86R2767 JRJ-D

By:  Zaffirini S.B. No. 1638

A BILL TO BE ENTITLED

AN ACT

relating to early voting procedures.

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

SECTION 1.  Section 67.007(b), Election Code, is amended to read as follows:

(b)  The county election returns shall state, for each candidate and for and against each measure:

(1)[~~,~~] the total number of votes received in the county

as stated by the local canvassing authority's tabulation of votes;

(2)  the total number of early voting votes cast by personal appearance received in the county; and

(3)  the total number of early voting votes cast by mail received in the county.

SECTION 2.  Section 67.017(a), Election Code, is amended to read as follows:

(a)  After each election for a statewide office or the office of United States representative, state senator, or state representative, the county clerk shall prepare a report of the total number of votes, the total number of early voting votes cast by personal appearance, and the total number of early voting votes cast by mail [~~including early voting votes,~~] received in each county election precinct for each candidate for each of those offices. In a presidential election year, the report must include the total number of votes, the total number of early voting votes cast by personal appearance, and the total number of early voting votes cast by mail received in each precinct for each set of candidates for president and vice-president of the United States. For any other election, the presiding officer of the canvassing authority shall prepare a report of the precinct results as contained in the election register.

SECTION 3.  Section 68.004(b), Election Code, is amended to read as follows:

(b)  The periodic reports may include:

(1)  vote totals for all contested races being tabulated;

(2)  vote totals by county for federal offices and statewide offices of the state government;

(3)  vote totals for federal offices and statewide offices of the state government in each of the six most populous counties, the total for the next 19 most populous counties, and the total for the remaining 229 counties; [~~and~~]

(4)  the total number of early voting votes cast by personal appearance and the total number of early voting votes cast by mail for all contested races being tabulated; and

(5)  any other information the secretary of state determines to be relevant.

SECTION 4.  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 voter. 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 county clerk or voter registrar to determine whether the signatures are those of the voter or with the signatures on other carrier envelope certificates received for the same election to determine whether the same voter cast more than one ballot by mail. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter 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 in separate containers from those of voters whose signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 5.  Section 87.042(b), Election Code, is amended to read as follows:

(b)  The [~~Except as provided by Subsection (c), the~~] board shall place the ballot envelope containing an accepted ballot in a separate ballot box from the ballot box containing the early voting ballots voted by personal appearance.

SECTION 6.  Section 87.103, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b)  The early voting returns prepared at the central counting station must include any early voting results obtained by the early voting ballot board under Subchapter [~~Subchapters~~] D [~~and E~~].

(c)  The early voting votes cast by personal appearance shall be tabulated separately from the early voting votes cast by mail and shall be separately reported on the returns.

SECTION 7.  Section 87.1231, Election Code, is amended to read as follows:

Sec. 87.1231.  EARLY VOTING VOTES REPORTED BY PRECINCT. Not later than the time of the local canvass, the early voting clerk shall deliver to the local canvassing authority a report of the total number of early voting votes for each candidate or measure by election precinct. The report shall [~~may~~] reflect the total for votes by mail and the total for votes by personal appearance.

SECTION 8.  Section 87.124, Election Code, is amended to read as follows:

Sec. 87.124.  PRESERVATION OF EARLY VOTING ELECTION RECORDS GENERALLY. The early voting election returns, voted early voting ballots, and other early voting election records shall be preserved after the election in the same manner as the corresponding precinct election records except that early voting ballots voted by mail shall be preserved in a separate container from early voting ballots cast by personal appearance.

SECTION 9.  Section 172.124(a), Election Code, is amended to read as follows:

(a)  For each primary election, the county clerk shall prepare a report of the number of votes [~~, including early voting votes,~~] received in each county election precinct by each candidate for a statewide office or the office of United States representative, state senator, or state representative, in the same manner [~~as~~] provided by Section 67.017 for the report of precinct results for a general election.

SECTION 10.  Section 87.042(c), Election Code, is repealed.

SECTION 11.  This Act takes effect September 1, 2019.