

By: Noble

H.B. No. 295

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that a ballot to be voted by mail be canceled and returned before voting in person.

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

SECTION 1. Section 84.031, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A person whose application is canceled by returning the person's ballot in accordance with Section 84.032, if otherwise eligible, may vote in the same manner as if the application had not been submitted.

(c) A person whose application is canceled in any other manner may cast a provisional ballot under Section 63.011.

SECTION 2. Section 84.032, Election Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) The early voting clerk shall deliver each request for cancellation to the early voting ballot board to ensure a canceled ballot is not counted.

(h) The early voting clerk and presiding election judge shall keep a log of each ballot returned and shall provide a copy of the log to the early voting ballot board to ensure that the canceled ballot is not counted in the election. Returned ballots must be kept in a secure container with a chain of custody maintained by the early voting clerk.

1        (i) The log under Subsection (h) shall include for each  
2 entry:

3                (1) the voter's name;

4                (2) an identification number unique to the voter;

5                (3) the voter's signature; and

6                (4) the date and time the application was returned.

7        SECTION 3. Section 84.033, Election Code, is amended by  
8 adding Subsection (e) to read as follows:

9        (e) The election officer shall electronically submit a  
10 record to the secretary of state of each application canceled in a  
11 primary, a runoff primary, a general election, or any special  
12 election ordered by the governor on the day the application is  
13 canceled.

14        SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect on the 91st day after the last day of the  
19 legislative session.