

BILL ANALYSIS

Senate Research Center
87R22173 MLH-D

C.S.S.B. 1572
By: Paxton
State Affairs
5/4/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties have the option for paper ballots to be pre-numbered before an election. These numbers are assigned at random through ES&S computer software, and only the software knows the ballot numbers assigned to the voters. Section 52.062 of the Election Code requires that ballots are supposed to be consecutively numbered. The secretary of state's election advisory note enables counties to choose this option, but this does not follow the law according to the Election Code. Having one county follow the Election Code while another can have the choice not to leads to an incoherent and unfair process.

The authority in charge of a polling place during early voting by personal appearance is a "deputy early voting clerk," while an "election judge" is in charge of voting by personal appearance on election day. The Election Code dictates that an early voting clerk, who is charged with custody of all voted ballots, must sign the back of early voting ballots. However, the deputy early voting clerk does not have to sign the ballots. With 70 percent of the votes cast in November 2020 during early voting, requiring both clerks to sign the back of paper ballots improves the ballot chain of custody.

Legislation will require "deputy early voting clerks" to sign ballots for each in-person voter, which will improve ballot chain of custody. Additionally, it will set provisions for a county that seeks to use the alternative option provided by the secretary of state and disclose this to voters on election websites.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1572 amends current law relating to the numbering and signing of ballots by early voting clerks and deputy early voting clerks.

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 85.0311, Election Code, as follows:

Sec. 85.0311. New heading: DEPUTY EARLY VOTING CLERK TO SIGN BALLOTS.

(a) Requires that the deputy early voting clerk's signature or initials be placed on the back of each ballot to be used at the polling place where the deputy early voting clerk accepts voters voting by personal appearance, rather than requiring that the early voting clerk's initials be placed on the back of each ballot to be used at the polling place.

(b) Requires the deputy early voting clerk at a polling place to enter the signature or initials of the deputy early voting clerk on each ballot. Deletes existing text requiring the early voting clerk to enter the initials or a deputy early voting clerk to stamp a facsimile of the early voting clerk's initials on each ballot.

(c) Provides that the signing of ballots under this section need not be completed before the polls open, but prohibits an unsigned ballot from being made available for selection by a voter.

(d) Prohibits the duties of a deputy early voting clerk and the placement of a signature or initials required by this section from being satisfied using automation of any type.

SECTION 2. Effective date: September 1, 2021.