A4370 Sadler</td>
<td>Date</td>
<td>A5005 Woolley</td>
<td>Date</td>
</tr>
<tr>
<td>A3665 McCull</td>
<td>Date</td>
<td>A4420 Seaman</td>
<td>Date</td>
<td>A5025 Yarbrough</td>
<td>Date</td>
</tr>
<tr>
<td>A3650 McClenond</td>
<td>Date</td>
<td>A4460 Serna</td>
<td>Date</td>
<td>A5040 Zhiranek</td>
<td>Date</td>
</tr>
</tbody>
</table>
JOINT AUTHOR AUTHORIZATION

As primary author of HB 330 (bill or resolution #) I hereby authorize the following joint author(s):

Mary Denny
printed name of joint author #1

Jerry Madden
printed name of joint author #2

Harryette Ehrhardt
printed name of joint author #3

Jesse Jones
printed name of joint author #4

Debra Dunbar
signature of primary author

12/17/96
date

Mary Denny
signature of joint author #1

Jerry Madden
signature of joint author #2

Harryette Ehrhardt
signature of joint author #3

Jesse Jones
signature of joint author #4

SEND COPIES TO:
Debbie Irvine (Legislative Council)
Legislative Reference Library
House Journal

ORIGINAL FORM--Place in book
A BILL TO BE ENTITLED
AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting.
to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Sections 63.010(d) and (e), Election Code, are amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge and of the issues raised by the challenge. The presiding judge shall [may] request the [a] voter to present proof of identification in the form of a personal identification card or other document bearing the voter's photograph and to execute an affidavit that states the facts necessary to support the voter's eligibility to vote. On presentation of the required proof of identification and affidavit, the presiding judge shall determine
the voter's identity. If the voter fails to present the required proof of identification, the presiding judge cannot verify the voter's identity from the proof presented, or the voter refuses to execute an affidavit, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit or, if none, on a written statement containing the voter's name and any known residence address, and, if applicable, on the list of registered voters beside the voter's name. After determining the voter's identity, the presiding judge shall return the personal identification card or document to the voter[7--if--available:---A voter's--failure-to-present-proof-of-identification-does-not-affect the-voter's-right-to-vote-under-this-section].

(e) If a [the] challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's [challenged-voter-does--not--execute--an] affidavit does not state [that--states] the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit and, if applicable, on the list of registered voters beside the voter's name.

SECTION 8. Section 64.001, Election Code, is amended to read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot.
except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.010 shall select a ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 9. Section 65.005, Election Code, is amended by adding Subsection (d) to read as follows:

(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 10. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;
(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;
(3) a write-in envelope containing a write-in vote without an attached ballot; or
(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or
(5) a ballot with an unsigned stub.

SECTION 11. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.

(a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;

(3) "Envelope No. 3," addressed to the presiding judge; [and]

(4) "Envelope No. 4," addressed to the voter registrar; and

(5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 12. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 13. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.
H.B. No. 330

SECTION 14. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 15. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the
box or envelope in an unauthorized manner or from making an unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013. The ballot stubs are confidential information and are not subject to public inspection before they are destroyed.

SECTION 16. Section 66.059, Election Code, is amended to read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.

(a) On written application by the presiding officer of the local canvassing authority or the presiding judge of the election precinct, a district judge of the county in which a ballot box containing voted ballots or an envelope containing ballot stubs is in custody may order the box or envelope opened to retrieve an election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date, hour, and place for opening the box or envelope on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. The notice must remain posted continuously for the 24 hours immediately preceding the hour set for opening the box or envelope.

(c) Any interested person may observe the opening of the box or envelope.

(d) The district judge shall issue the orders necessary to safeguard the contents of a ballot box or envelope opened under
this section.

SECTION 17. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT_stub SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 19. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [*voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [*voted] ballots and
ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, [and-the] keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 20. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 21. This Act takes effect September 1, 1997.

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON ELECTIONS  

have had the same under consideration and beg to report  

back with the recommendation that it  

☑ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  

☑ yes ☐ no A fiscal note was requested.  

☐ yes ☐ no A criminal justice policy impact statement was requested.  

☐ yes ☐ no An equalized educational funding impact statement was requested.  

☐ yes ☐ no An actuarial analysis was requested.  

☐ yes ☐ no A water development policy impact statement was requested.  

☐ yes ☐ no A tax equity note was requested.  

☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.  

For Senate Measures: House Sponsor:  

Joint Sponsors:  

Co-Sponsors:  

The measure was reported from Committee by the following vote:

<table>
<thead>
<tr>
<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danburg, Chair</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Jones, J., Vice-chair</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Denny</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Gallego</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Galloway</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Hodge</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Isett</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Madden</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Place</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>

Total 9 aye 0 nay 0 present, not voting 0 absent

CHAIR
BILL ANALYSIS

ELECTIONS
H.B. 330
By: Danburg
4-9-97
Committee Report (Unamended)

BACKGROUND

This legislation was developed during the 74th Regular Session in order to address the concerns shown by election's officials and political parties about the issue of voting by affidavit. Despite being, for the most part, uncontested in Committee and on the House floor last session, the legislation did not make it through the Senate process before session's end. During the current session, HB 330 was again supported by the Texas Association of Election Administrators and encountered no opposition despite two public hearings.

Almost everyone who is a U.S. citizen, 18 years of age or older, can vote if they register at least 30 days before the election. A person who goes to the polls without a voter registration card, and whose name does not appear on the voter rolls, can cast a ballot by signing an affidavit that states they are entitled to take part in the election. After the election, the sworn affidavits go to the county's voter registrar, who checks to see if the voters were really qualified.

Current election law does not allow for a separate ballot box for the affidavit ballot. Quickly locating ballots voted by affidavit is essential to a smooth-running, non-controversial election.

PURPOSE

The purpose of HB 330 is to create another ballot box for the affidavit ballots and to guard against voter fraud. HB 330 requires the presiding judge to ask for proof of identification, in the form of an identification card or document bearing the voter's photograph, and determine the voter's identity. The bill deletes the provision that a voter's failure to present proof of identification does not affect the voter's right to vote. The voter may not be accepted for voting if: the voter fails to present proof of identification, the presiding judge cannot verify the voter's identity from proof presented, or the voter refuses to execute an affidavit.

HB 330 requires an election official to prepare a ballot stub for a voter who signs an affidavit. The voter who executes an affidavit is required to select a ballot stub and follow voting directions. The election officer would deposit the ballot stub in a sealed envelope after entering the corresponding ballot number on the stub and give it to the election records custodian. An unsigned stub would not count as a vote. Ballot stubs would not be public record and would have to be destroyed after a prescribed period unless certain extensions applied.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the secretary of state in SECTIONS 1 (Section 51.005(c), Election Code), SECTION 17 (Section 124.006, Election Code) and in SECTION 20 of the bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.005, Election Code, by adding Subsection (c) to require the secretary of state to prescribe procedures for determining the number of ballots stubs to be provided.

SECTION 2. Amends Subchapter C, Chapter 52, Election Code, by adding a new section, as follows:

MAD H.B. 330 75(R)
Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) Requires the authority responsible for having the official ballot prepared to have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) Sets forth required contents of the ballot stub which is to be in a form approved by the Secretary of State.

SECTION 3. Amends Section 61.005, Election Code, as follows:

Sec. 61.005. New heading: SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. Requires the presiding judge of an election to take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law. Makes conforming changes.

SECTION 4. Amends 62.006, Election Code, as follows:

Sec. 62.006. New heading: PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. Requires the ballot box and envelope number five to be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.

SECTION 5. Amends Chapter 62, Election Code, by adding Section 62.0081, as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) Requires the presiding judge to enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) Provides that the preparation of the ballot stubs need not be completed before the polls open, but an unprepared ballot is prohibited from being made available for selection by the voters.

(c) Requires the presiding judge to clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Amends Section 62.009, Election Code, by adding Subsection (c) to require the ballots with stubs to be placed separately from the regular ballots.

SECTION 7. Amends Sections 63.010(d) and (e), Election Code, as follows:

(d) Requires, rather than authorizes, the presiding judge to request the voter to present proof of identification in the form of a personal identification card or other document bearing the voter's photograph and to execute an affidavit that states the facts necessary to support the voter's eligibility to vote. Requires the presiding judge to determine the voter's identity on presentation of the required proof of identification card or document to the voter after determining the voter's identity. Deletes the provision that a voter's failure to present proof of identification does not affect the voter's right to vote.

(e) Makes conforming changes.

SECTION 8. Amends Section 64.001, Election Code, as follows:

Sec. 64.001. New heading: VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. (a) Created from existing text. Makes conforming changes.

(b) Requires a voter who executes an affidavit in accordance with Section 63.010 to select a ballot with a stub and perform certain duties before going to a voting station.

