

SENATE AMENDMENTS

2nd Printing

By: Bohac

H.B. No. 1595

A BILL TO BE ENTITLED

AN ACT

relating to the dates to provide a ballot by mail to a voter.

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

SECTION 1. Section 86.004(a), Election Code, is amended to read as follows:

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

SECTION 2. This Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

Atory Spaw
Secretary of the Senate

By: Bohac / Bettencourt

H.B. No. 1595

Substitute the following for H.B. No. 1595:

By: Jan Huffma

C.S. H.B. No. 1595

A BILL TO BE ENTITLED

AN ACT

relating to an early voting ballot voted 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 the county, the early voting clerk shall notify the voter registrar

1 of the change and the registrar shall update the voter's
2 registration accordingly.

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

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

9 SECTION 5. Section 86.004(a), Election Code, is amended to
10 read as follows:

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

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

21 (i) The signature verification committee shall compare the
22 signature on each carrier envelope certificate, except those signed
23 for a voter by a witness, with the signature on the voter's ballot
24 application to determine whether the signatures are those of the
25 same person. The committee may also compare the signatures with
26 any two or more signatures of the voter made within the preceding
27 six years and on file with the general custodian of election records

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

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

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

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

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

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

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

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

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

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

11 (A) correct the defect; or

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

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

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

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

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

24 (e) In making the determination under Subsection (b)(2),
25 the board may also compare the signatures with any two or more
26 signatures of the voter made within the preceding six years and on
27 file with the general custodian of election records or voter

1 registrar to determine if [~~confirm that~~] the signatures are those
2 of the same person [~~but may not use the signatures to determine that~~
3 ~~the signatures are not those of the same person~~].

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

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

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

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

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

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

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

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

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

27 (A) correct the defect; or

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

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

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

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

11 SECTION 10. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1595 by Bohac (Relating to an early voting ballot voted by mail.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to an early voting ballot voted by mail.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, SD, AG, LBO, NV, ASa, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1595 by Bohac (Relating to an early voting ballot voted by mail.), **Committee Report**
2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to an early voting ballot voted by mail.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, AG, LBO, NV, ASa, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1595 by Bohac (Relating to the dates to provide a ballot by mail to a voter.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to the dates to provide a ballot by mail to a voter.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, AG, LBO, NV, ASa, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 14, 2017

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1595 by Bohac (Relating to the dates to provide a ballot by mail to a voter.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to the dates to provide a ballot by mail to a voter.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, LBO, NV, ASa, BM