

TMCCP Presents

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HANDOUTS FOR

“Elections”

with speaker Christina Adkins

Attorney, Elections Division, Office of the Texas Secretary of State

TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM

1155 Union Circle #305067, Denton, Texas 76203-5017

940-565-3488 | municlerks@unt.edu | municlerks.unt.edu

TEXAS SECRETARY OF STATE

2017 Legislative & Legal Update



Christina Worrell Adkins
TMC Legislative Update, 2017

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TEXAS SECRETARY OF STATE

85th Texas Legislature

- January 10, 2017 – May 29, 2017
- Special Session

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Voter Registration

- **S.B. 256** (Van Taylor): Requires the suppression of address information for victims of sexual abuse, stalking, human trafficking or family violence.
- Effective: Immediately (May 19, 2017).


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Voter Registration

- **H.B. 2324** (Israel): Corrects the deadline for volunteer deputy registrars to turn in applications from the 28th day to the day after the registration deadline.
- Effective: September 1, 2017




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Ballot Requirements

- **H.B. 25** (Simmons): Ends the ability to allow voters the option of voting a straight party ballot with one punch.
- Requires the SOS and counties to notify voters on their websites by September 2020 that straight ticket voting will not be an option going forward.
- Effective: **September 1, 2020**




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Ballot Requirements

- **S.B. 957** (Campbell) Provides that only state propositions will be numbered.
- State propositions must be listed before any others.
- All others will be lettered consecutively with the name of the entity stated with the letter of the proposition. See [Advisory 2017-06](#).
- **Effective:** Immediately (June 1, 2017)




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Election Worker Oaths


- **H.B. 1735** (Faircloth): Expands the list of persons who can administer the constitutional oath of office to the presiding judges of polling places in order to ease the logistical burden of the oath requirement.
- Effective: September 1, 2017

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Poll Worker Termination


- **H.B. 1735** (Faircloth): Allows a county clerk to remove disruptive or disobedient election judges and clerks after a warning and with the concurrence of the worker's county party chair.
- Effective: September 1, 2017

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Early Voting Officers and EVBB


- **H.B. 1735** (Faircloth): Provides that early voting officers shall be selected using 85.009 and giving the EVC the ability to set a list deadline for the chairs.
- Gives a new oath for EVBB members.
- Institutes a procedure for reviewing EVBB decisions on ballots.
- Effective: September 1, 2017

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Ballot by Mail Deadline

- **H.B. 1151** (Schofield): Provides that a voted ballot by mail is timely if it is received by 5 p.m. on the day after election day (Monday following a Saturday election) and is postmarked by 7 p.m. on election day.
- Ballots from overseas voters (except military using FPCA) can be received up to 5 days after election day, but must be postmarked by election day.
- Ballots received after election day are rejected without a postmark (except military using FPCA).
- Effective: September 1, 2015




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FPCA Users Ballot Deadline

- **H.B. 929** (Simmons) members of the military and their families using a FPCA (domestic or overseas) have until the sixth day following election day to return their ballot and have it counted. No postmark requirement.
- Effective September 1, 2017