MAD H.B. 330 75(R)
(c) Requires the election officer to deposit the ballot stub enclosed in its envelope in envelope number five.

SECTION 9. Amends Section 65.005, Election Code, by adding Subsection (d), to require a stub to be enclosed and sealed in envelope number five before the ballot is examined, if a ballot with a signed stub is found.

SECTION 10. Amends Section 65.010 (a), Election Code, to prohibit a ballot with an unsigned stub from being counted.

SECTION 11. Amends Section 66.003, Election Code, to make conforming changes.

SECTION 12. Amends Section 66.021 (b), Election Code, to make a conforming change.

SECTION 13. Amends Subchapter B, Chapter 66, Election Code, by adding Section 66.0242, as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Requires envelope number five to contain the ballot stubs.

SECTION 14. Amends Section 66.051 (b), Election Code, to make a conforming change.

SECTION 15. Amends Section 66.058, Election Code, by amending Subsections (b) - (d) and adding Subsection (h), to require the ballot stubs to be destroyed after the expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013. Provides that the ballot stubs are confidential information and are not subject to public inspection before they are destroyed. Makes conforming changes.


SECTION 17. Amends Subchapter A, Chapter 124, Election Code, by adding Section 124.006, as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. Requires the Secretary of State, by rule, to prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Amends Section 221.008, Election Code, by making a conforming change.

SECTION 19. Amends Sections 273.041, 273.042, and 273.043, Election Code, to make a conforming change.

SECTION 20. Requires the Secretary of State, by rule, to prescribe any procedures necessary to implement this Act.


SECTION 22. Emergency clause.
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

February 16, 1997

To: Honorable Debra Danburg, Chair
Committee on Elections
House
Austin, Texas

IN RE: House Bill No. 330
By: Danburg

From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.) this office has determined the following:

---

Biennial Net Impact to General Revenue Funds by HB330-As Introduced

Implementing the provisions of the bill would result in a net negative impact of $307,949 to General Revenue Related Funds through the biennium ending August 31, 1999.

---

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill amends the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

Methodology
The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund 0001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, PE, JC
WITNESS LIST

HB 330
HOUSE COMMITTEE REPORT
Elections Committee

February 18, 1997 - 2:00P
For:    Bruce Sherbet (Tx Ass Elect Admin)
         Craig Pardue (Dallas Cty)
         Fred Ebner (Himself)
         J.R. Perez (Tx Ass Elect Admin)
         Steve McDonald (Tx Dem Pty)
On:     Elizabeth Hanshaw-Ross (Secy of State)
         Sheryl N. Cole (Tx Municipal League)

February 25, 1997 - 4:00P (S/C on Subcommittee on HB 330 and HB 1017)
For:    Mary Ann Collins (Repub Pty of Tx)
On:     Ann McGeehan (Secy of State)
         Sheryl N. Cole (Tx Municipal League)
SUMMARY OF COMMITTEE ACTION

HB 330

February 18, 1997    2:00PM
Considered in public hearing
Testimony taken in committee
Referred to subcommittee
Subcommittee members named
   Denny - Chair/Galloway, Carolyn/Jones, Jesse/

February 25, 1997    4:00PM  (Subcommittee meeting)
Considered by subcommittee in public hearing
Testimony taken in subcommittee
Left pending in subcommittee

February 27, 1997    11:00AM (Subcommittee meeting)
Considered by subcommittee in formal meeting
Reported from subcommittee favorably w/o amendments

April 1, 1997        2:00PM
Considered in public hearing
Reported favorably without amendment(s)
By Danburg, Denny, Madden

H.B. No. 330

A BILL TO BE ENTITLED

AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting
to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Sections 63.010(d) and (e), Election Code, are amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge and of the issues raised by the challenge. The presiding judge shall [may] request the [a] voter to present proof of identification in the form of a personal identification card or other document bearing the voter's photograph and to execute an affidavit that states the facts necessary to support the voter's eligibility to vote. On presentation of the required proof of identification and affidavit, the presiding judge shall determine
the voter's identity. If the voter fails to present the required
proof of identification, the presiding judge cannot verify the
voter's identity from the proof presented, or the voter refuses to
execute an affidavit, the voter may not be accepted for voting, and
"rejected" shall be entered on the affidavit or, if none, on a
written statement containing the voter's name and any known
residence address, and, if applicable, on the list of registered
voters beside the voter's name. After determining the voter's
identity, the presiding judge shall return the personal
identification card or document to the voter[7--if--available---A
voter's--failure-to-present-proof-of-identification--does-not-affect
the-voter's-right-to-vote-under-this-section].
(e) If a [the] challenged voter whose identity is verified
executes an affidavit that states the facts necessary to support
the voter's eligibility to vote, the voter shall be accepted, and
"sworn" shall be entered on the poll list beside the voter's name.
If the voter's [challenged-voter--does--not--execute--an] affidavit
does not state [that--states] the facts necessary to support the
voter's eligibility to vote, the voter may not be accepted for
voting, and "rejected" shall be entered on the affidavit and, if
applicable, on the list of registered voters beside the voter's
name.

SECTION 8. Section 64.001, Election Code, is amended to read
as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF
STUB. (a) After a voter is accepted for voting, the voter shall
select a ballot, go to a voting station, and prepare the ballot.
except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.010 shall select a ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 9. Section 65.005, Election Code, is amended by adding Subsection (d) to read as follows:

(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 10. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;
(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;
(3) a write-in envelope containing a write-in vote without an attached ballot; or
(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or
(5) a ballot with an unsigned stub.

SECTION 11. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.

(a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;

(3) "Envelope No. 3," addressed to the presiding judge; [and]

(4) "Envelope No. 4," addressed to the voter registrar; and

(5) "Envelope No. 5," addressed to the general custodian of election records.

 SECTION 12. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

 SECTION 13. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.
SECTION 14. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 15. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the
box or envelope in an unauthorized manner or from making an
unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of
the prescribed preservation period, subject to an extension of the
period under Section 1.013. The ballot stubs are confidential
information and are not subject to public inspection before they
are destroyed.

SECTION 16. Section 66.059, Election Code, is amended to
read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.
(a) On written application by the presiding officer of the local
canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box
containing voted ballots or an envelope containing ballot stubs is
in custody may order the box or envelope opened to retrieve an
election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date,
hour, and place for opening the box or envelope on the bulletin
board used for posting notices of the meetings of the governing
body of the political subdivision served by the general custodian
of election records. The notice must remain posted continuously
for the 24 hours immediately preceding the hour set for opening the
box or envelope.

(c) Any interested person may observe the opening of the box
or envelope.

(d) The district judge shall issue the orders necessary to
safeguard the contents of a ballot box or envelope opened under
this section.

SECTION 17. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 19. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and
ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 20. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 21. This Act takes effect September 1, 1997.

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
By Danburg, Denny, Madden, Ehrhardt

H.B. No. 330

A BILL TO BE ENTITLED

AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and

75R1823 GGS-D
H.B. No. 330

(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting
to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Sections 63.010(d) and (e), Election Code, are amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge and of the issues raised by the challenge. The presiding judge shall [may] request the [a] voter to present proof of identification in the form of a personal identification card or other document bearing the voter's photograph and to execute an affidavit that states the facts necessary to support the voter's eligibility to vote. On presentation of the required proof of identification and affidavit, the presiding judge shall determine
the voter's identity. If the voter fails to present the required proof of identification, the presiding judge cannot verify the voter's identity from the proof presented, or the voter refuses to execute an affidavit, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit or, if none, on a written statement containing the voter's name and any known residence address, and, if applicable, on the list of registered voters beside the voter's name. After determining the voter's identity, the presiding judge shall return the personal identification card or document to the voter[; if available, ---A voter's failure to present proof of identification does not affect the voter's right to vote under this section].

(e) If a [the] challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's [challenged-voter does not execute an] affidavit does not state [that states] the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit and, if applicable, on the list of registered voters beside the voter's name.

SECTION 8. Section 64.001, Election Code, is amended to read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot.
except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.010 shall select a ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 9. Section 65.005, Election Code, is amended by adding Subsection (d) to read as follows:

(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 10. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;
(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;
(3) a write-in envelope containing a write-in vote without an attached ballot; or
(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or
(5) a ballot with an unsigned stub.

SECTION 11. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.
(a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:
   (1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;
   (2) "Envelope No. 2," addressed to the general custodian of election records;
   (3) "Envelope No. 3," addressed to the presiding judge; [and]
   (4) "Envelope No. 4," addressed to the voter registrar; and
   (5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 12. Section 66.021(b), Election Code, is amended to read as follows:

   (b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 13. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.
H.B. No. 330

SECTION 14. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 15. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the
box or envelope in an unauthorized manner or from making an
unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of
the prescribed preservation period, subject to an extension of the
period under Section 1.013. The ballot stubs are confidential
information and are not subject to public inspection before they
are destroyed.

