

By: Noble

H.B. No. 3449

Substitute the following for H.B. No. 3449:

By: Smith

C.S.H.B. No. 3449

A BILL TO BE ENTITLED

1 AN ACT

2 relating to ballots voted by mail.

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

4 SECTION 1. Subchapter A, Chapter 84, Election Code, is
5 amended by adding Section 84.0105 to read as follows:

6 Sec. 84.0105. PRESERVATION OF SIGNATURE. For a period of at
7 least six years, the general custodian of election records shall
8 preserve an image of the voter's signature on the carrier envelope
9 and early voting ballot application.

10 SECTION 2. Section 87.021, Election Code, is amended to
11 read as follows:

12 Sec. 87.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
13 BOARD. The early voting clerk shall deliver to the early voting
14 ballot board:

15 (1) in an election in which regular paper ballots are
16 used for early voting by personal appearance, each ballot box, in
17 accordance with Section 85.032(b), containing the early voting
18 ballots voted by personal appearance and the clerk's key to each
19 box;

20 (2) the jacket envelopes containing the early voting
21 ballots voted by mail, regardless of the ballot type or voting
22 system used;

23 (3) the poll lists prepared in connection with early
24 voting by personal appearance;

1 (4) the list of registered voters used in conducting
2 early voting; ~~and~~

3 (5) a ballot transmittal form that includes a
4 statement of the number of early voting ballots voted by mail,
5 regardless of the ballot type or voting system used, that are
6 delivered to the early voting ballot board, and in an election in
7 which regular paper ballots are used for early voting by personal
8 appearance, the number of names appearing on the poll lists
9 prepared in connection with early voting by personal appearance;

10 (6) copies of the applications for ballots to be voted
11 by mail for each ballot voted by mail received; and

12 (7) copies of the voter's signature in the county's
13 election records and in the possession of the county clerk or voter
14 registrar from at least the previous six years.

15 SECTION 3. Sections 87.027(h) and (i), Election Code, are
16 amended to read as follows:

17 (h) If a signature verification committee is appointed for
18 the election, the early voting clerk shall deliver the jacket
19 envelopes containing the early voting ballots voted by mail, the
20 copies of the applications for ballots to be voted by mail, and the
21 copies of the voter's signature in the county's election records and
22 in the possession of the county clerk or voter registrar from at
23 least the previous six years to the committee instead of to the
24 early voting ballot board. Deliveries may be made only during the
25 period of the committee's operation at times scheduled in advance
26 of delivery by the early voting clerk. The clerk shall post notice
27 of the time of each delivery. The notice must remain posted

1 continuously for at least two days before the date of the delivery.

2 (i) The signature verification committee shall compare the
3 signature on each carrier envelope certificate, except those signed
4 for a voter by a witness, with the signature on the voter's ballot
5 application to determine whether the signatures are those of the
6 voter. The committee shall [~~may~~] also compare the signatures with
7 any known signature of the voter in the county's election records
8 and on file with the county clerk or voter registrar to determine
9 whether the signatures are those of the voter. Except as provided
10 by Subsection (1), a determination under this subsection that the
11 signatures are not those of the voter must be made by a majority
12 vote of the committee's membership. The committee shall place the
13 jacket envelopes, carrier envelopes, and applications of voters
14 whose signatures are not those of the voter in separate containers
15 from those of voters whose signatures are those of the voter. The
16 committee chair shall deliver the sorted materials to the early
17 voting ballot board at the time specified by the board's presiding
18 judge.

19 SECTION 4. Section [87.041](#), Election Code, is amended by
20 adding Subsection (b-1) and amending Subsection (e) to read as
21 follows:

22 (b-1) If a signature verification committee is not
23 appointed under Section [87.027](#), the board must make a determination
24 as to whether the signatures are those of the voter under Subsection
25 (b)(2).

26 (e) In making the determination under Subsection (b)(2), to
27 determine whether the signatures are those of the voter, the board

1 shall:

2 (1) compare the signature on each carrier envelope,
3 except those signed for a voter by a witness, with the signature on
4 the voter's ballot application to determine whether the signatures
5 are those of the voter; and

6 (2) [~~may also~~] compare the signatures with any known
7 signature of the voter on file with the county clerk or voter
8 registrar.

9 SECTION 5. The heading to Section 87.126, Election Code, is
10 amended to read as follows:

11 Sec. 87.126. ELECTRONIC RECORDING OF CERTAIN [~~BALLOT~~]
12 MATERIALS USED IN EARLY VOTING BY MAIL [~~AND APPLICATIONS~~].

13 SECTION 6. Section 87.126, Election Code, is amended by
14 adding Subsection (a-2) and amending Subsection (b) to read as
15 follows:

16 (a-2) The early voting clerk shall have software available
17 to display all electronically available signatures in the county's
18 election records. The software must be made available for the first
19 election following an update of the software the early voting clerk
20 uses under this section that occurs after September 1, 2023.

21 (b) The secretary of state may adopt rules providing
22 requirements for the electronic image quality and storage of the
23 electronic images of the documents described by this section
24 [~~Subsection (a)~~].

25 SECTION 7. Section 87.041(d-1), Election Code, is repealed.

26 SECTION 8. This Act takes effect September 1, 2023.