

SUBJECT: Volunteer deputy early voting assistants, mobile polls

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Danburg, Madden, Denny, Ehrhardt, J. Jones, Muñoz
3 nays — Crabb, Hill, Staples

WITNESSES: For — Steve McDonald, Texas Democratic Party.

Against — None

On — John Willingham, Texas Association of Election Administrators; Mary Ann Collins, Republican Party of Texas; Sue Daniel, County and District Clerk's Association of Texas; Ann McGeehan, Secretary of State's Office.

DIGEST: CSHB 2239 would establish a program of early voting assistants, authorize mobile polls and make other Election Code changes. The bill would require an early voting clerk to appoint volunteer deputy early voting assistants to assist with early voting by mail. Volunteer early voting assistants would serve for two-year terms expiring December 31 of even-numbered years.

A person seeking to serve as a volunteer deputy early voting assistant would have to request appointment with an early voting clerk and turn in a signed and completed oath and certain other information to the clerk. A volunteer deputy early voting assistant's appointment would be terminated if a final conviction of an election-related offense was committed and would be prohibited from receiving compensation from a political subdivision.

An early voting clerk would be required to prepare a certificate of appointment, including person's name, address, identification number, appointment expiration date and certain other information and keep certificate on file.

A volunteer deputy early voting assistant would be allowed to receive signed applications for an early voting ballot in person or in a signed carrier envelope and would submit each completed early voting ballot application to the voting clerk.

An early voting clerk's initials or early voting place location would be required to be on the back of each polling place ballot.

A volunteer deputy early voting assistant would be required to submit to the early voting clerk an application or carrier envelope within 24 hours of receiving it, unless processing by the early voting clerk was necessary. A volunteer assistant would commit a Class A misdemeanor (maximum penalty one year in jail and a \$4,000 fine) for knowingly failing to comply with this provision.

An early voting clerk would be required to notify a voter if the ballot had been rejected. A voter would be allowed in this situation to vote at an early voting polling place or on election day. A voter who applied for a ballot by mail could be allowed to vote in person.

Mobile polls. A mobile polling place would be allowed upon approval of the county clerk. A political party would be allowed to request a mobile polling place if its gubernatorial candidate received more than 10 percent in most recent election. Temporary and permanent polling places would be limited.

Penalty. A person who signs an official carrier envelope as a witness for more than one voter in the same election would commit a Class A misdemeanor, unless an early voting clerk, deputy early voting clerk or a person related such as a parent or spouse signs for it.

Delivery of an early voting carrier envelope would be prohibited by a common or contract carrier if delivered from a political party headquarters, political committee or an election candidate unless the address is an early voter's residence. Also volunteer deputy early voting assistants would be prohibited from delivering carrier envelopes by common or contract carrier.

The bill would take effect on September 1, 1995.

NOTES:

The committee substitute incorporates a proposed volunteer deputy early voting assistant system.