SECTION 16. Section 66.059, Election Code, is amended to
read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.
(a) On written application by the presiding officer of the local
canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box
containing voted ballots or an envelope containing ballot stubs is
in custody may order the box or envelope opened to retrieve an
election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date,
hour, and place for opening the box or envelope on the bulletin
board used for posting notices of the meetings of the governing
body of the political subdivision served by the general custodian
of election records. The notice must remain posted continuously
for the 24 hours immediately preceding the hour set for opening the
box or envelope.

(c) Any interested person may observe the opening of the box
or envelope.

(d) The district judge shall issue the orders necessary to
safeguard the contents of a ballot box or envelope opened under
this section.

SECTION 17. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 19. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and
ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, [and the] keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 20. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 21. This Act takes effect September 1, 1997.

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
By: Danburg, et al. (Senate Sponsor - Shapiro)  H.B. No. 330

(In the Senate - Received from the House April 30, 1997;  May 1, 1997, read first time and referred to Committee on State Affairs; May 18, 1997, reported adversely, with favorable Committee Substitute by the following vote: Yeas 13, Nays 0; May 18, 1997, sent to printer.)

COMMITTEE SUBSTITUTE FOR H.B. No. 330  By: Shapiro

A BILL TO BE ENTITLED
AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and

(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they [tt] will be in plain view of the election officers, watchers, and persons waiting to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at
the polling place the same number that appears on the corresponding
ballot, the designation of the nature of the election, and the date
of the election.
(b) The preparation of ballot stubs need not be completed
before the polls open, but an unprepared stub may not be made
available for selection by the voters.
(c) The presiding judge shall clip the ballot stub and
envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by
adding Subsection (c) to read as follows:
(c) The ballots with stubs shall be placed separately from
the regular ballots.

SECTION 7. Section 63.008, Election Code, is amended to read
as follows:
Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST.
(a) A voter who does not present a voter registration certificate
when offering to vote, but whose name is on the list of registered
voters for the precinct in which the voter [he] is offering to
vote, shall be accepted for voting if the voter executes an
affidavit stating that the voter [he] does not have the voter's
possession at the polling place at the time of offering to vote
and:
(1) the voter presents proof of identification in a
form described by Section 63.0101; or
(2) the affidavit is also signed by a person who is
working at the polling place and who attests to the identity of the voter.
(b) If the requirements prescribed by Subsection (a) are
not met, the voter may not be accepted for voting, and an election
officer shall indicate beside the voter's name on the list of
registered voters that the voter was rejected under this section.

SECTION 8. Section 63.009, Election Code, is amended to read
as follows:
Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
(a) Except as provided by Subsection (b), a [A] voter who does not
present a voter registration certificate when offering to vote, and
whose name is not on the list of registered voters for the precinct
in which the voter is offering to vote, shall be accepted for
voting if:
(1)--an--election--officer--can--determine--from--the--voter
registrant--that--the--person--is--a--registered--voter--of--the--county--;--and
(2) the--voter--executes--the--affidavits--required--by--Sections--63.007--and
63.008; or
(2) the voter presents proof of identification and
executes an affidavit in accordance with Section 63.010.
(b) If an election officer can determine from the voter
registrant that the person is a registered voter of the county, the
affidavits required by Sections 63.007 and 63.008 are substituted
for the affidavit required by Section 63.010 in complying with that
section. After the voter is accepted under this subsection
[Subsection (a)+], an election officer shall also indicate beside
the voter's name on the poll list that the voter was accepted under
this section.

SECTION 9. Sections 63.010(d) and (e), Election Code, are
amended to read as follows:
(d) The presiding judge shall inform a voter of a challenge
and of the issues raised by the challenge. The presiding judge
shall [may] request the voter to present a proof of
identification in a form described by Section 63.0101 and to
execute an affidavit that states the facts necessary to support the
voter's eligibility to vote. On presentation of the required proof
of identification and affidavit, the presiding judge shall
determine the voter's identity. If the voter fails to present the
required proof of identification, the presiding judge cannot verify
the voter's identity from the proof presented, or the voter refuses
to execute an affidavit, the voter may not be accepted for voting,
and an election officer shall indicate on the affidavit or, if
none, on a written statement containing the voter's name and any
known residence address, and, if applicable, on the list of
registered voters beside the voter's name that the voter was
rejected under this section. After determining the voter's
identity, the presiding judge shall return the documentation of
proof to the voter[; if available--A voter's failure to present
proof-of-identification does not affect the voter's right to vote
under this section].

(e) If a challenged voter whose identity is verified
executes an affidavit that states the facts necessary to support
the voter's eligibility to vote, the voter shall be accepted, and
"sworn" shall be entered on the poll list beside the voter's name.
If the voter's challenged-voter-does--not--execute--an affidavit
does not state [that--states] the facts necessary to support the
voter's eligibility to vote, the voter may not be accepted for
voting, and an election officer ["rejected"] shall indicate on the
affidavit and, if applicable, [be--entered] on the list of
registered voters beside the voter's name that the voter was
rejected under this section.

SECTION 10. Chapter 63, Election Code, is amended by adding
Section 63.0101 to read as follows:
Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The
following documentation is acceptable as proof of identification
under this chapter:
(1) a driver's license or personal identification card
issued to the person by the Department of Public Safety or a
similar document issued to the person by an agency of another
state, regardless of whether the license or card has expired;
(2) a form of identification containing the person's
photograph that establishes the person's identity;
(3) a birth certificate or other document confirming
birth that is admissible in a court of law and establishes the
person's identity;
(4) United States citizenship papers issued to the
person;
(5) a United States passport issued to the person;
(6) pre-printed checks containing the person's name
that are issued for a financial institution doing business in this
state;
(7) official mail addressed to the person by name from
a governmental entity;
(8) two other forms of identification that establish
the person's identity; or
(9) any other form of identification prescribed by the
secretary of state.

SECTION 11. Section 64.001, Election Code, is amended to
read as follows:
Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF
STUB. (a) After a voter is accepted for voting, the voter shall
select a ballot, go to a voting station, and prepare the ballot
except as provided by Subsection (b).
(b) A voter who executes an affidavit in accordance with
Section 63.010 shall select a ballot with a stub and, before going
to a voting station:
(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election
officer.
(c) The election officer shall deposit the ballot stub
enclosed in its envelope in envelope no. 5.

SECTION 12. Section 65.005, Election Code, is amended by
adding Subsection (d) to read as follows:
(d) If a ballot with a signed stub is found, the stub shall
be enclosed and sealed in an envelope and deposited in envelope no.
5 before the ballot is examined.

SECTION 13. Section 65.010(a), Election Code, is amended to
read as follows:
(a) The following ballots may not be counted:
(1) a ballot that is not provided to the voter at the
polling place;
C.S.H.B. No. 330

4-1  (2) two or more ballots that are folded together in a
4-2  manner indicating that they were folded together when deposited in
4-3  the ballot box;
4-4  (3) a write-in envelope containing a write-in vote
4-5  without an attached ballot; [or]
4-6  (4) a ballot that has not been deposited in the ballot
4-7  box used for the deposit of marked ballots; or
4-8  (5) a ballot with an unsigned stub.

SECTION 14. Section 66.003, Election Code, is amended to
read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.
4-11  (a) Five [Four] envelopes shall be furnished to each polling place
4-12  for use in assembling and distributing the precinct election
4-13  records.
4-14  (b) The envelopes shall be labeled and addressed as follows:
4-15  (1) "Envelope No. 1," addressed to the presiding
4-16  officer of the local canvassing authority;
4-17  (2) "Envelope No. 2," addressed to the general
4-18  custodian of election records;
4-19  (3) "Envelope No. 3," addressed to the presiding
4-20  judge; [and]
4-21  (4) "Envelope No. 4," addressed to the voter
4-22  registrar; and
4-23  (5) "Envelope No. 5," addressed to the general
4-24  custodian of election records.

SECTION 15. Section 66.021(b), Election Code, is amended to
read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no.
4-28  4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they
4-29  are ready for distribution.

SECTION 16. Subchapter B, Chapter 66, Election Code, is
amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5
must contain the ballot stubs.

SECTION 17. Section 66.051(b), Election Code, is amended to
read as follows:

(b) The presiding judge shall deliver envelope no. 2,
4-38  envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key
4-39  in person to the general custodian of election records.

