

BILL ANALYSIS

Senate Research Center

H.B. 1257
By: Cuellar (Brown)
State Affairs
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Engrossed

DIGEST

Currently, there have been concerns raised in regard to mail-in ballot fraud. Specific instances of mail fraud include the falsification of information in the application for a mail-in ballot, forgery of signatures on both the application and the return ballot envelope, and the illegal collecting of elderly and physically impaired unnoted ballots which are subsequently voted by person unauthorized to do so. This bill amends early voting procedures and provides a criminal penalty.

PURPOSE

As proposed, H.B. 1257 amends early voting procedures and provides a criminal penalty.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.002(a), Election Code, to require an early voting ballot application to include certain information regarding an application for a ballot to be voted by mail on the ground of age or disability, on confinement in jail, or on any ground an indication of each election for which the applicant, rather than voter, is applying for the ballot.

SECTION 2. Amends Section 84.0041(b), Election Code, to provide that a person who violates this section commits a Class A, rather than B, misdemeanor.

SECTION 3. Amends Section 84.011(a), Election Code, to include certain information on an application for a ballot to be voted by mail regarding spaces of boxes used to indicate the ground of age or disability or confinement in jail and a statement informing the applicant of the requirements prescribed by Section 86.003(c), Election Code. Makes a conforming change.

SECTION 4. Amends Section 86.003, Election Code, to require the balloting materials to be addressed to the applicable address, rather than the mailing address, specified in the voter's application. Deletes a provision requiring the materials to be mailed to the voter's residence address unless otherwise restricted. Provides that the address to which the balloting materials must be addressed is the address at which the voter is registered to voter unless the ground for voting by mail is confinement in jail or age or disability. Requires the voter's application to be rejected in accordance with Section 86.001(c) under certain conditions.

SECTION 5. Amends Section 86.014(a), Election Code, to authorize a copy of an application for a ballot to be voted by mail to be obtained from the early voting clerk 72 hours after the time a ballot is mailed to the voter or 48 hours after the time a ballot is mailed to the voter under certain conditions.

SECTION 6. Amends Section 87.121(f), Election Code, to provide that information on the roster for a person whom an early voting mail ballot has been sent is not available for public inspection until 72 hours after the time a ballot is mailed to the voter or 48 hours, rather than 24 hours, after the time a ballot is mailed to the voter if the mailing occurs on the fourth day before election day.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 1997.

SECTION 9. Emergency clause.