

By: Hinojosa

H.B. No. 3060

A BILL TO BE ENTITLED

AN ACT

relating to an opportunity to correct a defect in an early voting ballot voted by mail.

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

SECTION 1. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

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

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

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

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

(b) Before deciding whether to accept or reject a ballot under Section 87.027, the signature verification committee shall immediately contact the voter or witness, as appropriate, to advise the voter or witness of the defect and provide an opportunity to correct the defect.

(c) Subsection (b) does not apply if the signature verification committee determines that it would be impossible to correct the defect prior to the time the polls are required to close

1 on election day.

2 (d) The chair of the signature verification committee may  
3 appoint two committee members to take the defective ballot to the  
4 address of the voter or witness, as appropriate, to provide the  
5 voter or witness with an opportunity to correct the defect.

6 (e) If possible, of the two members appointed under  
7 Subsection (d):

8 (1) one must be a member of the party that received the  
9 greatest number of votes in the most recent gubernatorial election;  
10 and

11 (2) one must be a member of the party that received the  
12 second greatest number of votes in the most recent gubernatorial  
13 election.

14 SECTION 2. Subchapter C, Chapter 87, Election Code, is  
15 amended by adding Section 87.0411 to read as follows:

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

19 (1) for which the voter did not sign the carrier  
20 envelope certificate;

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

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

26 (b) Before deciding whether to accept or reject a ballot  
27 under Section 87.041, the early voting ballot board shall

1 immediately contact the voter or witness, as appropriate, to advise  
2 the voter or witness of the defect and provide an opportunity to  
3 correct the defect.

4 (c) Subsection (b) does not apply if the early voting ballot  
5 board determines that it would be impossible to correct the defect  
6 prior to the time the polls are required to close on election day.

7 (d) The presiding judge of the early voting ballot board may  
8 appoint two ballot board members to take the defective ballot to the  
9 address of the voter or witness, as appropriate, to provide the  
10 voter or witness with an opportunity to correct the defect.

11 (e) If possible, of the two members appointed under  
12 Subsection (d):

13 (1) one must be a member of the party that received the  
14 greatest number of votes in the most recent gubernatorial election;  
15 and

16 (2) one must be a member of the party that received the  
17 second greatest number of votes in the most recent gubernatorial  
18 election.

19 SECTION 3. This Act takes effect September 1, 2017.