SECTION 18. Section 66.058, Election Code, is amended by
amending Subsections (b), (c), and (d) and adding Subsection (h) to
read as follows:

(b) The voted ballots and ballot stubs shall be preserved
4-46  securely in a locked room in the locked ballot box or sealed
4-47  envelope, as applicable, in which they are delivered to the general
4-48  custodian of election records. Except as permitted by this code, a
4-49  ballot box containing voted ballots or an envelope containing
4-50  ballot stubs may not be opened during the preservation period.
4-51  (c) If during the preservation period an authorized entry is
4-52  made into a ballot box containing voted ballots or an envelope containing
4-53  ballot stubs, when the purpose for the entry is
4-54  fulfilled, the box or envelope shall be relocked or resealed, as
4-55  applicable, and the box and key or envelope returned to the
4-56  custodian.
4-57  (d) A custodian of a ballot box containing voted ballots or
4-58  an envelope containing ballot stubs commits an offense if, during
4-59  the preservation period prescribed by Subsection (a), the
4-60  custodian:
4-61  (1) makes an unauthorized entry into the box or
4-62  envelope; or
4-63  (2) fails to prevent another person from handling the
4-64  box or envelope in an unauthorized manner or from making an
4-65  unauthorized entry into the box or envelope.
4-66  (h) The ballot stubs shall be destroyed after expiration of
4-67  the prescribed preservation period, subject to an extension of the
4-68  period under Section 1.003. The ballot stubs are confidential
4-69  information and are not subject to public inspection before they
4-70  are destroyed.

SECTION 19. Section 66.059, Election Code, is amended to
Section 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.
(a) On written application by the presiding officer of the local
 canvassing authority or the presiding judge of the election
 precinct, a district judge of the county in which a ballot box
 containing voted ballots or an envelope containing ballot stubs is
 in custody may order the box or envelope opened to retrieve an
 election record that was erroneously placed in the box or envelope.
 (b) The district judge shall post a notice of the date,
 hour, and place for opening the box or envelope on the bulletin
 board used for posting notices of the meetings of the governing
 body of the political subdivision served by the general custodian
 of election records. The notice must remain posted continuously
 for the 24 hours immediately preceding the hour set for opening the
 box or envelope.
 (c) Any interested person may observe the opening of the box
 or envelope.
 (d) The district judge shall issue the orders necessary to
 safeguard the contents of a ballot box or envelope opened under
 this section.

SECTION 20. Subchapter A, Chapter 124, Election Code, is
amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The
secretary of state shall prescribe the form of a ballot stub and
ballot for use with a stub and the necessary procedures to
implement the ballot stub system prescribed by Section 52.074 for
use with each voting system used in this state.

SECTION 21. Section 221.008, Election Code, is amended to
read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT.
A tribunal hearing an election contest may cause secured ballot
boxes, envelopes, voting machines, voting devices, or other
equipment used in the election to be unsecured to determine the
vote count or any other fact that the tribunal considers
pertinent to a fair and just disposition of the contest.

SECTION 22. Sections 273.041, 273.042, and 273.043, Election
Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the
investigation of criminal conduct in connection with an election, a
grand jury, on finding probable cause to believe an offense was
committed, may request a district judge of the county served by the
grand jury to order an examination of the voted ballots and the
ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a
grand jury for an examination of voted ballots and ballot stubs, a
district judge may order the custodian of the [voted] ballots and
ballot stubs and the custodian of the keys to the ballot boxes to
deliver the ballot boxes, [and—the] keys, and envelopes to the
grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of
ballots and ballot stubs under this subchapter shall be conducted
in secret before the grand jury.

SECTION 23. The secretary of state by rule shall prescribe
any procedures necessary to implement this Act.

SECTION 24. This Act takes effect September 1, 1997.

SECTION 25. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended.
FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON SB SCR SJR SR (HD HCR HJR. 330
By Shapiro (Author-Senate Sponsor)
5-18-97 (date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,
have on __________ (date of hearing), had the same under consideration and I am instructed to report it
back with the recommendation(s) that it:
(✓) do pass as substituted, and be printed
(✓) the caption remained the same as original measure
( ) the caption changed with adoption of the substitute
( ) do pass as substituted, and be ordered not printed
(✓) and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ✓ yes ( ) no
A revised fiscal note was requested. ✓ yes ( ) no
An actuarial analysis was requested. ( ) yes ✓ no
Considered by subcommittee. ( ) yes ✓ no

The measure was reported from Committee by the following vote:

<table>
<thead>
<tr>
<th>MAY</th>
<th>NAY</th>
<th>ABSENT</th>
<th>FNV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Armbrister, Chair</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Nixon, Vice-Chair</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Cain</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Carona</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Ellis</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Fraser</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Gallegos</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Galloway</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Lindsay</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Luna</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Nelson</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Shapiro</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senator Whitmire</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL VOTES 13 0 0 0

COMMITTEE ACTION

Considered in public hearing
Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files
BILL ANALYSIS

Senate Research Center

C.S.H.B. 330
By: Danburg (Shapiro)
State Affairs
5-17-97
Committee Report (Substituted)

DIGEST

Currently, a person who goes to the polls without a voter registration card and whose name does not appear on the voter rolls, can cast a ballot by signing an affidavit that states the person is entitled to take part in the election. After the election, the sworn affidavits go to the county's voter registrar, who checks to see if the voters were really qualified. There is no election law that allows for a separate ballot box for the affidavit ballot. This bill would create a separate ballot box for the sworn affidavits stubs collected at an election and provides penalties for election fraud.

PURPOSE

As proposed, C.S.H.B. 330 sets forth certain procedures for affidavits signed by voters at an election and provides criminal penalties.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the secretary of state in SECTIONS 1, 20, and 23 (Sec. 51.005(c) and Sec. 124.006, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.005, Election Code, by adding Subsection (c), to require the secretary of state to prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Amends Chapter 52C, Election Code, by adding Section 52.074, as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. Requires the authority responsible for having the official ballot prepared to have a detached ballot stub prepared as provided by this section for use by certain voters. Requires the ballot to be in a form approved by the secretary of state and to include certain information.

SECTION 3. Amends Section 61.005, Election Code, as follows:

Sec. 61.005. New heading: SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. Requires the presiding judge to take the precautions necessary to prevent access to the ballot stubs and stub envelopes in a manner not authorized by law. Makes conforming changes.

SECTION 4. Amends Section 62.006, Election Code, as follows:

Sec. 62.006. New heading: PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. Requires the ballot box and envelope no. 5 to be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.

SECTION 5. Amends Chapter 62, Election Code, by adding Section 62.0081, as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. Sets forth certain duties for a presiding judge regarding the use and preparation of ballot stubs.

SRC-MAX C.S.H.B. 330 75(R)
SECTION 6. Amends Section 62.009, Election Code, by adding Subsection (c), to require the ballots with stubs to be placed separately from the regular ballots.

SECTION 7. Amends Section 63.008, Election Code, to require a voter to be accepted for voting if the voter presents proof of identification in a form described by Section 63.0101 or an affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter. Prohibits the voter from being accepted for voting if the requirements prescribed by Subsection (a) are not met and an election officer shall indicate beside the voter's name on the list of the registered voters that the voter was rejected under this section. Makes inclusive language changes.

SECTION 8. Amends Section 63.009, Election Code, to provide that the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.010 in complying with that section if an election officer can determine from the voter registrar that the person is a registered voter of the county.

SECTION 9. Amends Sections 63.010(d) and (e), Election Code, to require the presiding judge to request the voter to present proof of identification in a form described by Section 63.0101 and to execute an affidavit that states the facts to support the voter's eligibility to vote. Requires the presiding judge to determine the voter's identity in a certain manner. Requires an election officer to indicate on the affidavit or if none, a written statement containing certain information, and, if applicable, on the list of registered voters beside the voter's name, that the voter was rejected under this section. Makes conforming and nonsubstantive changes.

SECTION 10. Amends Chapter 63, Election Code, by adding Section 63.0101, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. Sets forth provisions regarding the acceptable documentation to be used as proof of identification under this chapter.

SECTION 11. Amends Section 64.001, Election Code, as follows:

Sec. 64.001. New heading: VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. Requires a voter who executes an affidavit in accordance with Section 63.010 to select a ballot with a stub and perform certain other functions before going to a voting station. Requires the election officer to deposit the ballot stub enclosed in its envelope in envelope no. 5. Makes a conforming change.

SECTION 12. Amends Section 65.005, Election Code, by adding Subsection (d), to require a ballot stub with a signed stub to be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined if the stub is found.

SECTION 13. Amends Section 65.010(a), Election Code, to prohibit a ballot with an unsigned stub from being counted.

SECTION 14. Amends Section 66.003, Election Code, to require five envelopes to be furnished to each polling place for use in assembling and distributing the precinct election records. Requires envelope no. 5 to be labeled and addressed in a certain manner.

SECTION 15. Amends Section 66.021(b), Election Code, to make a conforming change.

SECTION 16. Amends Chapter 66B, Election Code, by adding Section 66.0242, as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Requires envelope no. 5 to contain the ballot stubs.

