

BILL ANALYSIS

C.S.H.B. 2823
By: Bohac
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a voter who has applied for an early mail ballot is not allowed to cast a ballot on election day unless the voter first cancels the application. To do this, the voter must sign an affidavit in person at the early voting clerk's main office. This creates a hardship for voters who may not fully realize the procedure until after they have showed up at their polling place on election day. This is especially true for elderly or disabled voters, a majority of those casting mail ballots, who may not have adequate transportation to the clerk's office. Some of these voters decide not to vote early by mail but others may have never received their mail ballots. With the implementation of provisional voting in recent years, these voters should be allowed to cast a provisional ballot on election day, as an alternative to traveling to the clerk's office. C.S.H.B. 2823 allows voters who did not vote early by mail to cast provisional ballots and to cancel their mail ballot applications in person at the polling place.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2823 amends the Election Code to provide that a person, to whom the early voting clerk was required to provide an early voting ballot by mail but did not vote early by mail, may cast a provisional ballot on election day if the person executes an affidavit stating that the person is a registered voter in the precinct and did not vote early by mail. The bill requires the affidavit to be printed on the provisional ballot envelope. The bill provides that the provisional ballot may be accepted only if the voter has not previously voted in the election.

The changes in law made by this bill apply only to an election ordered on or after September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 2 of C.S.H.B. 2823 amends Section 65.054(b) of the Election Code. The original amended Section 84.032.

SECTION 3 of C.S.H.B. 2823 states that changes made in this bill affects elections after Sept. 1, 2007. The original amended Section 84.036 of the Election Code.

SECTION 4 of C.S.H.B. 2823 relates the effective date. The original amended Section 87.0241 of the Election Code.

C.S.H.B. 2823 does not include SECTION 5 of the original.