

BILL ANALYSIS

C.S.H.B. 96
By: Swanson
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that the process by which signatures on an early voting ballot voted by mail are verified could be improved. The purpose of C.S.H.B. 96 is to improve the signature verification process.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 96 amends the Election Code to replace the authorization for a signature verification committee appointed in any election to compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, and the signature on the voter's ballot application with the signature on the voter's registration application to confirm that the signatures are those of the same person with an authorization for the committee to compare such signatures with any two or more signatures that the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to confirm that the signatures are those of the voter. The bill replaces the prohibition against the committee using the registration application signature to determine that the signatures are not those of the same person with an authorization for the committee to use the signatures on file to determine that the signatures are not those of the voter.

C.S.H.B. 96 authorizes the early voting ballot board to compare a voter's signature on a ballot application or carrier envelope certificate with two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records, in addition to the board's existing authority to make such a comparison with signatures on file with the voter registrar and changes the purpose of that comparison from confirming that the signatures are those of the same person to determining if the signatures are those of the voter. The bill removes the prohibition against the board using such signatures on file to determine that the signatures are not those of the same person.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, December 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 96 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare 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. The committee may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar ~~[the signature on the voter's registration application]~~ to confirm that the signatures are those of the same person and may ~~[but may not]~~ use the signatures ~~[registration application signature]~~ to determine that the signatures are not those of the same person. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the same person must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the same person in separate containers from those of voters whose signatures are those of the same person. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 87.027(i) and (j), Election Code, are amended to read as follows:

(i) The signature verification committee shall compare 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 voter ~~[same person]~~. The committee may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar ~~[the signature on the voter's registration application]~~ to confirm that the signatures are those of the voter and may ~~[same person but may not]~~ use the signatures ~~[registration application signature]~~ to determine that the signatures are not those of the voter ~~[same person]~~. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter ~~[same person]~~ must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter ~~[same person]~~ in separate containers from those of voters whose signatures are those of the voter ~~[same person]~~. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

(j) If a signature verification committee is appointed, the early voting ballot board shall follow the same procedure for accepting the early voting ballots voted by mail as in an election without a signature verification committee, except that the board may not determine whether a voter's signatures on the carrier envelope certificate and ballot application are those of the voter ~~[same person]~~ if the committee has determined that the signatures are those of the voter ~~[same person]~~. If the committee has determined

that the signatures are not those of the voter [same person], the board may make a determination that the signatures are those of the voter [same person] by a majority vote of the board's membership.

SECTION 2. Section 87.041(e), Election Code, is amended to read as follows:

(e) In making the determination under Subsection (b)(2), the board may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to determine if [confirm that] the signatures are those of the same person [but may not use the signatures to determine that the signatures are not those of the same person].

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect December 1, 2017.

SECTION 2. Section 87.041(e), Election Code, is amended to read as follows:

(e) In making the determination under Subsection (b)(2), the board may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records or voter registrar to determine if [confirm that] the signatures are those of the voter [same person] ~~but may not use the signatures to determine that the signatures are not those of the same person~~.

SECTION 3. Same as introduced version.