SECTION 17. Amends Section 66.051(b), Election Code, to make a conforming change.

SECTION 18. Amends Section 66.058, Election Code, by amending Subsections (b)–(d) and

SRC-MAX C.S.H.B. 330 75(R)
adding Subsection (h), to require the ballot stubs to be destroyed after expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013. Provides that the ballot stubs are confidential information and are not subject to public inspection before they are destroyed. Makes conforming and nonsubstantive changes.

SECTION 19. Amends Section 66.059, Election Code, to make conforming changes.

SECTION 20. Amends Chapter 124A, Election Code, by adding Section 124.006, as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. Requires the secretary of state to prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 21. Amends Section 221.008, Election Code, to make conforming changes.


SECTION 23. Requires the secretary of state, by rule, to prescribe any procedures necessary to implement this Act.


SECTION 25. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Adds new SECTIONS 7 and 8 and renumbers subsequent sections accordingly.

SECTION 7.

Amends Section 63.008, Election Code, to provide that a voter who does not present a voter registration certificate, but presents proof of identification in a form described by Section 63.0101 or an affidavit signed by certain persons, to be allowed to vote. Prohibits the voter from being accepted for voting in certain situations and requires election officers to indicate beside the voter's name on the list of registered voters that the voter was rejected. Makes inclusive language changes.

SECTION 8.

Amends Section 63.009, Election Code, to provide that the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.010 in complying with that section. Makes conforming and nonsubstantive changes.

SECTION 9.

Amends Sections 63.010(d) and (e), Election Code, to require the presiding judge to request the voter to present proof of identification that states the facts necessary to support the voter's eligibility to vote. Makes a conforming change.

Adds new SECTION 10 and renumbers existing sections accordingly.

Amends Chapter 63, Election Code, to set forth provisions regarding certain documentation which is considered to be acceptable as proof of identification under this chapter.
From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB330-Committee Report 2nd House, Substituted

Implementing the provisions of the bill would result in a net negative impact of $307,949 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

Methodology

The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>-</td>
</tr>
<tr>
<td>1999</td>
<td>-</td>
</tr>
<tr>
<td>2000</td>
<td>-</td>
</tr>
<tr>
<td>2001</td>
<td>-</td>
</tr>
<tr>
<td>2002</td>
<td>-</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, JD, PE, JC
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

May 5, 1997

To: Honorable Kenneth Armbrister, Chair
   Committee on State Affairs
   Senate
   Austin, Texas

IN RE: House Bill No. 330, As Engrossed
By: Danburg

From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HB330-As Engrossed**

Implementing the provisions of the bill would result in a net negative impact of $(307,949) to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**Fiscal Analysis**

This bill would amend the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

**Methodology**

The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Fiscal Year</td>
<td>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------------------------------------------------------------</td>
</tr>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>(307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>(307,949)</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, JD, PE, JC
To: Honorable Debra Danburg, Chair
    Committee on Elections
    House
    Austin, Texas

IN RE: House Bill No. 330
By: Danburg

From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.) this office has determined the following:

---

**Biennial Net Impact to General Revenue Funds by HB330-As Introduced**

Implementing the provisions of the bill would result in a net negative impact of $(-307,949) to General Revenue Related Funds through the biennium ending August 31, 1999.

---

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**Fiscal Analysis**

This bill amends the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

**Methodology**
The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>(307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>(307,949)</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>(307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>(307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, PE, JC
WITNESS LIST

HB 330
SENATE COMMITTEE REPORT
State Affairs Committee

May 15, 1997 - 1:30P
For: DeBeauvoir, Dana (Co. Clerk's Leg Cmte.), Austin
     Sherbet, Bruce (TX Assc Elections Admin), Dallas
     Sirvello, III, Tony (Harris Co Clerk's Offic), Houston
On:  Nickless, Melinda (Sec. of State's Office), Austin

Registering, but not testifying:
For: Collins, Mary Ann (TX Republican Party), Dallas
     McDonald, Steve (TX Democratic Party), Austin
REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 330, by Shapiro, (Bill No.) (Author/Sponsor)
was heard by the State Affairs Committee on 5/15, 1997,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Kelly C. Gilbert
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM AND TEN (10) COPIES OF YOUR BILL/RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.
A BILL TO BE ENTITLED
AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting.
SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Section 63.008, Election Code, is amended to read as follows:

Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter [he] is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter [he] does not have the voter's [his] voter registration certificate in the voter's [his] possession at the polling place at the time of offering to vote.
and:

(1) the voter presents proof of identification in a form described by Section 63.0101; or

(2) the affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter.

(b) If the requirements prescribed by Subsection (a) are not met, the voter may not be accepted for voting, and an election officer shall indicate beside the voter's name on the list of registered voters that the voter was rejected under this section.

SECTION 8. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. (a) Except as provided by Subsection (b), a [A] voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if[†]

[†]--an-election-officer-can-determine-from-the--voter registrar--that-the-person-is-a-registered-voter-of-the-county--and the-voter-executes-the-affidavits-required-by-Sections--63.007--and 63.008; or

[‡] the voter presents proof of identification and executes an affidavit in accordance with Section 63.010.

(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county, the affidavits required by Sections 63.007 and 63.008 are substituted
for the affidavit required by Section 63.010 in complying with that
section. After the voter is accepted under this subsection
[Subsection-忘+忘+], an election officer shall also indicate beside
the voter's name on the poll list that the voter was accepted under
this section.

SECTION 9. Sections 63.010(d) and (e), Election Code, are
amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge
and of the issues raised by the challenge. The presiding judge
shall [may] request the [a] voter to present proof of
identification in a form described by Section 63.0101 and to
execute an affidavit that states the facts necessary to support the
voter's eligibility to vote. On presentation of the required proof
of identification and affidavit, the presiding judge shall
determine the voter's identity. If the voter fails to present the
required proof of identification, the presiding judge cannot verify
the voter's identity from the proof presented, or the voter refuses
to execute an affidavit, the voter may not be accepted for voting,
and an election officer shall indicate on the affidavit or, if
none, on a written statement containing the voter's name and any
known residence address, and, if applicable, on the list of
registered voters beside the voter's name that the voter was
rejected under this section. After determining the voter's
identity, the presiding judge shall return the documentation of
proof to the voter[7--if-available--A-voter's-failure-to-present
proof-of-identification-does-not-affect-the-voter's-right--to--vote
under-this-section].
(e) If a [the] challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's [challenged--voter-does-not-execute-an] affidavit does not state [that-states] the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and an election officer ["rejected"] shall indicate on the affidavit and, if applicable, [be--entered] on the list of registered voters beside the voter's name that the voter was rejected under this section.

SECTION 10. Chapter 63, Election Code, is amended by adding Section 63.0101 to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is acceptable as proof of identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;

(2) a form of identification containing the person's photograph that establishes the person's identity;

(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

(4) United States citizenship papers issued to the person;
(5) a United States passport issued to the person;

(6) pre-printed checks containing the person's name that are issued for a financial institution doing business in this state;

(7) official mail addressed to the person by name from a governmental entity;

(8) two other forms of identification that establish the person's identity; or

(9) any other form of identification prescribed by the secretary of state.

SECTION 11. Section 64.001, Election Code, is amended to read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot, except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.010 shall select a ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;

(2) sign the stub and enclose it in the envelope; and

(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 12. Section 65.005, Election Code, is amended by adding Subsection (d) to read as follows:
(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 13. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) a write-in envelope containing a write-in vote without an attached ballot; or

(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or

(5) a ballot with an unsigned stub.

SECTION 14. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;
(3) "Envelope No. 3," addressed to the presiding judge; and

(4) "Envelope No. 4," addressed to the voter registrar; and

(5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 15. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 16. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.

SECTION 17. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 18. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a
ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the box or envelope in an unauthorized manner or from making an unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013. The ballot stubs are confidential information and are not subject to public inspection before they are destroyed.

SECTION 19. Section 66.059, Election Code, is amended to read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.

(a) On written application by the presiding officer of the local canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box containing voted ballots or an envelope containing ballot stubs is in custody may order the box or envelope opened to retrieve an election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date, hour, and place for opening the box or envelope on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. The notice must remain posted continuously for the 24 hours immediately preceding the hour set for opening the box or envelope.

(c) Any interested person may observe the opening of the box or envelope.

(d) The district judge shall issue the orders necessary to safeguard the contents of a ballot box or envelope opened under this section.

SECTION 20. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 21. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot
boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 22. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, [and-the] keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 23. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 24. This Act takes effect September 1, 1997.

