

By: Noble

H.B. No. 3449

A BILL TO BE ENTITLED

AN ACT

relating to ballots voted by mail.

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

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

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

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

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

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

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

(3) the poll lists prepared in connection with early 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 possession
13 of the county clerk or voter registrar from at least the previous
14 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 possession of the county
22 clerk or voter registrar from at least the previous six years to the
23 committee instead of to the early voting ballot board. Deliveries
24 may be made only during the period of the committee's operation at
25 times scheduled in advance of delivery by the early voting clerk.
26 The clerk shall post notice of the time of each delivery. The
27 notice must remain posted continuously for at least two days before

1 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 on file with the county clerk or
8 voter registrar to determine whether the signatures are those of
9 the voter. Except as provided by Subsection (1), a determination
10 under this subsection that the signatures are not those of the voter
11 must be made by a majority vote of the committee's membership. The
12 committee shall place the jacket envelopes, carrier envelopes, and
13 applications of voters whose signatures are not those of the voter
14 in separate containers from those of voters whose signatures are
15 those of the voter. The committee chair shall deliver the sorted
16 materials to the early voting ballot board at the time specified by
17 the board's presiding judge.

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

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

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

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

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

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

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

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

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

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

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

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