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Type	Deadline to Receive Voted Ballot For Delivery	Cancellation or Receipt Mark Needed?	Election Code Section amended
Regular ABBM/Domestic - Military or U.S. citizen voting domestically (within U.S.) using ABBM (not FPCA)	- By close of election day (7:00 p.m.) or - By 5:00 p.m. the day after election, or next business day (NBD), if day after election is a Saturday, Sunday, or legal state or national holiday > "Late Domestic Ballot"	<ul style="list-style-type: none"> • No • Yes – by 7:00 p.m. at the location of the election on election day 	HB 1151 - 86.007(a)(1) HB 1151 - 86.007(a)(2) & (e)
Annual ABBM (age or disability, unlikely to submit Annual ABBM instead of FPCA is living overseas)	- By close of election day (7:00 p.m.) or - By 5:00 p.m. the day after election, or NBD, if applicable. > "Late Domestic Ballot"	<ul style="list-style-type: none"> • No • Yes – by 7:00 p.m. at the location of the election on election day 	HB 1151 - 86.007(a)(1) HB 1151 - 86.007(a)(2) & (e)
Regular ABBM/Overseas - Military or U.S. citizen voting from overseas, using ABBM (not FPCA)	5 th day after election day, or NBD, if applicable	Yes-by 7:00 p.m. at the location of the election on election day	HB 1151 - 86.007(d) & (e)
FPCA/Non Military - non-military U.S. Citizen voting from overseas, using FPCA	5 th day after election day, or NBD, if applicable	Yes-by 7:00 p.m. at the location of the election on election day	HB 1151 - 86.007(d) & (e)
FPCA/Military - military voter, voting either domestically or from overseas, using FPCA	6 th day after election, or NBD, if applicable	No	HB 929 - 101.057(b)- applies only to members of armed forces & merchant marine of the U.S., their spouse or a dependent

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ABBM--Disclosure


- **H.B. 2559** (Reynolds): Provides that an ABBM (either regular or annual) is public information following the earliest occurring election for which it is submitted.
- Effective September 1, 2017.

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New Special Form of BBM


- **H.B. 658** (Bernal): creates new chapter 107 for voting by mail from assisted living centers and nursing homes.
- Once five requests for BBM made from a facility, the EVC has to schedule a trip for election judges to deliver blank ballots and collect voted ballots in signed carrier envelopes.
- Not a EV branch location. Simply ballots by mail personally delivered back and forth.
- **S.B 5, Special Session** (Hancock): Repeals Chapter 107, effective December 1, 2017.
- **Chapter 107 is in effect from September 1, 2017 – November 30, 2017**

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In-Person Voting with Mobility Impairment


- **H.B. 658** (Bernal): Provides that a voter with mobility issues can be allowed to vote before others in line.
- Election officer “may accept” a person substantially impaired in their ability to walk.
- Effective September 1, 2017.

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Voter ID (EIC mobile units)


- **S.B. 5 (Huffman):** Provides that the SOS shall implement a program to provide free EICs to persons who need them on an event invitation basis.
- We are trained and ready to go.
- Let us know at least a couple of weeks in advance and we will get to the event.
- Effective: January 1, 2018

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Voter ID


- **S.B. 5 (Huffman):** Requires voters to present an acceptable form of ID under 63.101.
 - This is the same list that has been in place since June 2013.
 - However, the IDs can be expired for up to four years and still be used for voting.
 - Persons over 70 years old may use one of the forms of ID no matter how long they are expired.
- Effective: January 1, 2018.

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Voter ID


- **S.B. 5 (Huffman):** If a person does not possess and cannot reasonably obtain an acceptable form of photo ID, then the person can present an alternate form of ID and sign a Reasonable Impediment Declaration.
 - Reasonable impediments include: lack of transportation, lack of birth certificate or other required docs, work schedule, lost or stolen ID, disability or illness, family responsibilities, ID has been applied for but not yet received.
- Effective: January 1, 2018.

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Voter ID


- **S.B. 5 (Huffman):** Provides that the voter's claimed reasonable impediment may not be questioned by the poll workers and that the addresses on the ID's do not have to match the voter registration address.
- The form will warn that false statements on a RID are a state jail felony.
- Effective: January 1, 2018

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Voter ID


- **S.B. 5 (Huffman):** Alternate forms of ID are:
- Gov't Doc that shows the name and address of the voter including VR certificate
- One of the following with the name and address of the voter:
 - Current utility bill
 - Bank statement
 - Gov't check
 - Paycheck
 Certified copy of birth certificate or other document proving birth
- Effective: January 1, 2018

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Voter ID


- **S.B. 5 (Huffman):** Differences between the interim remedy on Voter ID in place in November and SB 5 going forward are minimal.
- The RID form will be a little different with the warning, no "other" blank, and the alternate ID list will be slightly different.
- Copies of government documents (including those with photos) will be acceptable.
- Copies of a certified copy of a birth certificate may be used.
- Foreign birth certificates may be accepted if they can be understood by the poll workers.
- Effective: January 1, 2018.