SECTION 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the
1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.
SENATE AMENDMENTS

2nd Printing

By Danburg, Denny, Madden, Ehrhardt

H.B. No. 330

A BILL TO BE ENTITLED

AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
H.B. No. 330

(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting
SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Sections 63.010(d) and (e), Election Code, are amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge and of the issues raised by the challenge. The presiding judge shall [may] request the [a] voter to present proof of identification in the form of a personal identification card or other document bearing the voter's photograph and to execute an affidavit that states the facts necessary to support the voter's eligibility to vote. On presentation of the required proof of identification and affidavit, the presiding judge shall determine
the voter's identity. If the voter fails to present the required proof of identification, the presiding judge cannot verify the voter's identity from the proof presented, or the voter refuses to execute an affidavit, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit or, if none, on a written statement containing the voter's name and any known residence address, and, if applicable, on the list of registered voters beside the voter's name. After determining the voter's identity, the presiding judge shall return the personal identification card or document to the voter[7--if--available---A voter's--failure-to-present-proof-of-identification-does-not-affect the-voter's-right-to-vote-under-this-section].

(e) If a [the] challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's [challenged-voter-does--not--execute--an] affidavit does not state [that--states] the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and "rejected" shall be entered on the affidavit and, if applicable, on the list of registered voters beside the voter's name.

SECTION 8. Section 64.001, Election Code, is amended to read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. (a) After a voter is accepted for voting, the voter shall select a ballot, go to a voting station, and prepare the ballot.
except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with Section 63.010 shall select a ballot with a stub and, before going to a voting station:

(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election officer.

(c) The election officer shall deposit the ballot stub enclosed in its envelope in envelope no. 5.

SECTION 9. Section 65.005, Election Code, is amended by adding Subsection (d) to read as follows:

(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 10. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;
(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;
(3) a write-in envelope containing a write-in vote without an attached ballot; [or]
(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or
(5) a ballot with an unsigned stub.

SECTION 11. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.
(a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:
    (1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;
    (2) "Envelope No. 2," addressed to the general custodian of election records;
    (3) "Envelope No. 3," addressed to the presiding judge; [and]
    (4) "Envelope No. 4," addressed to the voter registrar; and
    (5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 12. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 13. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.
SECTION 14. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 15. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the
box or envelope in an unauthorized manner or from making an
unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of
the prescribed preservation period, subject to an extension of the
period under Section 1.013. The ballot stubs are confidential
information and are not subject to public inspection before they
are destroyed.

SECTION 16. Section 66.059, Election Code, is amended to
read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.
(a) On written application by the presiding officer of the local
canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box
containing voted ballots or an envelope containing ballot stubs is
in custody may order the box or envelope opened to retrieve an
election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date,
hour, and place for opening the box or envelope on the bulletin
board used for posting notices of the meetings of the governing
body of the political subdivision served by the general custodian
of election records. The notice must remain posted continuously
for the 24 hours immediately preceding the hour set for opening the
box or envelope.

(c) Any interested person may observe the opening of the box
or envelope.

(d) The district judge shall issue the orders necessary to
safeguard the contents of a ballot box or envelope opened under
SECTION 17. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 19. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and
ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, [and-the] keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 20. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 21. This Act takes effect September 1, 1997.

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
By

Substitute the following for H.B. No. 336:

By

A BILL TO BE ENTITLED
AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 63.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting
to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Section 63.008, Election Code, is amended to read as follows:

Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter [he] is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter [he] does not have the voter's [his] voter registration certificate in the voter's [his] possession at the polling place at the time of offering to vote.
and:

(1) the voter presents proof of identification in a form described by Section 63.0101; or

(2) the affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter.

(b) If the requirements prescribed by Subsection (a) are not met, the voter may not be accepted for voting, and an election officer shall indicate beside the voter's name on the list of registered voters that the voter was rejected under this section.

SECTION 8. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. (a) Except as provided by Subsection (b), a [A] voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if[+] 

{[+]--an-election-officer-can-determine-from-the--voter registrar--that-the-person-is-a-registered-voter-of-the-county--and the-voter-executes-the-affidavits-required-by-Sections--63.007--and 63.008--or

{[+] the voter presents proof of identification and executes an affidavit in accordance with Section 63.010.

(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county, the affidavits required by Sections 63.007 and 63.008 are substituted
for the affidavit required by Section 63.010 in complying with that
section. After the voter is accepted under this subsection
(Subsection-(a)(t)), an election officer shall also indicate beside
the voter's name on the poll list that the voter was accepted under
this section.

SECTION 9. Sections 63.010(d) and (e), Election Code, are
amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge
and of the issues raised by the challenge. The presiding judge
shall [may] request the [a] voter to present proof of
identification in a form described by Section 63.0101 and to
execute an affidavit that states the facts necessary to support the
voter's eligibility to vote. On presentation of the required proof
of identification and affidavit, the presiding judge shall
determine the voter's identity. If the voter fails to present the
required proof of identification, the presiding judge cannot verify
the voter's identity from the proof presented, or the voter refuses
to execute an affidavit, the voter may not be accepted for voting,
and an election officer shall indicate on the affidavit or, if
none, on a written statement containing the voter's name and any
known residence address, and, if applicable, on the list of
registered voters beside the voter's name that the voter was
rejected under this section. After determining the voter's
identity, the presiding judge shall return the documentation of
proof to the voter[if-available=A-voter's-failure-to-present
proof-of-identification-does-not-affect-the-voter's-right-to-vote
under-this-section].
(e) If a [the] challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's [challenged--voter-does-not-execute-an] affidavit does not state [that-states] the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and an election officer ["rejected"] shall indicate on the affidavit and, if applicable, [be--entered] on the list of registered voters beside the voter's name that the voter was rejected under this section.

SECTION 10. Chapter 63, Election Code, is amended by adding Section 63.0101 to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is acceptable as proof of identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;

(2) a form of identification containing the person's photograph that establishes the person's identity;

(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

(4) United States citizenship papers issued to the person;
(5) a United States passport issued to the person;
(6) pre-printed checks containing the person's name
that are issued for a financial institution doing business in this
state;
(7) official mail addressed to the person by name from
a governmental entity;
(8) two other forms of identification that establish
the person's identity; or
(9) any other form of identification prescribed by the
secretary of state.

SECTION 11. Section 64.001, Election Code, is amended to
read as follows:
Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF
STUB. (a) After a voter is accepted for voting, the voter shall
select a ballot, go to a voting station, and prepare the ballot,
except as provided by Subsection (b).
(b) A voter who executes an affidavit in accordance with
Section 63.010 shall select a ballot with a stub and, before going
to a voting station:
(1) unclip the stub and envelope from the ballot;
(2) sign the stub and enclose it in the envelope; and
(3) seal the envelope and give it to an election
officer.
(c) The election officer shall deposit the ballot stub
enclosed in its envelope in envelope no. 5.

SECTION 12. Section 65.005, Election Code, is amended by
adding Subsection (d) to read as follows:
(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 13. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) a write-in envelope containing a write-in vote without an attached ballot; or

(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or

(5) a ballot with an unsigned stub.

SECTION 14. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS.

(a) Five envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;
(3) "Envelope No. 3," addressed to the presiding judge; [and]
(4) "Envelope No. 4," addressed to the voter registrar; and
(5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 15. Section 66.021(b), Election Code, is amended to read as follows:
(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 16. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:
Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.

SECTION 17. Section 66.051(b), Election Code, is amended to read as follows:
(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 18. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:
(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a
ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the box or envelope in an unauthorized manner or from making an unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013. The ballot stubs are confidential information and are not subject to public inspection before they are destroyed.

SECTION 19. Section 66.059, Election Code, is amended to read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.

(a) On written application by the presiding officer of the local canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box containing voted ballots or an envelope containing ballot stubs is in custody may order the box or envelope opened to retrieve an election record that was erroneously placed in the box or envelope.

(b) The district judge shall post a notice of the date, hour, and place for opening the box or envelope on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. The notice must remain posted continuously for the 24 hours immediately preceding the hour set for opening the box or envelope.

(c) Any interested person may observe the opening of the box or envelope.

(d) The district judge shall issue the orders necessary to safeguard the contents of a ballot box or envelope opened under this section.

SECTION 20. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The secretary of state shall prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 21. Section 221.008, Election Code, is amended to read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT. A tribunal hearing an election contest may cause secured ballot
boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 22. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, [and-the] keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 23. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 24. This Act takes effect September 1, 1997.

