



FLOOR AMENDMENT NO. _____

BY: GERVIN - HANKINS

1 Amend S.B. No. 7 (____) by adding the following
2 appropriately numbered ARTICLE and renumbering subsequent ARTICLES
3 of the bill accordingly:

4 ARTICLE __. CORRECTING MAIL BALLOT DEFECTS

5 SECTION __. Section 84.032(c) and (d), Election Code, is
6 amended to read as follows:

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

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

11 (2) executing an affidavit that the applicant:

12 (A) has not received the ballot to be voted by mail;

13 [~~or~~]

14 (B) never requested a ballot to be voted by mail;

15 or

16 (C) received a notice of defect under Section
17 87.0411(b).

18 (d) An applicant may also submit a request by appearing in
19 person and returning the ballot to be voted by mail or presenting
20 a notice received under Section 86.006(h) or 87.0411(b) to:

21 (1) the early voting clerk or deputy early voting clerk
22 at any polling place that is open for early voting by personal
23 appearance; or

24 (2) the presiding election judge on election day at the
25 applicant's precinct polling place.

1 SECTION ____ . Section 87.022, Election Code, is amended to
2 read as follows:

3 Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as
4 provided by Section 87.0221, ~~[87.0222,]~~ 87.023, or 87.024, the
5 materials shall be delivered to the early voting ballot board under
6 this subchapter during the time the polls are open on election
7 day, or as soon after the polls close as practicable, at the time
8 or times specified by the presiding judge of the board.

9 SECTION ____ . Section 87.0221(a), Election Code, is amended to
10 read as follows:

11 (a) In an election in which regular paper ballots are used
12 for early voting by personal appearance or by mail, the materials
13 may be delivered to the board beginning on the ninth day before
14 the last day of ~~[between the end of]~~ the period for early voting
15 by personal appearance. The early voting clerk shall deliver all
16 early voting ballots voted by mail to the board that have been
17 returned to the clerk by the end of the third day before the last
18 day of the period for early voting by personal appearance, and
19 shall deliver all early voting ballots voted by mail received
20 thereafter to the board at least once per day ~~[and the closing of~~
21 ~~the polls on election day, or as soon after closing as practicable,~~
22 ~~at the time or times specified by the presiding judge of the~~
23 ~~board].~~

24 SECTION ____ . Section 87.024(a), Election Code, is amended to
25 read as follows:

26 (a) In an election in which early voting votes by personal
27 appearance are cast on voting machines, the jacket envelopes

1 containing the early voting ballots voted by mail may be delivered
2 to the board beginning on the ninth day before the last day of
3 ~~[between the end of]~~ the period for early voting by personal
4 appearance. The early voting clerk shall deliver all early voting
5 ballots voted by mail to the board that have been returned to the
6 clerk by the end of the third day before the last day of the period
7 for early voting by personal appearance, and shall deliver all
8 early voting ballots voted by mail received thereafter to the board
9 at least once per day ~~[and the closing of the polls on election~~
10 ~~day, or as soon after closing as practicable, at a time specified~~
11 ~~by the presiding judge of the board]~~.

12 SECTION ____ . Section 87.0241(a), Election Code, is amended to
13 read as follows:

14 (a) The early voting ballot board may determine whether to
15 accept early voting ballots voted by mail in accordance with
16 Section 87.041 at any time after the ballots are delivered to the
17 board except that the board shall determine whether to accept any
18 early voting ballots voted by mail delivered to the board by the
19 end of the third day before the last day of the period for early
20 voting by personal appearance by the end of the last day of the
21 period for early voting by personal appearance.

22 SECTION ____ . Section 87.027(i), Election Code, is amended to
23 read as follows:

24 (i) The signature verification committee shall compare the
25 signature on each carrier envelope certificate, except those
26 signed for a voter by a witness, with the signature on the voter's
27 ballot application to determine whether the signatures are those

1 of the voter. The committee may also compare the signatures with
2 any two or more signatures of the voter made within the preceding
3 six years and on file with the county clerk or voter registrar to
4 determine whether the signatures are those of the voter. Except as
5 provided by Subsection (1), a determination under this subsection
6 that the signatures are not those of the voter must be made by a
7 majority vote of the committee's membership. The committee shall
8 place the jacket envelopes, carrier envelopes, and applications of
9 voters whose signatures are not those of the voter in separate
10 containers from those of voters whose signatures are those of the
11 voter. As soon as practicable, but in no event more than one
12 business day, after the committee discovers that a voter did not
13 sign the carrier envelope certificate or determines that the
14 signature on the voter's ballot application or certificate is not
15 that of the voter, the committee chair shall deliver the jacket
16 envelope, carrier envelope, and application of the voter to the
17 early voting ballot board. The committee chair shall deliver the
18 jacket envelopes, carrier envelopes, and applications of voters
19 whose signatures are those of the voter [~~sorted materials~~] to the
20 early voting ballot board at the time specified by the board's
21 presiding judge.