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Central Counting Station


- **H.B. 1735** (Faircloth): Creates a new oath for central counting station workers.
- Allows workers in counties under 60K to be a registered voter in either the political subdivision or an employee of the subdivision that owns the voting system.
- Effective: September 1, 2017

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Central Counting Station Plan


- **H.B. 1735** (Faircloth): The written plan for central count required by Election Code 127.007 must be available for public inspection by the 5th day prior to the election.
- Effective: September 1, 2017

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Candidate Filing


- **H.B. 1735** (Faircloth): Makes it clear that candidates have to list public mailing addresses and public email addresses on their candidate application only if they have such addresses to list.
- Effective: September 1, 2017

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Filing Requirements


- **SB 44** (Zaffirini) Clarifies that the filing authority reviews petitions for facial compliance and does not have to check individual signatures.
- Application cannot be challenged after the day before any ballots by mail have been mailed to an address in the authority's jurisdiction.
- Effective: Immediately (May 23, 2017)

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Filing Requirements


- **H.B. 2157** (Miller) Clarifies that candidate applications must be sworn to in front of an officer allowed to take oaths.
- Clarifies that an affidavit of circulator on a petition applies to all pages of the petition gathered by that circulator.
- Effective: September 1, 2017

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Candidate Withdrawal


- **H.B. 1661** (Phelan) Allows a candidate's name who withdraws after the deadline but before ballots are "prepared" to be omitted from the ballot.
- Effective: September 1, 2017

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Special Elections


- **H.B. 2323** (Israel): Clarifies that declarations of write in candidacy have to be filed by **6 p.m.** on the 75th day before election day when the election is held on the general election date.
- Clarifies that a declaration of write in candidacy in other special elections must be filed no later than the filing deadline for all candidates.
- Effective: September 1, 2017

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Organized Election Fraud


- **H.B. 1735** (Faircloth): Creates an offense for organized election fraud. Broadly worded to include any election code crime committed in service to a vote harvesting organization.
- Vote harvesting organization is defined to include three or more persons collaborating to commit offenses even if they don't know each other and even if the membership changes over time.
- Effective: September 1, 2015

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Election Fraud


- **S.B. 5**, Special Session (Hancock): Expands the criminal offenses related to illegal voting, fraudulent use of an ABBM, unlawful possession of a carrier envelope, unlawful assistance.
- Increases criminal penalties.

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Retention Period

- **S.B. 5**, Special Session (Hancock): Increased the preservation period for election records to 22 months.




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Signature Verification for BBM

- **S.B. 5**, Special Session (Hancock): Allows for signature verification committee or EVBB to look at signatures on file with CC or VR for preceding 6 years to assist with verification.
- Signatures can be used to accept OR reject a ballot by mail.




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Notice to OAG

- **S.B. 5**, Special Session (Hancock): Early Voting Clerk must now provide notice to the OAG when ballots are rejected for specific reasons.
 - Deceased voter, already voted, signatures not the same person, improper witness signature or improper execution of carrier by assistant.




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Original Signature on ABBM

- **S.B. 5**, Special Session (Hancock): If ABBM is faxed or emailed, the early voting clerk can't take action on the ABBM unless they receive the original document by mail within 4 days of receipt of faxed or scanned ABBM.



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Contact Us!!

SOS Elections Division
 Rudder Building
 1019 Brazos
 Austin, Texas 78701

PO BOX 12060
 Austin, Texas 78711

Phone numbers
 1.800.252.VOTE (8683)
 512.463.5650
 Or
1.800.252.2216
Option 2 for legal

For questions or comments:
elections@sos.texas.gov



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