

By: Bohac

H.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to the prevention of fraud committed by a person voting early by mail.

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

SECTION 1. Section 84.011, Election Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the requirements imposed by Subsection (a), the officially prescribed application form for an early voting ballot must include a space for the voter to provide a change of residence address within the county, if applicable.

SECTION 2. 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) received notice of a defect under Section 87.0271(b) or 87.0411(b).

SECTION 3. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

(f) If the application includes a change of address within

1 the county, the early voting clerk shall notify the voter registrar
2 of the change and the registrar shall update the voter's
3 registration accordingly.

4 SECTION 4. Section 86.002, Election Code, is amended by
5 adding Subsection (a-1) to read as follows:

6 (a-1) Notwithstanding Subsection (a), the clerk is not
7 required to provide a form for a statement of residence to a voter
8 who indicated a change of address within the county on the voter's
9 application for an early voting ballot to be voted by mail.

10 SECTION 5. Section 86.004(a), Election Code, as effective
11 September 1, 2017, is amended to read as follows:

12 (a) Except as provided by Subsection (b) or (c), the
13 balloting materials for voting by mail shall be mailed to a voter
14 entitled to vote by mail not later than the seventh calendar day
15 after the later of the date the clerk accepts the voter's
16 application for a ballot to be voted by mail or the date the ballots
17 become available for mailing, except that if that mailing date is
18 earlier than the 45th day before election day, the balloting
19 materials shall be mailed not later than the 30th [~~38th~~] day before
20 election day.

21 SECTION 6. Section 87.027(i), Election Code, is amended to
22 read as follows:

23 (i) The signature verification committee shall compare the
24 signature on each carrier envelope certificate, except those signed
25 for a voter by a witness, with the signature on the voter's ballot
26 application to determine whether the signatures are those of the
27 same person. The committee may also compare the signatures with

1 any two or more signatures of the voter made within the preceding
 2 six years and on file with the general custodian of election records
 3 or voter registrar [~~the signature on the voter's registration~~
 4 ~~application~~] to confirm that the signatures are those of the same
 5 person and may [~~but may not~~] use the signatures [~~registration~~
 6 ~~application signature~~] to determine that the signatures are not
 7 those of the same person. Except as provided by Subsection (1), a
 8 determination under this subsection that the signatures are not
 9 those of the same person must be made by a majority vote of the
 10 committee's membership. The committee shall place the jacket
 11 envelopes, carrier envelopes, and applications of voters whose
 12 signatures are not those of the same person in separate containers
 13 from those of voters whose signatures are those of the same
 14 person. The committee chair shall deliver the sorted materials to
 15 the early voting ballot board at the time specified by the board's
 16 presiding judge.

17 SECTION 7. Subchapter B, Chapter 87, Election Code, is
 18 amended by adding Section 87.0271 to read as follows:

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

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

24 (2) for which it cannot immediately be determined
 25 whether the signature on the carrier envelope certificate is that
 26 of the voter;

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

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

3 (b) Before deciding whether to accept or reject a timely
4 delivered ballot under Section 87.027, the signature verification
5 committee may:

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

10 (2) notify the voter of the defect by telephone or
11 e-mail and inform the voter that the voter may come to the early
12 voting clerk's office in person to:

13 (A) correct the defect; or

14 (B) request to have the voter's application to
15 vote by mail canceled under Section 84.032.

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

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

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

24 SECTION 8. Section 87.041(e), Election Code, is amended to
25 read as follows:

26 (e) In making the determination under Subsection (b)(2),
27 the board may also compare the signatures with any two or more

1 signatures of the voter made within the preceding six years and on
2 file with the general custodian of election records or voter
3 registrar to determine if [~~confirm that~~] the signatures are those
4 of the same person [~~but may not use the signatures to determine that~~
5 ~~the signatures are not those of the same person~~].

6 SECTION 9. Subchapter C, Chapter 87, Election Code, is
7 amended by adding Section 87.0411 to read as follows:

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

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

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

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

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

19 (b) Before deciding whether to accept or reject a timely
20 delivered ballot under Section 87.041, the early voting ballot
21 board may:

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

26 (2) notify the voter of the defect by telephone or
27 e-mail and inform the voter that the voter may come to the early

1 voting clerk's office in person to:

2 (A) correct the defect; or

3 (B) request to have the voter's application to
4 vote by mail canceled under Section 84.032.

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

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

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

13 SECTION 10. This Act takes effect December 1, 2017.