

By: Zaffirini

S.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to an early voting ballot voted by mail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by mail; ~~or~~

(B) never requested a ballot to be voted by mail; or

(C) received notice of a defect under Section 87.0271(b) or 87.0411(b).

SECTION 2. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (a) This section applies to an early voting ballot voted by mail:

(1) for which the voter did not sign the carrier envelope certificate;

(2) for which it cannot immediately be determined

1 whether the signature on the carrier envelope certificate is that  
2 of the voter;

3 (3) missing any required statement of residence; or

4 (4) containing incomplete information with respect to  
5 a witness.

6 (b) Not later than the second business day after discovering  
7 a defect described by Subsection (a) and before deciding whether to  
8 accept or reject a timely delivered ballot under Section 87.027,  
9 the signature verification committee shall:

10 (1) return the carrier envelope to the voter by mail,  
11 if the signature verification committee determines that it would be  
12 possible to correct the defect and return the carrier envelope  
13 before the time the polls are required to close on election day; or

14 (2) notify the voter of the defect by telephone or  
15 e-mail and inform the voter that the voter may request to have the  
16 voter's application to vote by mail canceled in the manner  
17 described by Section 84.032 or come to the early voting clerk's  
18 office in person not later than the sixth day after election day to  
19 correct the defect.

20 (c) If the signature verification committee takes an action  
21 described by Subsection (b), the committee must take either action  
22 described by that subsection with respect to each ballot in the  
23 election to which this section applies.

24 (d) A poll watcher is entitled to observe an action taken  
25 under Subsection (b).

26 (e) The secretary of state may prescribe any procedures  
27 necessary to implement this section.

1       (f) Notwithstanding any other law, a ballot may not be  
2 finally rejected for a reason listed in Section 87.041(b)(1), (2),  
3 or (6) before the seventh day after election day.

4       SECTION 3. Subchapter C, Chapter 87, Election Code, is  
5 amended by adding Section 87.0411 to read as follows:

6       Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING  
7 BALLOT BOARD. (a) This section applies to an early voting ballot  
8 voted by mail:

9           (1) for which the voter did not sign the carrier  
10 envelope certificate;

11           (2) for which it cannot immediately be determined  
12 whether the signature on the carrier envelope certificate is that  
13 of the voter;

14           (3) missing any required statement of residence; or

15           (4) containing incomplete information with respect to  
16 a witness.

17       (b) Not later than the second business day after discovering  
18 a defect described by Subsection (a) and before deciding whether to  
19 accept or reject a timely delivered ballot under Section 87.041,  
20 the early voting ballot board shall:

21           (1) return the carrier envelope to the voter by mail,  
22 if the early voting ballot board determines that it would be  
23 possible to correct the defect and return the carrier envelope  
24 before the time the polls are required to close on election day; or

25           (2) notify the voter of the defect by telephone or  
26 e-mail and inform the voter that the voter may request to have the  
27 voter's application to vote by mail canceled in the manner

1 described by Section 84.032 or come to the early voting clerk's  
2 office in person not later than the sixth day after election day to  
3 correct the defect.

4 (c) If the early voting ballot board takes an action  
5 described by Subsection (b), the board must take either action  
6 described by that subsection with respect to each ballot in the  
7 election to which this section applies.

8 (d) A poll watcher is entitled to observe an action taken  
9 under Subsection (b).

10 (e) The secretary of state may prescribe any procedures  
11 necessary to implement this section.

12 (f) Notwithstanding any other law, a ballot may not be  
13 finally rejected for a reason listed in Section 87.041(b)(1), (2),  
14 or (6) before the seventh day after election day.

15 SECTION 4. This Act takes effect on the 91st day after the  
16 last day of the legislative session.