SECTION 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.
To: Honorable Kenneth Armbrister, Chair  
Committee on State Affairs  
Senate  
Austin, Texas

IN RE: House Bill No. 330,  
Committee Report 2nd House,  
Substituted  
By: Danburg

From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB330-Committee Report 2nd House, Substituted

Implementing the provisions of the bill would result in a net negative impact of $307,949 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

Methodology

The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:
<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund 0001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, JD, PE, JC
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

May 5, 1997

To: Honorable Kenneth Armbrister, Chair Committee on State Affairs Senate Austin, Texas

IN RE: House Bill No. 330, As Engrossed
By: Danburg

From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties) this office has determined the following:

<table>
<thead>
<tr>
<th>Biennial Net Impact to General Revenue Funds by HB330-As Engrossed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementing the provisions of the bill would result in a net negative impact of $(307,949) to General Revenue Related Funds through the biennium ending August 31, 1999.</td>
</tr>
</tbody>
</table>

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

Methodology

The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Fiscal Year</td>
<td>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, JD, PE, JC
LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

February 16, 1997

To: Honorable Debra Danburg, Chair
Committee on Elections
House
Austin, Texas

IN RE: House Bill No. 330
By: Danburg

From: John Keel, Director

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.) this office has determined the following:

---

**Biennial Net Impact to General Revenue Funds by HB330-As Introduced**

Implementing the provisions of the bill would result in a net negative impact of $(307,949) to General Revenue Related Funds through the biennium ending August 31, 1999.

---

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**Fiscal Analysis**

This bill amends the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.

**Methodology**
The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $1.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund 0001</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>($307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>($307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, PE, JC
FISCAL NOTE

SENATE AMENDMENTS

HB 330
LEGISLATIVE BUDGET BOARD  
Austin, Texas  

FISCAL NOTE  
75th Regular Session  

May 27, 1997  

To: Honorable James E. "Pete" Laney  
Speaker of the House  
House of Representatives  
Austin, Texas  

IN RE: House Bill No. 330, As Passed 2nd House  
Danburg  

From: John Keel, Director  

In response to your request for a Fiscal Note on HB330 (Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.) this office has determined the following:  

<table>
<thead>
<tr>
<th>Biennial Net Impact to General Revenue Funds by HB330-As Passed 2nd House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementing the provisions of the bill would result in a net negative impact of $(307,949) to General Revenue Related Funds through the biennium ending August 31, 1999.</td>
</tr>
</tbody>
</table>

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.  

Fiscal Analysis  

This bill would amend the Election Code to provide new procedures for voting by "challenge affidavit." In addition to completing the affidavit, each challenged voter would have to sign a ballot stub, detach the stub, and place the signed stub in a sealed envelope before depositing the ballot in the box.  

The procedure would not require examination of the stub later; however, a ballot with an unsigned stub would not be counted. This could add time to the examination procedure for ballots before counting by an electronic voting system and counting in a paper ballot system.  

Methodology
The Secretary of State estimates that each of the 20,394 polling places in Texas as of the November 1996 primaries would need an average of ten challenge ballots and envelopes, and that placing a stub on a ballot would be a ballot format change costing $15 per precinct. This bill would also require an extra envelope per precinct, estimated at $1.10 per envelope. Total cost would be $15.10 x 20,394 precincts = $307,949.40.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

**Five Year Impact:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Savings/(Cost) from General Revenue Fund (001)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>(307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>(307,949)</td>
</tr>
</tbody>
</table>

**Net Impact on General Revenue Related Funds:**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>($307,949)</td>
</tr>
<tr>
<td>1999</td>
<td>0</td>
</tr>
<tr>
<td>2000</td>
<td>(307,949)</td>
</tr>
<tr>
<td>2001</td>
<td>0</td>
</tr>
<tr>
<td>2002</td>
<td>(307,949)</td>
</tr>
</tbody>
</table>

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

Local governments would be required to print separate ballots with stubs for challenged voters and to purchase additional ballot boxes for the deposit of challenged ballots.

Source: Agencies: 307 Secretary of State

LBB Staff: JK, JD, PE, JC
AN ACT

relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The secretary of state shall prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.074 to read as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. (a) The authority responsible for having the official ballot prepared shall have a detached ballot stub prepared as provided by this section for use by a voter who executes an affidavit in accordance with Section 53.010.

(b) The ballot stub shall be in a form approved by the secretary of state and must include:

(1) a space for entering the number matching the corresponding ballot number;

(2) spaces for entering the designation of the nature of the election and the date of the election;

(3) the instruction: "Sign ballot stub, enclose in envelope, and give to election officer."; and
(4) a space for the voter's signature.

SECTION 3. Section 61.005, Election Code, is amended to read as follows:

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. (a) From the time a presiding judge receives the official ballots for an election until the precinct returns for that election have been certified, the presiding judge shall take the precautions necessary to prevent access to the ballots, ballot boxes, ballot stubs, and stub envelopes in a manner not authorized by law.

(b) The ballots, ballot boxes, ballot stubs, and stub envelopes at a polling place shall be in plain view of at least one election officer from the time the polls open for voting until the precinct returns have been certified.

(c) A presiding election judge commits an offense if the judge fails to prevent another person from handling a ballot box containing voters' marked ballots or an envelope containing voters' signed ballot stubs in an unauthorized manner or from making an unauthorized entry into the ballot box or envelope. An offense under this subsection is a Class A misdemeanor.

SECTION 4. Section 62.006, Election Code, is amended to read as follows:

Sec. 62.006. PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. The ballot box to be used by the voters to deposit marked ballots shall be locked. The ballot box and envelope no. 5 shall be placed where they will be in plain view of the election officers, watchers, and persons waiting
to vote.

SECTION 5. Chapter 62, Election Code, is amended by adding Section 62.0081 to read as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. (a) The presiding judge shall enter on each ballot stub to be used at the polling place the same number that appears on the corresponding ballot, the designation of the nature of the election, and the date of the election.

(b) The preparation of ballot stubs need not be completed before the polls open, but an unprepared stub may not be made available for selection by the voters.

(c) The presiding judge shall clip the ballot stub and envelope for its enclosure to the corresponding ballot.

SECTION 6. Section 62.009, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The ballots with stubs shall be placed separately from the regular ballots.

SECTION 7. Section 63.008, Election Code, is amended to read as follows:

Sec. 63.008. VOTER WITHOUT CERTIFICATE WHO IS ON LIST. (a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter [he] is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter [he] does not have the voter's [his] voter registration certificate in the voter's [his] possession at the polling place at the time of offering to vote.
and:

(1) the voter presents proof of identification in a form described by Section 63.0101; or

(2) the affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter.

(b) If the requirements prescribed by Subsection (a) are not met, the voter may not be accepted for voting, and an election officer shall indicate beside the voter's name on the list of registered voters that the voter was rejected under this section.

SECTION 8. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.
(a) Except as provided by Subsection (b), a [A] voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if[†]

[††] an election officer can determine from the voter registrar—that the person is a registered voter of the county; and the voter executes the affidavits required by Sections 63.007 and 63.008; or

[†‡] the voter presents proof of identification and executes an affidavit in accordance with Section 63.010.

(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county, the affidavits required by Sections 63.007 and 63.008 are substituted
for the affidavit required by Section 63.010 in complying with that
section. After the voter is accepted under this subsection
[Subsection-(a)†††], an election officer shall also indicate beside
the voter's name on the poll list that the voter was accepted under
this section.

SECTION 9. Sections 63.010(d) and (e), Election Code, are
amended to read as follows:

(d) The presiding judge shall inform a voter of a challenge
and of the issues raised by the challenge. The presiding judge
shall [may] request the [a] voter to present proof of
identification in a form described by Section 63.0101 and to
execute an affidavit that states the facts necessary to support the
voter's eligibility to vote. On presentation of the required proof
of identification and affidavit, the presiding judge shall
determine the voter's identity. If the voter fails to present the
required proof of identification, the presiding judge cannot verify
the voter's identity from the proof presented, or the voter refuses
to execute an affidavit, the voter may not be accepted for voting,
and an election officer shall indicate on the affidavit or, if
none, on a written statement containing the voter's name and any
known residence address, and, if applicable, on the list of
registered voters beside the voter's name that the voter was
rejected under this section. After determining the voter's
identity, the presiding judge shall return the documentation of
proof to the voter[7-if-available:--A-voter's-failure-to-present
proof-of-identification-does-not-affect-the-voter's-right-to--vote
under-this-section].
(e) If a challenged voter whose identity is verified executes an affidavit that states the facts necessary to support the voter's eligibility to vote, the voter shall be accepted, and "sworn" shall be entered on the poll list beside the voter's name. If the voter's affidavit does not state the facts necessary to support the voter's eligibility to vote, the voter may not be accepted for voting, and an election officer shall indicate on the affidavit and, if applicable, on the list of registered voters beside the voter's name that the voter was rejected under this section.

SECTION 10. Chapter 63, Election Code, is amended by adding Section 63.0101 to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is acceptable as proof of identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;

(2) a form of identification containing the person's photograph that establishes the person's identity;

(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

(4) United States citizenship papers issued to the person;
(5) a United States passport issued to the person;

(6) pre-printed checks containing the person's name

that are issued for a financial institution doing business in this

state;

(7) official mail addressed to the person by name from

a governmental entity;

(8) two other forms of identification that establish

the person's identity; or

(9) any other form of identification prescribed by the

secretary of state.

