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FISCAL IMPACT REPORT

SPONSOR Martínez DATE TYPED 3/4/05 HB 898

SHORT TITLE Signed Statements for Provisional Ballots SB _____

ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

Relates to the Election Code

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (AG)

Secretary of State

SUMMARY

Synopsis of Bill

House Bill 898 amends the Election Code as it relates to provisional voting and provisional ballots to require that a person who votes on a provisional ballot in accordance with the provisions to allow a person who votes on a provisional ballot to be allowed to execute a statement swearing or affirming that a person is a qualified elector, has registered to vote in the county and has not cast a ballot or voted in that election. If the person signs the statement and the person has registered to vote with the county clerk and is only required to submit identification because the person registered by mail, the person's provisional ballot must be counted.

Significant Issues

According to the Secretary of State, this bill corrects the problem, which arises when a voter presents himself to a precinct judge and finds out someone else has signed the signature roster and voted in his place. Although the affected voter is given a provisional ballot in this case, the canvassing board disqualifies the provisional ballot cast by the person because someone else signed

the signature roster in the space provided for the rightful voter. The Secretary of State argues that without this bill, such provisional ballots will continue to be disqualified.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bills 25, 29 and 686 relate to provisional ballots.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The Secretary of State contends that if this bill does not pass, the affected voters will be disenfranchised.

DXM/lg