

By: Sheets

H.B. No. 2891

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the provision of a voter's fingerprints with a mailed  
3 ballot.

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

5 SECTION 1. Section 86.002, Election Code, is amended by  
6 adding Subsection (g) to read as follows:

7 (g) The clerk shall include with the balloting materials a  
8 disposable fingerprint inked strip and instructions for the voter  
9 to include a thumbprint on the ballot.

10 SECTION 2. Section 86.005(c), Election Code, is amended to  
11 read as follows:

12 (c) After marking the ballot, the voter must place it in the  
13 official ballot envelope and then seal the ballot envelope, place  
14 the ballot envelope in the official carrier envelope and then seal  
15 the carrier envelope, and sign the certificate on the carrier  
16 envelope.

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

19 Sec. 87.028. FINGERPRINT VERIFICATION COMMITTEE. (a) A  
20 fingerprint verification committee may be appointed in the same  
21 manner as a signature verification committee. A fingerprint  
22 verification committee may, subject to the same restrictions as the  
23 signature verification committee with respect to signatures,  
24 determine whether the fingerprints submitted are that of the voter

1 if another sample of the voter's fingerprints is available for  
2 comparison.

3 (b) The secretary of state may establish methods to obtain  
4 fingerprints of as many voters as possible for the purpose of this  
5 section including entering into agreements with the Department of  
6 Public Safety and other state agencies and governmental entities to  
7 provide fingerprints.

8 SECTION 4. Section 87.041(b), Election Code, is amended to  
9 read as follows:

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

11 (1) the carrier envelope certificate is properly  
12 executed;

13 (2) neither the voter's signature on the ballot  
14 application nor the signature on the carrier envelope certificate  
15 is determined to have been executed by a person other than the  
16 voter, unless signed by a witness;

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

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

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

25 (6) for a voter to whom a statement of residence form  
26 was required to be sent under Section 86.002(a), the statement of  
27 residence is returned in the carrier envelope and indicates that

1 the voter satisfies the residence requirements prescribed by  
2 Section 63.0011; [~~and~~]

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

6 (8) the voter has submitted a thumbprint, and if a  
7 fingerprint verification committee was appointed, the thumbprint  
8 has not been determined to belong to a person other than the voter.

9 SECTION 5. This Act takes effect September 1, 2011.