CHAPTER 1

EARLY VOTING

SECTION A: INTRODUCTION

The Elections Division of the Secretary of State's Office has prepared this handbook for use by the early voting clerks. This handbook contains a thorough outline of polling place procedures for all elections. It incorporates changes in the election law which have occurred as of September 1, 1995.

Throughout the handbook, references are made to the appropriate section in the Texas Election Code, unless otherwise noted. Information in *italics* is either unique to a particular type of election or an explanatory note.

Answers to questions on election law and procedures or copies of any forms may be obtained by telephoning the Elections Division toll-free at 1-800-252-VOTE(8683) or direct at 512-463-5650.

SECTION B: IMPORTANT POINTS ABOUT EARLY VOTING

1. WHAT IS EARLY VOTING?

   In Texas, voters may choose between two kinds of early voting (formerly "absentee voting"):

   a. early voting by personal appearance; and,

   b. early voting by mail.

   Voting early in person is now basically the same as voting on election day. To vote early by mail, a voter must complete "an application for ballot by mail" and state one of several legal reasons.

2. WHEN IS EARLY VOTING CONDUCTED?

   Early voting must be conducted for all elections. In most elections, early voting by personal appearance begins on the 20th day before election day and ends on the 4th day before election day.

3. WHEN AND HOW LONG VOTER REGISTRATION IS EFFECTIVE.

   Generally, a voter is eligible to vote on the 30th day after completing an application. As long as the voter has an effective registration for election day, they are eligible to vote during the early voting period. If the applicant is under 18 years old, the registration will become effective on the 30th day after the voter registrar receives the application or on the day before the applicant's 18th birthday, whichever comes later.

SECTION C: SUMMARY OF RECENT CHANGES

The procedures contained in this summary reflect changes in state and federal law which took effect on January 1, 1995.

1.   VOTING IN PRECINCT OF FORMER RESIDENCE (FAIL-SAFE VOTING).

In the past, a voter was able to return to their precinct of former residence up to one year (formerly 90 days) after having moved within the county and political subdivision. This has changed. Under current law, a registered voter who changes residence to another election precinct in the same county and same political subdivision for which the voter offers to vote may vote a full ballot in the election precinct of former residence, *regardless of how long ago the voter moved.*

Before being accepted to vote, the voter must execute and submit to an election officer at the polling place a statement of residence. The statement of residence is the same form as the old affidavit/statement of residence**.**

2.   QUALIFYING A VOTER.

The Election Code now requires an additional step in the qualification of every voter. After determining that a voter is registered, you must ask the voter whether they have moved within the county before accepting them to vote. If the voter has moved within the county, you must have the voter sign the statement of residence before accepting them to vote. The voter must still reside in the political subdivision where offering to vote and must vote in the precinct of former residence.

3.   THE "S" LIST.

An "S" notation means a voter has been placed on the Suspense List because he or she has probably moved. If a voter with an "S" notation desires to vote, the voter must sign the statement of residence swearing they have moved within the county and continue to reside in the appropriate political subdivision on the day of election. The voter must vote in their old precinct.

4   WRITTEN COMMUNICATION

Pursuant to a recent case entitled Cotham v. Garza, Civil Action No. H-94-4033 (U.S. District Court, Southern District), voters may now bring written communication into the polling place that was prepared and furnished to the voter by another person.