SECTION 11. Section 64.001, Election Code, is amended to

read as follows:

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF

STUB. (a) After a voter is accepted for voting, the voter shall

select a ballot, go to a voting station, and prepare the ballot,

except as provided by Subsection (b).

(b) A voter who executes an affidavit in accordance with

Section 63.010 shall select a ballot with a stub and, before going

to a voting station:

(1) unclip the stub and envelope from the ballot;

(2) sign the stub and enclose it in the envelope; and

(3) seal the envelope and give it to an election

officer.

(c) The election officer shall deposit the ballot stub

enclosed in its envelope in envelope no. 5.

SECTION 12. Section 65.005, Election Code, is amended by

adding Subsection (d) to read as follows:
(d) If a ballot with a signed stub is found, the stub shall be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 13. Section 65.010(a), Election Code, is amended to read as follows:

(a) The following ballots may not be counted:

(1) a ballot that is not provided to the voter at the polling place;

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) a write-in envelope containing a write-in vote without an attached ballot; [or]

(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or

(5) a ballot with an unsigned stub.

SECTION 14. Section 66.003, Election Code, is amended to read as follows:

Sec. 66.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a) Five [Four] envelopes shall be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) The envelopes shall be labeled and addressed as follows:

(1) "Envelope No. 1," addressed to the presiding officer of the local canvassing authority;

(2) "Envelope No. 2," addressed to the general custodian of election records;
(3) "Envelope No. 3," addressed to the presiding judge; [and]
(4) "Envelope No. 4," addressed to the voter registrar; and
(5) "Envelope No. 5," addressed to the general custodian of election records.

SECTION 15. Section 66.021(b), Election Code, is amended to read as follows:

(b) The judge shall seal envelopes no. 1, no. 2, [and] no. 4, and no. 5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

SECTION 16. Subchapter B, Chapter 66, Election Code, is amended by adding Section 66.0242 to read as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Envelope no. 5 must contain the ballot stubs.

SECTION 17. Section 66.051(b), Election Code, is amended to read as follows:

(b) The presiding judge shall deliver envelope no. 2, envelope no. 5, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

SECTION 18. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (h) to read as follows:

(b) The voted ballots and ballot stubs shall be preserved securely in a locked room in the locked ballot box or sealed envelope, as applicable, in which they are delivered to the general custodian of election records. Except as permitted by this code, a
ballot box containing voted ballots or an envelope containing ballot stubs may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box containing voted ballots or an envelope containing ballot stubs, when the purpose for the entry is fulfilled, the box or envelope shall be relocked or resealed, as applicable, and the box and key or envelope returned to the custodian.

(d) A custodian of a ballot box containing voted ballots or an envelope containing ballot stubs commits an offense if, during the preservation period prescribed by Subsection (a), the custodian:

(1) makes an unauthorized entry into the box or envelope; or

(2) fails to prevent another person from handling the box or envelope in an unauthorized manner or from making an unauthorized entry into the box or envelope.

(h) The ballot stubs shall be destroyed after expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013. The ballot stubs are confidential information and are not subject to public inspection before they are destroyed.

SECTION 19. Section 66.059, Election Code, is amended to read as follows:

Sec. 66.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS.

(a) On written application by the presiding officer of the local canvassing authority or the presiding judge of the election
precinct, a district judge of the county in which a ballot box
containing voted ballots or an envelope containing ballot stubs is
in custody may order the box or envelope opened to retrieve an
election record that was erroneously placed in the box or envelope.
(b) The district judge shall post a notice of the date,
hour, and place for opening the box or envelope on the bulletin
board used for posting notices of the meetings of the governing
body of the political subdivision served by the general custodian
of election records. The notice must remain posted continuously
for the 24 hours immediately preceding the hour set for opening the
box or envelope.
(c) Any interested person may observe the opening of the box
or envelope.
(d) The district judge shall issue the orders necessary to
safeguard the contents of a ballot box or envelope opened under
this section.

SECTION 20. Subchapter A, Chapter 124, Election Code, is
amended by adding Section 124.006 to read as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. The
secretary of state shall prescribe the form of a ballot stub and
ballot for use with a stub and the necessary procedures to
implement the ballot stub system prescribed by Section 52.074 for
use with each voting system used in this state.

SECTION 21. Section 221.008, Election Code, is amended to
read as follows:

Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND EQUIPMENT.
A tribunal hearing an election contest may cause secured ballot
boxes, envelopes, voting machines, voting devices, or other equipment used in the election to be unsecured to determine the correct vote count or any other fact that the tribunal considers pertinent to a fair and just disposition of the contest.

SECTION 22. Sections 273.041, 273.042, and 273.043, Election Code, are amended to read as follows:

Sec. 273.041. REQUEST TO EXAMINE BALLOTS. In the investigation of criminal conduct in connection with an election, a grand jury, on finding probable cause to believe an offense was committed, may request a district judge of the county served by the grand jury to order an examination of the voted ballots and the ballot stubs [voted] in the election.

Sec. 273.042. ORDER BY DISTRICT JUDGE. On request of a grand jury for an examination of voted ballots and ballot stubs, a district judge may order the custodian of the [voted] ballots and ballot stubs and the custodian of the keys to the ballot boxes to deliver the ballot boxes, the keys, and envelopes to the grand jury.

Sec. 273.043. CONDUCT OF EXAMINATION. The examination of ballots and ballot stubs under this subchapter shall be conducted in secret before the grand jury.

SECTION 23. The secretary of state by rule shall prescribe any procedures necessary to implement this Act.

SECTION 24. This Act takes effect September 1, 1997.

SECTION 25. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the
H.B. No. 330

1 constitutional rule requiring bills to be read on three several
2 days in each house be suspended, and this rule is hereby suspended.
H.B. No. 330

President of the Senate

I certify that H.B. No. 330 was passed by the House on April 29, 1997, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 330 on May 28, 1997, by a non-record vote.

Speaker of the House

Chief Clerk of the House

I certify that H.B. No. 330 was passed by the Senate, with amendments, on May 26, 1997, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED:

Date

Governor
President of the Senate

Speaker of the House

I certify that H.B. No. 330

\(^{(1)}\)

was passed by the House on

April 29

\(^{(2)}\)

, 1997, by a non-record vote;

and that the House concurred in Senate amendments to H.B. No. 330

on May 28

\(^{(3)}\)

, 1997, by a non-record vote.

Chief Clerk of the House

**** Preparation: CT47;

I certify that H.B. No. 330

\(^{(1)}\)

was passed by the Senate, with

amendments, on

May 26

\(^{(2)}\)

, 1997, by the

following vote: Yeas

\(31\)

\(^{(3)}\)

, Nays

\(0\)

\(^{(4)}\).

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT32;
A BILL TO BE ENTITLED
AN ACT

Relating to the form of the ballot and related procedures in connection with certain voters voting on an affidavit; providing criminal penalties.

DEC 17 1996
Filed with the Chief Clerk

FEB 3 1997
Read first time and referred to Committee on _Elections_

APR 1 1997
Reported ___favorably (amended)

APR 10 1997
Sent to Committee on (Calendars)

APR 28 1997
Read second time (amended) (continued); passed to third reading (failed) by a (non-record vote)

APR 29 1997
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _______ yeas, _________ nays, _________ present, not voting

APR 29 1997
Read third time (amended) finally passed (failed to pass) by a (non-record vote)

APR 30 1997
Engrossed

APR 30 1997
Sent to Senate

OTHER HOUSE ACTION:

APR 30 1997
Received from the House

MAY 1 1997
Read and referred to Committee on ___STATE AFFAIRS___

MAY 1 1997
Reported favorably

MAY 1 1997
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

MAY 1 1997
Ordered not printed

MAY 2 1997
Laid before the Senate

MAY 2 1997
Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_______ yeas, _________ nays)

MAY 2 1997
Read second time, ______________, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_______ yeas, _________ nays)

MAY 2 1997
Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 2 1997
Read third time, ______________, and passed by (a viva voce vote)
(31 yeas, 0 nays)

MAY 24, 1997
Returned to the House

OTHER SENATE ACTION:

MAY 24, 1997
Returned to the House

CHIEF CLERK OF THE HOUSE

SECRETARY OF THE SENATE
MAY 26 1997

Returned from the Senate (as substituted)

MAY 28 1997

House concurred in Senate amendments by a (non-record vote)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _______ yeas, _______ nays, _______ present, not voting)

House conferees appointed: ________________________, Chair; ________________________, etc.

Senate granted House request. Senate conferees appointed: ________________________, Chair;

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _______ yeas, _______ nays, _______ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _______ yeas, _______ nays)