

BILL ANALYSIS

C.S.H.B. 2595
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that current election procedures require the members of an early voting ballot board to manually compare the signature on an application for a mail-in ballot with the signature on the voted mail-in ballot, which is a time-consuming process. Such parties assert that allowing the elections administrator of a county to electronically file mail-in ballot applications and mail-in ballots would increase efficiency and reduce processing time by allowing the board members to digitally compare and verify the signatures on those two types of documents. In addition, it is noted that a person who resides outside the county and wishes to apply for a mail-in ballot is permitted to fax the application for the ballot, while a person who resides in the county and wishes to vote by mail because of age or disability must submit the application for a mail-in ballot by mail or by carrier.

H.B. 2595 seeks to address this discrepancy and other matters by changing statutory provisions relating to the delivery and recording of ballot materials and ballot applications for a mail-in ballot.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 2595 amends the Election Code to include as an option for submitting an application for a ballot to be voted by mail to the early voting clerk that the application be sent by a means of sending an electronic copy prescribed by the secretary of state. The bill removes the option of submitting such an application by telephonic facsimile machine and removes the provision restricting that method of submission to an applicant who is absent from the county and the availability of a facsimile machine in the clerk's office. The bill authorizes the early voting clerk to electronically record applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, and ballots and authorizes the secretary of state to adopt rules providing requirements for the electronic image quality and storage of the electronic images of those documents.

C.S.H.B. 2595 authorizes the early voting clerk to deliver to the early voting ballot board through electronic means those ballot materials and ballot applications that are recorded electronically under the bill's provisions. The bill authorizes a signature verification committee, if ballot materials or ballot applications are recorded electronically, to use an electronic copy of a carrier envelope certificate or the voter's ballot application in making the required comparison of the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the same person.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2595 differs from the original by authorizing the early voting clerk to record applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, and ballots, whereas the original authorizes the elections administrator of a county to electronically file mail-in ballot applications and mail-in ballots.

C.S.H.B. 2595 differs from the original by authorizing a signature verification committee to use an electronic copy of a carrier envelope certificate or the voter's ballot application in comparing the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the same person, whereas the original establishes that electronically filed mail-in ballot applications and mail-in ballots are sufficient for the early voting ballot board to compare signatures between the mail-in ballot application and the mail-in ballot.

C.S.H.B. 2595 differs from the original by authorizing the secretary of state to adopt rules providing requirements for the electronic image quality of and storage of applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, and ballots, whereas the original specifies the documents as mail-in ballot applications and mail-in ballots.

C.S.H.B. 2595 contains provisions not included in the original authorizing the early voting clerk to deliver to the early voting ballot board through electronic means those ballot materials and ballot applications that are recorded electronically under the substitute's provisions.

C.S.H.B. 2595 differs from the original by making the bill effective on passage, or, if the bill does not receive the necessary vote, September 1, 2011, whereas the original makes the bill effective August 29, 2011.