

SUBJECT: Revising election processes and procedures

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Danburg, J. Jones, Denny, Madden, Truitt, Wilson
0 nays
3 absent — Gallego, Hodge, Sadler

WITNESSES: For — *Registered but did not testify*: Mandy Balch, County and District Clerks Association of Texas; Suzy Woodford, Common Cause of Texas
Against — None
On — Mary Ann Collins; Ann McGeehan, Office of the Secretary of State; Margie Middaugh, Texas Department of Public Safety

DIGEST: HB 2509 would make various changes to the Election Code, including:

- ! revising early voting and mail ballot procedures;
- ! allowing additional documentation as acceptable proof of identification at a polling place;
- ! revising how a weekend or holiday is used for computation of other dates and deadlines;
- ! appointing signature verification committees;
- ! modifying the effective date of registration for incomplete registration ballots;
- ! modifying procedures for voters requesting to cancel an early voting ballot;
- ! extending the deadline to apply for a ballot for late voting by disabled voters from 2 p.m. to 5 p.m. on election day;
- ! requiring voting by disabled voters be conducted from 7 a.m. to 7 p.m. at the main polling place;
- ! authorizing early voting ballot boards to post meetings;
- ! amending write-in declaration requirements; and

! requiring the Department of Public Safety (DPS) to notify the Secretary of State (SOS) of all felony final judgments of persons 18 years or older that live in Texas.

Cancellation of early voting by mail ballot. Voters would be allowed to cancel an early voting ballot in person, by executing an affidavit with the early voting clerk stating that a ballot received by the early voting clerk as marked was not marked by the voter.

Delivery of early voting ballots. For early voting ballots that are to be counted at a central counting station, the early voting ballot board would be required to deliver the container of early voting electronic system ballots to the counting station without opening the container.

Additional documentation for proof of identification. An affidavit executed by a polling place worker that attests to the identity of a voter would be an acceptable form of identification if the voter did not have any other form of required documentation.

Notice of board meeting. Notice of the date and time of early voting ballot board meetings would be required and would have to be posted at the main early voting polling place not later than the fifth day before the meeting. In a general election for state and county officers, the county elections board would post the notice. Otherwise, the notice would have to be posted by the early voting clerk. The bill also would set forth provisions for reconvening a meeting.

Signature verification committee. In elections in which party alignment is indicated on the ballot, such as primary and general elections, signature verification committees would have to be politically balanced. The county chair of each political party would have to submit to the appointing authority a list of names eligible to serve on the committee. At least two persons from each list would have to be appointed. The bill also would set forth provisions for appointing the committee chair.

Voting a limited ballot after changing residence. After changing residence to another county, a person could vote a limited ballot in person during the early voting period if the person would have been eligible to vote in his or

her former county of residence on election day. The bill would remove the provision that voters must have moved within 90 days prior to election day.

Preparation of final felony judgment abstracts. The DPS would be required to prepare and submit to the SOS an abstract of each final judgment for each person 18 or over who was convicted of a felony. The abstracts would have to be filed with the SOS by the 10th day of the month following the month the abstract is prepared. The SOS then would be required to file the abstract with the voter registrar in the person's county of residence by the 10th day of the month following the month in which the abstract is received.

Write-in candidates. Write-in candidates in an election of a political subdivision other than city or county that have a filing deadline for a place on the ballot of 45 days before election day — such as hospital district or certain water districts — would have to make a declaration of write-in candidacy. The declaration would have to be filed by 5 p.m. of the fifth day after the date an application for a place on the ballot is required. Votes for write-in candidates could be only be counted if the name was on the list of write-in candidates.

Write-in candidates in a special election to fill a vacancy in the Legislature would have to make a declaration with the SOS no later than 5 p.m. on the fifth day after the date for an application for a place on the ballot was required. Votes for write-in candidates could only be counted if the name was on the list of write-in candidates.

The bill would take effect September 1, 2001.

**SUPPORTERS
SAY:**

Most of the provisions in HB 2509 would codify administrative rules already adopted by the SOS or interpretations made by that office. Some provisions in the current Elections Code have caused unintended difficulties for voters and election officials. For example, currently, if a voter requests an early voting ballot and for whatever reason does not receive it, and if that ballot was intercepted by someone other than the voter and illegally marked, once the ballot is received by the early voting clerk, the voter has no remedy for canceling the ballot and asking for another one.

In a special election to fill a vacated legislative seat in January of this year, write-in votes forced a runoff election because special elections are one of the few in which the law allows write-in votes for unannounced candidates. If there had been a write-in provision and no declared write-in candidates, the votes would not have been counted.

Changing the date for a rejected voter registration application that is rejected because it is incomplete would make sense because current law requires the applicant to return the application within three days of receiving it. The problem is one of enforcement; the voter registrar has no way to know when the applicant actually receives the application. This provision would require that the applicant return the correct application within 10 days after the voter registrar mailed it to the voter.

Currently, the Texas Department of Criminal Justice is required to provide notice of felony convictions, but they can only provide those convictions that result in incarceration. The DPS would be much better equipped to provide information on all convicted felons, even if they only received probation. This provision would go a long way toward ensuring that the voter rolls are more accurate.

Early voting ballot boards should be required to post their meetings so parties that are allowed to attend, such as inspectors and poll watchers, would know the time and location of the meetings. Additionally, requiring signature verification committees to be politically balanced would help to ensure that signatures were not rejected on a partisan basis.

OPPONENTS
SAY:

The timing of DPS's submission of abstracts of final felony judgments to the SOS could be problematic. Additionally, it is unclear if the intent would be to have both DPS and TDCJ submit the abstracts because HB 2509 does not address TDCJ's current statutory requirement.

OTHER
OPPONENTS
SAY:

The provision relating to rejected voter registration applications would be a good start toward enfranchising as many voters as possible. However, regardless of how long the applicant has to correct an incomplete application, it should have to be returned to the registrar by the regular deadline to be eligible to vote, which is 30 days before an election.

NOTES:

The author intends to offer a floor amendment to address the DPS's submission to the SOS of abstracts of final felony judgments.

HB 2457 by Gray, which includes a similar provision relating to signature verification committees, has been left pending in the House Elections Committee.

HB 831 by Madden, et al. which includes a similar provision that would require write-in candidates to declare their candidacy in special legislative elections, passed the House on March 15 and was reported favorably, without amendment, by the Senate State Affairs Committee on April 4.