

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) [7] 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

1 cast by personal appearance, and the total number of early voting
2 votes cast by mail received in each precinct for each set of
3 candidates for president and vice-president of the United States.
4 For any other election, the presiding officer of the canvassing
5 authority shall prepare a report of the precinct results as
6 contained in the election register.

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

9 (b) The periodic reports may include:

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

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

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

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

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

23 SECTION 4. Section 87.027(i), Election Code, is amended to
24 read as follows:

25 (i) The signature verification committee shall compare the
26 signature on each carrier envelope certificate, except those signed
27 for a voter by a witness, with the signature on the voter's ballot

1 application to determine whether the signatures are those of the
2 voter. The committee may also compare the signatures with any two or
3 more signatures of the voter made within the preceding six years and
4 on file with the county clerk or voter registrar to determine
5 whether the signatures are those of the voter or with the signatures
6 on other carrier envelope certificates received for the same
7 election to determine whether the same voter cast more than one
8 ballot by mail. Except as provided by Subsection (1), a
9 determination under this subsection that the signatures are not
10 those of the voter must be made by a majority vote of the
11 committee's membership. The committee shall place the jacket
12 envelopes, carrier envelopes, and applications of voters whose
13 signatures are not those of the voter in separate containers from
14 those of voters whose signatures are those of the voter. The
15 committee chair shall deliver the sorted materials to the early
16 voting ballot board at the time specified by the board's presiding
17 judge.

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

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

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

27 (b) The early voting returns prepared at the central

1 counting station must include any early voting results obtained by
2 the early voting ballot board under Subchapter [~~Subchapters~~] D [~~and~~
3 ~~E~~].

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

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

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

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

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

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

26 (a) For each primary election, the county clerk shall
27 prepare a report of the number of votes [~~including early voting~~

1 ~~votes,~~] received in each county election precinct by each candidate
2 for a statewide office or the office of United States
3 representative, state senator, or state representative, in the same
4 manner [~~as~~] provided by Section 67.017 for the report of precinct
5 results for a general election.

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

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