

CHAPTER 14

FAIL-SAFE VOTING

SECTION A: VOTING IN PRECINCT OF FORMER RESIDENCE

In the past, a voter was able to return to his or her precinct of former residence up to one year (formerly 90 days) after having moved within the county and political subdivision. This has changed. Under the new 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. In contrast, if a voter changes residence within the same political subdivision, but moves from one county to another, the voter is not eligible to vote under fail-safe procedures. Voter should execute a new voter registration application. (Refer to Attachment B)

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. (Refer to Attachment C (Section 11.004))

SECTION B: QUALIFYING A VOTER

The Texas Voter Registration Act requires an additional step in the qualification of every voter. After determining that a voter is registered, you must ask the voter whether he or she still resides at the address reflected on the list of registered voters. If the voter has moved within the county, you must have the voter sign the statement of residence before permitting the voter to vote. The voter must still reside in the political subdivision where offering to vote and must vote in the precinct of former residence. (Section 63.0011)

SECTION C: THE NEW "S" LIST

You may notice that some voters now have an "S" by their names on the list of registered voters. The "S" notation means those voters have been placed on the Suspense List because they have probably moved. If a voter with an "S" notation desires to vote, the voter must sign the statement of residence swearing he or she has moved within the county and continues to reside in the appropriate political subdivision on the day of election. The voter must vote in his or her old precinct. (Section 15.112)

SECTION D: EARLY VOTING BY MAIL

If a voter's name appears on the "S" list or if the residence address which the voter provides on the application for ballot by mail is different from the residence address on the list of registered

voters, a statement of residence must be mailed with the mail ballot materials with "Statement Enclosed" stamped on the carrier envelope. The voter must complete and return the statement of residence with the voted ballot for the ballot to be counted. (Section 87.041)