

CHAPTER 942

H.B. No. 2344

An Act relating to furnishing forms for an affidavit of residence to persons voting absentee by mail and to the disposition of absentee balloting materials after processing by a special canvassing board.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivision 4(b), Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

(b) On the twentieth day preceding election day, or as soon thereafter as possible, the clerk shall mail an official ballot, ballot envelope, and carrier envelope, as described in Subdivision 3b of this section, to each voter who has theretofore made application for a ballot in compliance with this section. *In an election in which lists of returned registration certificates are required to be used, the clerk shall also mail a form for the affidavit of residence prescribed by Subdivision 3a, Section 48a, of this code (Article 5.16a, Vernon's Texas Election Code), to each applicant whose name appears on a list of returned certificates. The secretary of state shall prescribe instructions to be printed on the absentee balloting materials for the execution and return of an affidavit of residence.* On applications which are received between the twentieth day and the fourth day preceding election day, the clerk shall forthwith mail the absentee voting supplies to the voter.

SECTION 2. Subdivisions 6(b) and (c), Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code), are amended to read as follows:

(b) This special canvassing board shall open the jacket envelopes, announce the voter's name, and ascertain in each case if he is qualified to vote at that election and if he has complied with all applicable provisions of this section to entitle his ballot to be cast. On ballots voted by mail, the board shall compare the signatures on the application and the carrier envelope, and in case the board finds that the signatures correspond, that the application and the certificate on the carrier envelope are duly executed, that the voter is a qualified elector, and that he has voted in a manner authorized in this section, they shall enter his name on the official poll list (on which voters voting by mail shall be listed separately from those who have voted by personal appearance) and shall open the carrier envelope so as not to deface the certificate thereon, and shall place the sealed ballot envelope in the ballot box [~~and the stub in the stub box~~]. The carrier envelope, application, and accompanying papers shall be replaced in the jacket envelope, and *the jacket envelopes shall be* returned to the county clerk *in a separate container* at the same time the voted ballots are returned, and shall be preserved for the length of time provided by law for the preservation of the voted ballots.

(c) If the ballot be challenged by an election officer, watcher, or other person, the grounds of challenge shall be heard and decided according to law, including the consideration of any affidavits submitted in support of or against such challenge. If the ballot be not admitted, there shall be endorsed on the face of the carrier envelope and the jacket envelope the word "rejected." The carrier envelopes containing rejected ballots shall be enclosed, securely sealed, in an envelope on which the words "rejected absentee ballots" have been written, together with a statement of the nature and date of the election, signed by the presiding judge, and shall be returned and preserved in the same manner as provided for return and preservation of official ballots voted at the election, *except that the envelope may not be placed in the box containing the voted ballots*. The corresponding jacket envelopes containing the applications and accompanying papers shall also be returned to the clerk, and preserved for the length of time provided by law for preservation of the voted ballots.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 2344 on May 20, 1985, by a non-record vote; passed by the Senate, with amendments, on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: August 26, 1985