

- SUBJECT:** Ballot forms and voters voting with an affidavit revisions
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 6 ayes — Danburg, Madden, Crabb, Denny, Hill, Staples  
0 nays  
3 absent — Ehrhardt, J. Jones, Munoz
- WITNESSES:** For — John Willingham, Texas Association of Election Administrators.  
Against — None  
On — Tom Harrison and Melinda Nickless, Secretary of State's office.
- BACKGROUND:** A voter who does not have a voter registration card and whose name is listed on the voter rolls may still vote in an election as long as the voter signs an affidavit stating he is a qualified voter.
- DIGEST:** CSHB 1859 would amend the Election Code to require the authority that prepares the official ballot to also prepare the ballot stub for a voter who signs an affidavit. The ballot stub must be approved by the secretary of state and follow certain guidelines.
- The bill would require the presiding election judge to prepare the ballot stubs. Ballot stubs and envelopes would have to be added to the list of election materials that must be secured and placed in a separate marked ballot box.
- The presiding judge would be required to ask the voter to present proof of identification and sign an affidavit. Failure to show identification and sign an affidavit would prohibit the person from voting.
- A voter who executes an affidavit would be required to select a ballot stub and follow certain procedures. The election officer would be required to deposit the ballot stub in its sealed envelope 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.

A grand jury would be allowed to examine an election's ballot stubs and envelopes in secret if necessary.

The bill would take effect September 1, 1995.

**NOTES:**

The committee substitute made several changes to the original by deleting language requiring a ballot with a perforated stub.

The LBB has determined the cost to the state for the stub challenge ballots as approximately \$170,000 during primary election years.