

**SUBJECT:** Modifying duties of deputy early voting clerks and early voting clerks

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

**VOTE:** 5 ayes — Cain, Clardy, Jetton, Schofield, Swanson

4 nays — J. González, Beckley, Bucy, Fierro

**SENATE VOTE:** On final passage, May 13 — 18-12 (Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)

**WITNESSES:** No public hearing.

**BACKGROUND:** Election Code sec. 85.0311 requires the early voting clerk to enter the clerk's initials on the back of each ballot to be used at the polling place or a deputy early voting clerk to stamp a facsimile of the initials on each ballot.

Some have raised concerns that not requiring deputy early voting clerks to sign or initial the backs of ballots jeopardizes the ballot chain of custody.

**DIGEST:** SB 1572 would require a deputy early voting clerk, rather than an early voting clerk, to sign or initial the back of each ballot to be used at the polling place where the deputy clerk accepted voters voting by personal appearance. The deputy clerk at a polling place, rather than the clerk, would have to sign or initial each ballot. The duties of a deputy early voting clerk and the placement of a signature or initials required by the bill could not be satisfied by using automation of any type.

The signing of ballots under the bill would not have to be completed before the polls opened, but an unsigned ballot could not be made available for selection by a voter.

The secretary of state could not adopt a rule modifying or waiving these requirements.

During a recount, ballots that did not comply with the requirements of the bill would have to be counted separately.

The bill would take effect September 1, 2021.