

1-1 By: Bohac (Senate Sponsor - Bettencourt) H.B. No. 1595
1-2 (In the Senate - Received from the House May 10, 2017;
1-3 May 10, 2017, read first time and referred to Committee on State
1-4 Affairs; May 19, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1595 By: Huffman

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to an early voting ballot voted by mail.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 84.011, Election Code, is amended by
1-24 adding Subsection (c) to read as follows:
1-25 (c) In addition to the requirements imposed by Subsection
1-26 (a), the officially prescribed application form for an early voting
1-27 ballot must include a space for the voter to provide a change of
1-28 residence address within the county, if applicable.
1-29 SECTION 2. Section 84.032(c), Election Code, is amended to
1-30 read as follows:
1-31 (c) An applicant may submit a request after the close of
1-32 early voting by personal appearance by appearing in person and:
1-33 (1) returning the ballot to be voted by mail to the
1-34 early voting clerk; or
1-35 (2) executing an affidavit that the applicant:
1-36 (A) has not received the ballot to be voted by
1-37 mail; or
1-38 (B) received notice of a defect under Section
1-39 87.0271(b) or 87.0411(b).
1-40 SECTION 3. Section 86.001, Election Code, is amended by
1-41 adding Subsection (f) to read as follows:
1-42 (f) If the application includes a change of address within
1-43 the county, the early voting clerk shall notify the voter registrar
1-44 of the change and the registrar shall update the voter's
1-45 registration accordingly.
1-46 SECTION 4. Section 86.002, Election Code, is amended by
1-47 adding Subsection (a-1) to read as follows:
1-48 (a-1) Notwithstanding Subsection (a), the clerk is not
1-49 required to provide a form for a statement of residence to a voter
1-50 who indicated a change of address within the county on the voter's
1-51 application for an early voting ballot to be voted by mail.
1-52 SECTION 5. Section 86.004(a), Election Code, is amended to
1-53 read as follows:
1-54 (a) Except as provided by Subsection (b), the balloting
1-55 materials for voting by mail shall be mailed to a voter entitled to
1-56 vote by mail not later than the seventh calendar day after the later
1-57 of the date the clerk accepts the voter's application for a ballot
1-58 to be voted by mail or the date the ballots become available for
1-59 mailing, except that if that mailing date is earlier than the 45th
1-60 day before election day, the balloting materials shall be mailed

2-1 not later than the 30th [~~38th~~] day before election day.

2-2 SECTION 6. Section 87.027(i), Election Code, is amended to
2-3 read as follows:

2-4 (i) The signature verification committee shall compare the
2-5 signature on each carrier envelope certificate, except those signed
2-6 for a voter by a witness, with the signature on the voter's ballot
2-7 application to determine whether the signatures are those of the
2-8 same person. The committee may also compare the signatures with
2-9 any two or more signatures of the voter made within the preceding
2-10 six years and on file with the general custodian of election records
2-11 or voter registrar [~~the signature on the voter's registration~~
2-12 ~~application~~] to confirm that the signatures are those of the same
2-13 person and may [~~but may not~~] use the signatures [~~registration~~
2-14 ~~application signature~~] to determine that the signatures are not
2-15 those of the same person. Except as provided by Subsection (1), a
2-16 determination under this subsection that the signatures are not
2-17 those of the same person must be made by a majority vote of the
2-18 committee's membership. The committee shall place the jacket
2-19 envelopes, carrier envelopes, and applications of voters whose
2-20 signatures are not those of the same person in separate containers
2-21 from those of voters whose signatures are those of the same
2-22 person. The committee chair shall deliver the sorted materials to
2-23 the early voting ballot board at the time specified by the board's
2-24 presiding judge.

2-25 SECTION 7. Subchapter B, Chapter 87, Election Code, is
2-26 amended by adding Section 87.0271 to read as follows:

2-27 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE
2-28 VERIFICATION COMMITTEE. (a) This section applies to an early
2-29 voting ballot voted by mail:

2-30 (1) for which the voter did not sign the carrier
2-31 envelope certificate;

2-32 (2) for which it cannot immediately be determined
2-33 whether the signature on the carrier envelope certificate is that
2-34 of the voter;

2-35 (3) missing any required statement of residence; or

2-36 (4) containing incomplete information with respect to
2-37 a witness.

2-38 (b) Before deciding whether to accept or reject a timely
2-39 delivered ballot under Section 87.027, the signature verification
2-40 committee may:

2-41 (1) return the carrier envelope to the voter by mail,
2-42 if the signature verification committee determines that it would be
2-43 possible to correct the defect and return the carrier envelope
2-44 before the time the polls are required to close on election day; or

2-45 (2) notify the voter of the defect by telephone or
2-46 e-mail and inform the voter that the voter may come to the early
2-47 voting clerk's office in person to:

2-48 (A) correct the defect; or

2-49 (B) request to have the voter's application to
2-50 vote by mail canceled under Section 84.032.

2-51 (c) If the signature verification committee takes an action
2-52 described by Subsection (b), the committee must take either action
2-53 described by that subsection with respect to each ballot in the
2-54 election to which this section applies.

2-55 (d) A poll watcher is entitled to observe an action taken
2-56 under Subsection (b).

2-57 (e) The secretary of state may prescribe any procedures
2-58 necessary to implement this section.

2-59 SECTION 8. Section 87.041(e), Election Code, is amended to
2-60 read as follows:

2-61 (e) In making the determination under Subsection (b)(2),
2-62 the board may also compare the signatures with any two or more
2-63 signatures of the voter made within the preceding six years and on
2-64 file with the general custodian of election records or voter
2-65 registrar to determine if [~~confirm that~~] the signatures are those
2-66 of the same person [~~but may not use the signatures to determine that~~
2-67 ~~the signatures are not those of the same person~~].

2-68 SECTION 9. Subchapter C, Chapter 87, Election Code, is
2-69 amended by adding Section 87.0411 to read as follows:

3-1 Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING
3-2 BALLOT BOARD. (a) This section applies to an early voting ballot
3-3 voted by mail:
3-4 (1) for which the voter did not sign the carrier
3-5 envelope certificate;
3-6 (2) for which it cannot immediately be determined
3-7 whether the signature on the carrier envelope certificate is that
3-8 of the voter;
3-9 (3) missing any required statement of residence; or
3-10 (4) containing incomplete information with respect to
3-11 a witness.
3-12 (b) Before deciding whether to accept or reject a timely
3-13 delivered ballot under Section 87.041, the early voting ballot
3-14 board may:
3-15 (1) return the carrier envelope to the voter by mail,
3-16 if the early voting ballot board determines that it would be
3-17 possible to correct the defect and return the carrier envelope
3-18 before the time the polls are required to close on election day; or
3-19 (2) notify the voter of the defect by telephone or
3-20 e-mail and inform the voter that the voter may come to the early
3-21 voting clerk's office in person to:
3-22 (A) correct the defect; or
3-23 (B) request to have the voter's application to
3-24 vote by mail canceled under Section 84.032.
3-25 (c) If the early voting ballot board takes an action
3-26 described by Subsection (b), the board must take either action
3-27 described by that subsection with respect to each ballot in the
3-28 election to which this section applies.
3-29 (d) A poll watcher is entitled to observe an action taken
3-30 under Subsection (b).
3-31 (e) The secretary of state may prescribe any procedures
3-32 necessary to implement this section.
3-33 SECTION 10. This Act takes effect September 1, 2017.

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