

SUBJECT: Establishing the ability to return mailed voter ballot in person

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Laubenberg, Goldman, Fallon, Israel, Phelan, Reynolds,  
Schofield

0 nays

WITNESSES: For — Ed Johnson, Harris County Clerk's Office; Alan Vera, Harris County Republican Party Ballot Security Committee; (*Registered, but did not testify*: Jacquelyn Callanen, Bexar County; Seth Mitchell, Bexar County Commissioners Court; Donna Warndof, Harris County; Dana DeBeauvoir, Legislative Committee of County and District Clerks Association of Texas; Eric Opiela, Republican Party of Texas; Mark Mendez, Tarrant County Commissioners Court; John Oldham, Texas Association of Elections Administrators; Donald Lee, Texas Conference of Urban Counties; Glen Maxey, Texas Democratic Party; Bill Fairbrother, Texas Republican County Chairmen's Association; Erin Anderson, True the Vote; Mike Conwell)

Against — (*Registered, but did not testify*: Brad Parsons)

On — (*Registered, but did not testify*: Keith Ingram and Ashley Fischer, Secretary of State)

BACKGROUND: Election Code, sec. 86.006 requires that a marked ballot by mail be delivered to the early voting clerk by mail or by common or contract carrier.

Sec. 63.0101 provides the guidelines for documentation of proof of voter identification. Acceptable forms of photo identification include a driver's license, election identification certificate or personal identification card; a U.S. military identification card, a U.S. citizenship certificate, a U.S. passport, or a license to carry a concealed handgun.

**DIGEST:** HB 1308 would allow the voter who marked the ballot by mail to deliver it in person to the early voting clerk's office while the polls were open on election day. The voter delivering the ballot in person would be required to present an acceptable form of identification, as described by Election Code, sec. 63.0101.

This 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, 2015.

**SUPPORTERS SAY:** HB 1308 would address a need and solve a problem that occurs at every election. Individuals who opt to vote by mail often complete their ballot but forget to mail it. On election day, it is too late to mail the ballot, but these individuals still want their vote to count. Under current law, clerks may not accept mailed ballots in person. This bill would allow mailed ballots to be submitted in person on election day with valid photo identification.

The bill would not require any extra work for government entities because they already receive these ballots by mail. Under this bill, they simply would receive those ballots in person instead. HB 1308 also would not lead to voter fraud. It would be safer to accept ballots in person, confirming the voter's identity with a valid photo identification card, than it is to accept them through the mail.

**OPPONENTS SAY:** HB 1308 could create an opportunity for fraud by allowing in-person delivery of mailed ballots. These ballots should continue to be delivered by mail as under current law.