

**SUBJECT:** Limiting public inspection of an early ballot application

**COMMITTEE:** Elections — favorable, without amendment

**VOTE:** 6 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Farias, Isaac  
1 nay — Burkett  
2 absent — P. King, Veasey

**SENATE VOTE:** On final passage, April 7 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** For — (*Registered, but did not testify:* Dana Debeauvoir, County & District Clerks Association of Texas Legislative Committee; Thomas Guevara, Bexar County Commissioners Court; Meredith Kincaid, ACLU-Texas; Mark Mendez, Tarrant County; Anita Privett, League of Women Voters of Texas; Glen Shuffler, County and District Clerks' Association of Texas; Skipper Wallace, Texas Republican County Chairs Association)  
  
Against — None  
  
On — Ann McGeehan, Secretary of State

**BACKGROUND:** Elections Code, sec. 86.014 allows anyone to obtain a copy of an early voting ballot application 72 hours after the ballot is mailed to the voter or 48 hours after the ballot is mailed to the voter if the mailing occurs on the fourth day before Election Day.

**DIGEST:** SB 997 would prohibit the public from seeing a copy of an early voting ballot application until the first business day after Election Day. Only the voter could see a copy to verify the information on the application was correct.  
  
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS  
SAY:**

Allowing members of the public to inspect any early voting ballot application facilitates certain election fraud. With access to these applications, persons wishing to commit election fraud can seek out voters who request voter assistance and fraudulently fill out their ballots contrary to the voter's wishes.

In the interest of preserving public information, SB 997 would allow these applications to be seen by members of the public after the election, so as to prevent this type of fraud.

**OPPONENTS  
SAY:**

The inspection of early voting ballot applications allows the public an opportunity to ensure there is no mail-in ballot fraud. Currently, a member of the public can check a ballot application to ensure the individual is legally permitted to vote. The bill should be amended to allow the public to inspect early voting ballot applications before Election Day.

**NOTES:**

An amendment, acceptable to the sponsor, would permit the public to see a copy of an early voting ballot application only after the corresponding election ballot had been received by the authority conducting the election.