22 SECTION _____. Subchapter C, Chapter 87, Election Code, is
23 amended by adding Section 87.0411 to read as follows:

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

27 (1) for which the voter did not sign the carrier

1 envelope certificate;

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

5 (3) that does not contain a statement of residence form
6 if required pursuant to Section 86.002(a).

7 (b) Before deciding whether to accept or reject a ballot
8 under Section 87.041, the early voting ballot board shall notify
9 a voter within one business day of the discovery of a defect under
10 Subsection (a) to advise the voter of the defect and provide the
11 voter an opportunity to correct the defect by providing:

12 (1) if the defect involves the voter's signature:

13 (A) the following identification:

14 (i) the identification number from an
15 unexpired driver's license, election identification certificate,
16 or personal identification card issued to the voter by the
17 Department of Public Safety;

18 (ii) the last four digits of the voter's
19 Social Security number; or

20 (iii) if the voter does not possess any
21 identification described by Subdivisions (i) or (ii), a form of
22 identification described by Section 63.0101; and

23 (B) a signed cure attestation in a form prescribed
24 by the secretary of state stating that the ballot at issue is that
25 of the voter; or

26 (2) if the defect involves a required statement of
27 residence form, a signed and completed statement of residence form.

1 (c) Subsection (b) does not apply if the early voting ballot
2 board determines that it would be impossible to correct the defect
3 before the ninth day after the date of the election.

4 (d) A voter may submit materials listed under Subsection (b)
5 to the early voting clerk by:

6 (1) personal delivery;

7 (2) mail;

8 (3) e-mail; or

9 (4) telephonic facsimile machine, if a machine is
10 available in the clerk's office.

11 (e) The notice under Subsection (b) must:

12 (1) inform the voter that the voter's vote will not be
13 counted unless the voter submits the materials listed under
14 Subsection (b) not later than the ninth day after the date of the
15 election;

16 (2) instruct the voter on the methods of returning the
17 materials listed under Subsection (b);

18 (3) include a copy of the cure attestation or statement
19 of residence in the form prescribed by the secretary of state; and

20 (4) direct the voter to the location of the cure
21 attestation or statement of residence form on the secretary of
22 state's Internet website.

23 (f) The early voting ballot board shall provide notice to the
24 voter under Subsection (b) by mail and any other method reasonably
25 calculated to provide sufficient time for the voter to submit the
26 required materials before the deadline prescribed by this section.

27 (g) The early voting ballot board is not required to provide

1 notice under Subsection (b) if the board makes a determination
2 under Section 87.027(j) that the signature on the carrier envelope
3 certificate and ballot application are those of the voter.

4 (h) If the early voting ballot board does not provide notice
5 to the voter under Subsection (b) and the ballot meets the
6 requirements of Sections 87.041(b) (1), (3), (4), (5), (6), and (7),
7 the board shall accept the ballot in the manner provided by Section
8 87.042.

9 (i) The secretary of state shall:

10 (1) prominently display and maintain on the main page of
11 the secretary's Internet website a link to blank versions of the
12 statement of residence form and the cure attestation described by
13 Subsection(b); and

14 (2) adopt rules and prescribe forms as necessary to
15 implement this section.

16 (j) A statement of residence form or a cure attestation
17 prescribed under this section must include clear instructions for
18 completion and notice of the penalties associated with election
19 fraud and voting more than once in an election. The cure
20 attestation and statement of residence may not require the voter
21 to have the form notarized or signed by a witness.

22 (k) The signature provided by the voter on a cure attestation
23 or a statement of residence form shall be placed on file with the
24 county clerk or voter registrar to allow its use for future
25 signature comparison as provided by Section 87.027(i) and Section
26 87.041(e).

27 SECTION _____. Sections 87.041(b) and (d), Election Code, are

1 amended to read as follows:

2 (b) Except as provided by Section 87.0411(h), a [A] ballot
3 may be accepted only if:

4 (1) the carrier envelope certificate is properly
5 executed;

6 (2) neither the voter's signature on the ballot
7 application nor the signature on the carrier envelope certificate
8 is determined to have been executed by a person other than the
9 voter, unless signed by a witness;

10 (3) the voter's ballot application states a legal ground
11 for early voting by mail;

12 (4) the voter is registered to vote, if registration is
13 required by law;

14 (5) the address to which the ballot was mailed to the
15 voter, as indicated by the application, was outside the voter's
16 county of residence, if the ground for early voting is absence
17 from the county of residence;

18 (6) for a voter to whom a statement of residence form
19 was required to be sent under Section 86.002(a), the statement of
20 residence is returned in the carrier envelope and indicates that
21 the voter satisfies the residence requirements prescribed by
22 Section 63.0011; and

23 (7) the address to which the ballot was mailed to the
24 voter is an address that is otherwise required by Sections 84.002
25 and 86.003.

26 (d) Except as provided by Section 87.0411(h), a [A] ballot
27 shall be rejected if any requirement prescribed by Subsection (b)

1 is not satisfied. In that case, the board shall indicate the
2 rejection by entering "rejected" on the carrier envelope and on
3 the corresponding jacket envelope.

4 SECTION ____ . Section 87.0222, Election Code, is repealed.