

1-1 By: Carona S.B. No. 895  
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 13, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 13, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 895 By: Madla

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the processing of certain election ballots voted early.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 87.022, Election Code, is amended to  
1-13 read as follows:

1-14 Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as  
1-15 provided by Section 87.0221, 87.0222, 87.023, or 87.024, the  
1-16 materials shall be delivered to the early voting ballot board under  
1-17 this subchapter during the time the polls are open on election day,  
1-18 or as soon after the polls close as practicable, at the time or  
1-19 times specified by the presiding judge of the board.

1-20 SECTION 2. Subchapter B, Chapter 87, Election Code, is  
1-21 amended by adding Section 87.0222 to read as follows:

1-22 Sec. 87.0222. TIME OF DELIVERY: BALLOTS VOTED BY MAIL.

1-23 (a) Notwithstanding Section 87.024, in an election conducted by an  
1-24 authority of a county with a population of 100,000 or more or  
1-25 conducted jointly with such a county, the jacket envelopes  
1-26 containing the early voting ballots voted by mail may be delivered  
1-27 to the board between the end of the ninth day before election day  
1-28 and the closing of the polls on election day, or as soon after  
1-29 closing as practicable, at the time or times specified by the  
1-30 presiding judge of the board.

1-31 (b) The early voting clerk shall post notice of each  
1-32 delivery of materials under this section that is to be made before  
1-33 the time for opening the polls on election day. The notice shall be  
1-34 posted at the main early voting polling place continuously for at  
1-35 least 24 hours immediately preceding the delivery.

1-36 (c) At least 24 hours before each delivery, the early voting  
1-37 clerk shall notify the county chair of each political party having a  
1-38 nominee on the ballot of the time the delivery is to be made.

1-39 SECTION 3. Section 87.027, Election Code, is amended by  
1-40 amending Subsection (i) and adding Subsection (l) to read as  
1-41 follows:

1-42 (i) The signature verification committee shall compare the  
1-43 signature on each carrier envelope certificate, except those signed  
1-44 for a voter by a witness, with the signature on the voter's ballot  
1-45 application to determine whether the signatures are those of the  
1-46 same person. The committee may also compare the signatures with the  
1-47 signature on the voter's registration application to confirm that  
1-48 the signatures are those of the same person but may not use the  
1-49 registration application signature to determine that the  
1-50 signatures are not those of the same person. Except as provided by  
1-51 Subsection (l), a [A] determination under this subsection that the  
1-52 signatures are not those of the same person must be made by a  
1-53 majority vote of the committee's membership. The committee shall  
1-54 place the jacket envelopes, carrier envelopes, and applications of  
1-55 voters whose signatures are not those of the same person in separate  
1-56 containers from those of voters whose signatures are those of the  
1-57 same person. The committee chair shall deliver the sorted  
1-58 materials to the early voting ballot board at the time specified by  
1-59 the board's presiding judge [~~but within the period permitted for~~  
1-60 ~~the early voting clerk's delivery of early voting ballots to the~~  
1-61 ~~board].~~

1-62 (l) If more than 12 members are appointed to serve on the  
1-63 signature verification committee, the early voting clerk may

2-1 designate two or more subcommittees of not less than six members.  
2-2 If subcommittees have been designated, a determination under  
2-3 Subsection (i) is made by a majority of the subcommittee.

2-4 SECTION 4. The change in law made by this Act applies only  
2-5 to an election ordered on or after the effective date of this Act.

2-6 SECTION 5. This Act takes effect September 1, 2005.

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