

SUBJECT: Early voting processes and procedures

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Danburg, J. Jones, Denny, Gallego, Galloway, Hodge, Isett, Madden
0 nays
1 absent — Place

WITNESSES: For — Betty G. Brown; Steve McDonald, Democratic Party of Texas

Against — Mary Ann Collins and Lester Van Pelt, Texas Republican Party; John Willingham, Texas Association of Election Administrators

On — Barbara Brinkmeyer, Bastrop County Voter Registrar; Andrea Gibbud, Texas Association of Counties; Robert Partew; Melinda Nickless, Elizabeth Hanshaw Ross, and Cindy Stapper, Secretary of State's Office; Bruce Sherbert, Dallas County Elections Administrator; Tony Sirvello III, Harris County Clerks Office

DIGEST: CSHB 1483 would amend provisions of the Election Code regarding early voting by mail, at mobile polling places, and in person.

Early voting by mail. CSHB 1483 would require that early voting mail ballot applications include information substantiating the reason for the application. An application for absence from the county of residence would have to provide a mailing address outside the applicant's county of residence. An application made because of age or disability would have to provide the address of the hospital, nursing home or other long-term care facility, or retirement center, or of parents, grandparents, great-grandparents, children, grandchildren, or great-grandchildren with whom the applicant lived. An application on the ground of confinement in jail would have to include the address of the jail or of a close relative.

The bill would extend by 24 hours the waiting period before information would be available regarding which voters had requested early voting mail ballots.

CSHB 1483 would establish requirements for completing and returning mail ballots. Envelopes would not be accepted if they originated from the address of a political party; a candidate, unless the address was the residence of an early voter; a specific or general purpose political committee involved in the election; or an entity that requested the election be held. Such envelopes would not be counted, but the early voting clerk would notify the voters by that they could vote in person if otherwise eligible.

Early voting. CSHB 1483 would require early voting clerks to initial early voting ballots used at polling places. The secretary of state would prescribe procedures to secure early voting ballots until they were counted, including during the transfer of ballots between the early voting clerk and early ballot voting board.

The bill would restrict early voting on limited ballots to the main early voting place in all counties, repealing the 1.5 million population minimum.

Mobile early voting places. CSHB 1483 would allow county clerks to approve mobile early voting places. If a political party requested a mobile early voting place, any other party whose nominee for governor in the last election received more than 10 percent of the vote also would also be entitled to one. To the extent possible, election officers in mobile early voting places would have to be of different political parties. In a countywide election, no one district could establish more than twice the number of early voting places as established in another district.

CSHB 1483 would take effect September 1, 1997.

**SUPPORTERS
SAY:**

CSHB 1483 would take essential steps to combat early voting fraud in Texas. Since the program began, mail-ballot abuses have increased with each voting cycle. In one recent election, 95 of 100 illegal ballots were cast during the early voting period. Many early ballots are picked up by campaign workers, or other volunteers, increasing the possibility that voters may be pressured to make certain choices or that ballots may be altered.

Current law does not provide for a secure early voting by mail process and makes it difficult to investigate allegations of suspicious voter assistance. A toll-free hot line lets citizens report suspected election violations to the secretary of state, but the office has no enforcement or investigatory authority, and prosecution of these cases is rare.

CSHB 1483 would ensure that normal election safeguards are applied to early voting by mail. In these instances, the voter's home is the polling place and should be treated as such. Protections for voters voting from home should be no less stringent than those for voters who are able to go to the polls, and CSHB 1483 would provide a major advancement toward this goal.

Cracking down on voter fraud would not hurt participation in Texas elections. Various reforms intended to make voting easier and more convenient, including early and mobile voting places, have not increased voter turnout. Texas should therefore focus on quantity, but on quality, and strive to protect the integrity of its voting process. Those who want to vote will vote, and when they do, their votes should be fairly and legally recorded and counted.

CSHB 1483 would reduce the likelihood that individuals could access the names of mail ballot voters and steal ballots from mailboxes or unfairly “help” mail voters complete their ballots. Current law allows the names of mail ballot voters to be available within two days after voters apply for mail ballots; the bill would extend this period 24 hours to shorten the time period that names are available, while allowing some leeway for those with legitimate need to access the names.

CSHB 1483 would reduce the incidence of fraud in the use of mobile early voting units by providing for parity among political parties. Allowing parties equal access to the use and administration of these mobile units would ensure that they are not used as partisan vote-getting tools but rather as a means to increase voter participation.

OPPONENTS

CSHB 1483 would not go far enough in attacking mail ballot fraud. A

SAY: variety of measures could further improve the process, including requiring elderly and disabled voters to file affidavits stating the reason for their inability to vote in person, and requiring volunteers who assist or register voters to be free of campaign literature or political advertisements.

To prevent voters from being harassed or intimidated by individuals wishing to assist them in voting, names of voters requesting mail ballots should be kept secret until the end of the early voting period. CSHB 1483 would allow a window of opportunity for fraud to occur.

Furthermore, the use of mobile early voting places should be eliminated. The movement of such units throughout a given voting area can be arbitrary and incomplete at best and fraudulent at worst. CSHB 1483 would provide guidelines for the numbers of mobile places that can be used, but would not address the major factor in their abuse: their location. Unscrupulous individuals can direct mobile voting units to areas where their candidates or issues are most likely to gain votes. This can skew election results, interfering profoundly with the democratic process.

OTHER
OPPONENTS
SAY: As with any laws, mail ballot reform will not be effective if there is little possibility for enforcement. Even the few safeguards in place now are not enforced, and the secretary of state has neither the resources nor the legal basis to do so. Whatever course the Legislature takes in fighting voter fraud, it should ensure that its reforms are carried out by providing swift and fair procedures for their enforcement. To do less would further jeopardize the integrity of our voting processes, and undermine the fairness and accuracy of election results.

NOTES: The committee substitute amended the original bill to make it conform to HB 1257 by Cuellar, pertaining to applications for early voting ballots and releasing names of voters requesting mail ballots. HB 1257 passed the House April 11 and has been referred to the Senate State Affairs Committee.