

## **BILL ANALYSIS**

Senate Research Center

S.B. 552  
By: Brown  
State Affairs  
3-10-97  
As Filed

### **DIGEST**

Currently, voting by mail is available for elderly and disabled voters in Texas. In the last five years, a pattern of abuse has begun to emerge in Texas affecting the integrity of the mail-in voting system. S.B. 552 establishes certain early voting procedures and provides criminal penalties.

### **PURPOSE**

As proposed, S.B. 552 establishes certain early voting procedures and provides criminal penalties.

### **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 for an application for a ballot to be voted by mail on the ground of absence from the county of residence, age or disability, confinement in jail, or any other ground, an indication of each election for which the applicant, rather than voter, is applying for a ballot. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 84.004(e), Election Code, to provide that a person commits a Class A, rather than Class B, misdemeanor under this section.

SECTION 3. Amends Section 84.0041(b), Election Code, to make a conforming change.

SECTION 4. Amends Section 84.011(a), Election Code, to require the officially prescribed application form for an early voting ballot to include on an application for a ballot to be voted by mail a space or box for an applicant applying on the grounds of age or disability to indicate that the address to which the ballot is to be mailed is a facility described by Section 84.002(a)(3), Election Code, if applicable, and a statement informing the applicant of the requirement prescribed by Section 86.003(c), Election Code.

SECTION 5. Amends Section 86.003, Election Code, to require the balloting materials to be addressed to the applicable, rather than mailing, address specified in the voter's application. Provides that the address to which the balloting materials are required to be addressed is the address at which the voter is registered to vote unless the ground for voting by mail is age or disability and the voter is living at the hospital, nursing home, or other long-term care facility, or retirement center, in which case the address is required to be that facility, among other exceptions. Requires the voter's application to be rejected in accordance with Section 86.001(c), Election Code, if the applicable address specified in the voter's application is an address other than prescribed by Subsection (c).

SECTION 6. Amends Chapter 86, Election Code, by adding Section 86.0061, as follows:

Sec. 86.0061. COLLECTION BY CANDIDATE OR CAMPAIGN WORKER PROHIBITED. Defines "campaign worker," and "candidate." Provides that a person commits a Class A misdemeanor under this section if the person collects or receives a voter's marked ballot voted under this chapter. Provides that it is an exception to the application of

this section that the conduct of a candidate who is also the early voting clerk occurs in connection with the duties and functions of the early voting clerk as prescribed by this code. Prohibits a marked ballot that is collected or received in violation of this section from being counted. Provides that each marked ballot that is collected or received in violation of this section constitutes a separate offense.

SECTION 7. Amends Section 86.031(d), Election Code, to require certain textual material prescribed by the secretary of state to be printed on the reverse side of the official carrier envelope.

SECTION 8. 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 after the end of the period for early voting by personal appearance, rather than 48 hours after the receipt of the application by the clerk.

SECTION 9. Amends Section 87.121(f), Election Code, to provide that the information on the roster for certain persons is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter, rather than him, is accurate, until the end of the period for early voting by personal appearance, rather than 24 hours after the time a ballot was mailed to the voter.

SECTION 10.           Effective date: September 1, 1997.

SECTION 11.           Emergency clause.