

By: Hinojosa

H.B. No. 90

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an opportunity to correct a defect in an early voting
3 ballot voted by mail and to the use of an application for an early
4 voting ballot to change a voter's registration address within the
5 county.

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

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

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

13 SECTION 2. Section 84.032(c), Election Code, is amended to
14 read as follows:

15 (c) An applicant may submit a request after the close of
16 early voting by personal appearance by appearing in person and:

17 (1) returning the ballot to be voted by mail to the
18 early voting clerk; or

19 (2) executing an affidavit that the applicant:

20 (A) has not received the ballot to be voted by
21 mail; or

22 (B) received notice of a defect under Section
23 87.0271(b) or 87.0411(b).

24 SECTION 3. Section 86.001, Election Code, is amended by

1 adding Subsection (f) to read as follows:

2 (f) If the application includes a change of address within
3 the county, the early voting clerk shall notify the voter registrar
4 of the change and the registrar shall update the voter's
5 registration accordingly.

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

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

12 SECTION 5. Subchapter B, Chapter 87, Election Code, is
13 amended by adding Section 87.0271 to read as follows:

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

17 (1) for which the voter did not sign the carrier
18 envelope certificate;

19 (2) for which it cannot immediately be determined
20 whether the signature on the carrier envelope certificate is that
21 of the voter;

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

23 (4) containing incomplete information with respect to
24 a witness.

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

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

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

8 (A) correct the defect; or

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

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

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

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

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

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

24 (1) for which the voter did not sign the carrier
25 envelope certificate;

26 (2) for which it cannot immediately be determined
27 whether the signature on the carrier envelope certificate is that

1 of the voter;

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

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

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

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

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

15 (A) correct the defect; or

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

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

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

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

26 SECTION 7. This Act takes effect December 1, 2017.