

By: Oliverson, Bell of Montgomery, Metcalf,  
Swanson, Huberty, et al.

H.B. No. 3080

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to unsolicited provision of an application form for a  
3 ballot to be voted by mail and to procedures for verification of a  
4 ballot voted by mail; creating a criminal offense.

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

6 SECTION 1. Subchapter A, Chapter 84, Election Code, is  
7 amended by adding Section 84.0111 to read as follows:

8 Sec. 84.0111. UNSOLICITED PROVISION OF OFFICIAL  
9 APPLICATION FORM. (a) A person commits an offense if the person  
10 mails or otherwise provides an application form for an early voting  
11 ballot to a person who did not solicit the form.

12 (b) An offense under this section is a Class A misdemeanor.

13 SECTION 2. Section 86.002, Election Code, is amended by  
14 adding Subsection (g) to read as follows:

15 (g) The clerk shall include with the balloting materials a  
16 card containing a space for the voter to:

17 (1) place the voter's right thumbprint; and

18 (2) sign the card.

19 SECTION 3. Section 86.005(c), Election Code, is amended to  
20 read as follows:

21 (c) After marking the ballot, the voter must place it in the  
22 official ballot envelope and then seal the ballot envelope, place  
23 the ballot envelope and the completed card described by Section  
24 86.002(g) in the official carrier envelope and then seal the

1 carrier envelope, and sign the certificate on the carrier envelope.

2 SECTION 4. Subchapter B, Chapter 87, Election Code, is  
3 amended by adding Section 87.028 to read as follows:

4 Sec. 87.028. THUMBPRINT VERIFICATION. The secretary of  
5 state shall adopt rules to facilitate the procurement of the right  
6 thumbprint of as many registered voters as possible by entering  
7 into agreements with the Department of Public Safety and any other  
8 state agency the secretary of state deems appropriate. A state  
9 agency shall cooperate with the secretary of state in fulfilling  
10 its duties under this section.

11 SECTION 5. Sections 87.041(b) and (e), Election Code, are  
12 amended to read as follows:

13 (b) A ballot may be accepted only if:

14 (1) the carrier envelope certificate is properly  
15 executed;

16 (2) ~~[neither]~~ the voter's signature on the ballot  
17 application and ~~[nor]~~ the signature on the carrier envelope  
18 certificate are ~~[is]~~ determined to be those of ~~[have been executed~~  
19 ~~by a person other than]~~ the voter, unless signed by a witness;

20 (3) the voter's ballot application states a legal  
21 ground for early voting by mail;

22 (4) the voter is registered to vote, if registration  
23 is required by law;

24 (5) the address to which the ballot was mailed to the  
25 voter, as indicated by the application, was outside the voter's  
26 county of residence, if the ground for early voting is absence from  
27 the county of residence;

1           (6) for a voter to whom a statement of residence form  
2 was required to be sent under Section 86.002(a), the statement of  
3 residence is returned in the carrier envelope and indicates that  
4 the voter satisfies the residence requirements prescribed by  
5 Section 63.0011; ~~and~~

6           (7) the address to which the ballot was mailed to the  
7 voter is an address that is otherwise required by Sections 84.002  
8 and 86.003; and

9           (8) the voter returned the completed card described by  
10 Section 86.002(g) in the carrier envelope.

11           (e) In making the determination under Subsection (b)(2),  
12 the board may also:

13           (1) compare the signatures with any two or more  
14 signatures of the voter made within the preceding six years and on  
15 file with the county clerk or voter registrar to determine whether  
16 the signatures are those of the voter; and

17           (2) open the carrier envelope and use the card  
18 described by Section 86.002(g) to assist in the determination.

19           SECTION 6. This Act takes effect September 1, 2021.