

AN ACT

relating to the processing of certain election ballots voted early.

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

SECTION 1. Section 87.022, Election Code, is amended to read as follows:

Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as provided by Section 87.0221, 87.0222, 87.023, or 87.024, the materials shall be delivered to the early voting ballot board under this subchapter during the time the polls are open on election day, or as soon after the polls close as practicable, at the time or times specified by the presiding judge of the board.

SECTION 2. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0222 to read as follows:

Sec. 87.0222. TIME OF DELIVERY: BALLOTS VOTED BY MAIL.

(a) Notwithstanding Section 87.024, in an election conducted by an authority of a county with a population of 100,000 or more or conducted jointly with such a county, the jacket envelopes containing the early voting ballots voted by mail may be delivered to the board between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge of the board.

(b) The early voting clerk shall post notice of each delivery of materials under this section that is to be made before

1 the time for opening the polls on election day. The notice shall be
2 posted at the main early voting polling place continuously for at
3 least 24 hours immediately preceding the delivery.

4 (c) At least 24 hours before each delivery, the early voting
5 clerk shall notify the county chair of each political party having a
6 nominee on the ballot of the time the delivery is to be made.

7 SECTION 3. Section 87.027, Election Code, is amended by
8 amending Subsection (i) and adding Subsection (l) to read as
9 follows:

10 (i) The signature verification committee shall compare the
11 signature on each carrier envelope certificate, except those signed
12 for a voter by a witness, with the signature on the voter's ballot
13 application to determine whether the signatures are those of the
14 same person. The committee may also compare the signatures with the
15 signature on the voter's registration application to confirm that
16 the signatures are those of the same person but may not use the
17 registration application signature to determine that the
18 signatures are not those of the same person. Except as provided by
19 Subsection (l), a [A] determination under this subsection that the
20 signatures are not those of the same person must be made by a
21 majority vote of the committee's membership. The committee shall
22 place the jacket envelopes, carrier envelopes, and applications of
23 voters whose signatures are not those of the same person in separate
24 containers from those of voters whose signatures are those of the
25 same person. The committee chair shall deliver the sorted
26 materials to the early voting ballot board at the time specified by
27 the board's presiding judge [~~but within the period permitted for~~
28 ~~the early voting clerk's delivery of early voting ballots to the~~

1 board].

2 (1) If more than 12 members are appointed to serve on the
3 signature verification committee, the early voting clerk may
4 designate two or more subcommittees of not less than six members.
5 If subcommittees have been designated, a determination under
6 Subsection (i) is made by a majority of the subcommittee.

7 SECTION 4. The change in law made by this Act applies only
8 to an election ordered on or after the effective date of this Act.

9 SECTION 5. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 895 passed the Senate on
April 21, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 895 passed the House on
May 9, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor