

By: Baxter

H.B. No. 2262

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter who is on the suspense list of voters
3 to cast a provisional ballot.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 15.112, Election Code, is amended to
6 read as follows:

7 Sec. 15.112. AUTHORIZATION TO VOTE ON STATEMENT. In an
8 election held on or after the date the voter's name is entered on
9 the suspense list and before November 30 following the second
10 general election for state and county officers that occurs after
11 the beginning of the period, a voter whose name appears on a
12 precinct list of registered voters with the notation "S", or a
13 similar notation, may vote only as a provisional vote under Section
14 63.011 in the election precinct in which the list is used if the
15 voter satisfies the residence requirements prescribed by Section
16 63.0011 and submits a statement of residence in accordance with
17 that section.

18 SECTION 2. Section 63.011, Election Code, is amended by
19 adding Subsection (f) to read as follows:

20 (f) A person whose name appears on a precinct list of
21 registered voters with the notation "S" or a similar notation may
22 only cast a ballot as a provisional vote in the manner required by
23 this section.

24 SECTION 3. Section 65.054, Election Code, is amended by

1 adding Subsection (e) to read as follows:

2 (e) In addition to the other requirements of this section, a
3 provisional ballot cast by a person described by Section 63.011(f)
4 may not be accepted unless the signatures on the affidavit located
5 on the outside of the envelope containing the provisional ballot
6 and on the registration application for the same voter are
7 determined to be those of the same person. A determination under
8 this section is made by the signature verification committee and
9 the early voting ballot board in the same manner as Section 87.027.

10 SECTION 4. Sections 87.027(a), (c), (h), and (j), Election
11 Code, are amended to read as follows:

12 (a) ~~[Except as provided by Subsection (a-1), a signature~~
13 ~~verification committee may be appointed in any election.]~~ The
14 early voting clerk ~~[is the authority responsible for determining~~
15 ~~whether a signature verification committee is to be appointed. If~~
16 ~~the clerk determines that a committee is to be appointed, the clerk]~~
17 shall issue a written order calling for the appointment of a
18 signature verification committee for each election.

19 (c) Not later than the fifth day after the date the early
20 voting clerk issues the order calling for the appointment of a
21 signature verification committee, ~~[or not later than October 15 for~~
22 ~~a committee required under Subsection (a-1),]~~ the appropriate
23 authority shall appoint the members of the committee and designate
24 one of the appointees as chair, subject to Subsection (d). The
25 authority shall fill a vacancy on the committee by appointment as
26 soon as possible after the vacancy occurs, subject to Subsection
27 (d). The early voting clerk shall post notice of the name and

1 residence address of each appointee. The notice must remain posted
2 continuously for the period beginning the day after the date of the
3 appointment and ending on the last day of the committee's operation
4 in the election.

5 (h) The [~~If a signature verification committee is appointed~~
6 ~~for the election, the~~] early voting clerk shall deliver the jacket
7 envelopes containing the early voting ballots voted by mail to the
8 signature verification committee instead of to the early voting
9 ballot board. Deliveries may be made only during the period of the
10 committee's operation at times scheduled in advance of delivery by
11 the early voting clerk. The clerk shall post notice of the time of
12 each delivery. The notice must remain posted continuously for at
13 least two days before the date of the delivery.

14 (j) The [~~If a signature verification committee is~~
15 ~~appointed, the~~] early voting ballot board [~~shall follow the same~~
16 ~~procedure for accepting the early voting ballots voted by mail as in~~
17 ~~an election without a signature verification committee, except that~~
18 ~~the board~~] may not determine whether a voter's signatures on the
19 carrier envelope certificate and ballot application are those of
20 the same person if the signature verification committee has
21 determined that the signatures are those of the same person. If the
22 committee has determined that the signatures are not those of the
23 same person, the board may make a determination that the signatures
24 are those of the same person by a majority vote of the board's
25 membership.

26 SECTION 5. Section 87.027(a-1), Election Code, is repealed.

27 SECTION 6. This Act applies only to an election ordered on

1 or after the effective date of this Act.

2 SECTION 7. This Act takes effect September 1, 2005.