

## **BILL ANALYSIS**

Senate Research Center  
80R12847 ATP-D

H.B. 2823  
By: Bohac, Aycock (Patrick)  
State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a voter who has applied for an early mail ballot is prohibited from casting a ballot on election day unless the voter first cancels the application. To do this, the voter is required to sign an affidavit in person at the early voting clerk's main office. This creates a hardship for voters who may not fully realize the procedure until they show up at the polling place on election day. This is especially true for elderly or disabled voters, a majority of those casting mail ballots, who may not have adequate transportation to the clerk's office. Some of these voters decide not to vote early by mail, but others may have never received their mail ballots. With the implementation of provisional voting in recent years, these voters should be allowed to cast a provisional ballot on election day, as an alternative to traveling to the clerk's office.

H.B. 2823 authorizes voters who did not vote early by mail to cast provisional ballots and to cancel their mail ballot applications in person at the polling place.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 63.011, Election Code, by adding Subsection (a-1) and amending Subsection (b), as follows:

(a-1) Authorizes a person to whom the early voting clerk was required to provide an early voting ballot by mail under Section 86.001 (Reviewing Application and Providing Ballot) and who did not vote early by mail to cast a provisional ballot on election day if the person executes an affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote and that the person did not vote early by mail.

(b) Makes a nonsubstantive change.

SECTION 2. Amends Section 65.054(b), Election Code, to authorize a provisional ballot to be accepted only if the early voting ballot board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.