

BILL ANALYSIS

Senate Research Center

H.B. 330
By: Danburg (Shapiro)
State Affairs
5-14-97
Engrossed

DIGEST

Currently, a person who goes to the polls without a voter registration card and whose name does not appear on the voter rolls, can cast a ballot by signing an affidavit that states the person is entitled to take part in the election. After the election, the sworn affidavits go to the county's voter registrar, who checks to see if the voters were really qualified. There is no election law that allows for a separate ballot box for the affidavit ballot. This bill would create a separate ballot box for the sworn affidavits stubs collected at an election and provides penalties for election fraud.

PURPOSE

As proposed, H.B. 330 sets forth certain procedures for affidavits signed by voters at an election and provides criminal penalties.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the secretary of state in SECTIONS 1 and 20 (Sec. 51.005(c), Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.005, Election Code, by adding Subsection (c), to require the secretary of state to prescribe procedures for determining the number of ballot stubs to be provided.

SECTION 2. Amends Chapter 52C, Election Code, by adding Section 52.074, as follows:

Sec. 52.074. BALLOT STUB FOR CERTAIN VOTERS. Requires the authority responsible for having the official ballot prepared to have a detached ballot stub prepared as provided by this section for use by certain voters. Requires the ballot to be in a form approved by the secretary of state and to include certain information.

SECTION 3. Amends Section 61.005, Election Code, as follows:

Sec. 61.005. New heading: SECURITY OF BALLOTS, BALLOT BOXES, STUBS, AND ENVELOPES. Requires the presiding judge to take the precautions necessary to prevent access to the ballot stubs and stub envelopes in a manner not authorized by law. Makes conforming changes.

SECTION 4. Amends Section 62.006, Election Code, as follows:

Sec. 62.006. New heading: PLACING BOX AND ENVELOPE FOR DEPOSIT OF MARKED BALLOTS AND STUBS. Requires the ballot box and envelope no. 5 to be placed where they will be in plain view of the election officers, watchers, and persons waiting to vote.

SECTION 5. Amends Chapter 62, Election Code, by adding Section 62.0081, as follows:

Sec. 62.0081. PRESIDING JUDGE TO PREPARE BALLOT STUBS. Sets forth certain duties for a presiding judge regarding the use and preparation of ballot stubs.

SECTION 6. Amends Section 62.009, Election Code, by adding Subsection (c), to require the ballots with stubs to be placed separately from the regular ballots.

SECTION 7. Amends Sections 63.010(d) and (e), Election Code, to require the presiding judge to request the voter to present proof of identification in a certain form to support the voter's eligibility to vote. Requires the presiding judge to determine the voter's identity in a certain manner. Makes conforming and nonsubstantive changes.

SECTION 8. Amends Section 64.001, Election Code, as follows:

Sec. 64.001. New heading: VOTER TO SELECT AND PREPARE BALLOT; DEPOSIT OF STUB. Requires a voter who executes an affidavit in accordance with Section 63.010 to select a ballot with a stub and perform certain other functions before going to a voting station. Requires the election officer to deposit the ballot stub enclosed in its envelope in envelope no. 5. Makes a conforming change.

SECTION 9. Amends Section 65.005, Election Code, by adding Subsection (d), to require the stub to be enclosed and sealed in an envelope and deposited in envelope no. 5 before the ballot is examined.

SECTION 10. Amends Section 65.010(a), Election Code, to prohibit a ballot with an unsigned stub from being counted.

SECTION 11. Amends Section 66.003, Election Code, to require five envelopes to be furnished to each polling place for use in assembling and distributing the precinct election records. Requires envelope no. 5 to be labeled and addressed in a certain manner.

SECTION 12. Amends Section 66.021(b), Election Code, to make a conforming change.

SECTION 13. Amends Chapter 66B, Election Code, by adding Section 66.0242, as follows:

Sec. 66.0242. CONTENTS OF ENVELOPE NO. 5. Requires envelope no. 5 to contain the ballot stubs.

SECTION 14. Amends Section 66.051(b), Election Code, to make a conforming change.

SECTION 15. Amends Section 66.058, Election Code, by amending Subsections (b)-(d) and adding Subsection (h), to require the ballot stubs to be destroyed after expiration of the prescribed preservation period, subject to an extension of the period under Section 1.013, Provides that the ballot stubs are confidential information and are not subject to public inspection before they are destroyed. Makes conforming and nonsubstantive changes.

SECTION 16. Amends Section 66.059, Election Code, to make conforming changes.

SECTION 17. Amends Chapter 124A, Election Code, by adding Section 124.006, as follows:

Sec. 124.006. IMPLEMENTATION OF BALLOT STUB SYSTEM. Requires the secretary of state to prescribe the form of a ballot stub and ballot for use with a stub and the necessary procedures to implement the ballot stub system prescribed by Section 52.074 for use with each voting system used in this state.

SECTION 18. Amends Section 221.008, Election Code, to make conforming changes.

SECTION 19. Amends Sections 273.041, 273.042, and 273.043, Election Code, to make conforming and nonsubstantive changes.

SECTION 20. Requires the secretary of state, by rule, to prescribe any procedures necessary to implement this Act.

SECTION 21. Effective date: September 1, 1997.

SECTION 22. Emergency clause.