

Amend CSSB 7 by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE _____. CORRECTING MAIL BALLOT DEFECTS

SECTION _____. Section 84.032(c) and (d), 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) never requested a ballot to be voted by mail; or

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

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

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

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

SECTION _____. Section 87.022, Election Code, is amended to read as follows:

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

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

(a) In an election in which regular paper ballots are used for early voting by personal appearance or by mail, the materials

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

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

(a) In an election in which early voting votes by personal appearance are cast on voting machines, the jacket envelopes containing the early voting ballots voted by mail may be delivered to the board beginning on the ninth day before the last day of [~~between the end of~~] the period for early voting by personal appearance. The early voting clerk shall deliver all early voting ballots voted by mail to the board that have been returned to the clerk by the end of the third day before the last day of the period for early voting by personal appearance, and shall deliver all early voting ballots voted by mail received thereafter to the board at least once per day [~~and the closing of the polls on election day, or as soon after closing as practicable, at a time specified by the presiding judge of the board~~].

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

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

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

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether the signatures are those of the voter. Except as provided by Subsection (1), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter. As soon as practicable, but in no event more than one business day, after the committee discovers that a voter did not sign the carrier envelope certificate or determines that the signature on the voter's ballot application or certificate is not that of the voter, the committee chair shall deliver the jacket envelope, carrier envelope, and application of the voter to the early voting ballot board. The committee chair shall deliver the jacket envelopes, carrier envelopes, and applications of voters whose signatures are those of the voter [~~sorted materials~~] to the early voting ballot board at the time specified by the board's presiding judge.

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

Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD. (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) that does not contain a statement of residence form if required pursuant to Section 86.002(a).

(b) Before deciding whether to accept or reject a ballot

under Section 87.041, the early voting ballot board shall notify a voter within one business day of the discovery of a defect under Subsection (a) to advise the voter of the defect and provide the voter an opportunity to correct the defect by providing:

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

(A) the following identification:

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

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

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

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

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

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

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

(1) personal delivery;

(2) mail;

(3) e-mail; or

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

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

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

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

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

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

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

(g) The early voting ballot board is not required to provide notice under Subsection (b) if the board makes a determination under Section 87.027(j) that the signature on the carrier envelope certificate and ballot application are those of the voter.

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

(i) The secretary of state shall:

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

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

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

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

87.041(e).

SECTION _____. Sections 87.041(b) and (d), Election Code, are amended to read as follows:

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

(1) the carrier envelope certificate is properly executed;

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

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

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

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

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

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

(d) Except as provided by Section 87.0411(h), a [A] ballot shall be rejected if any requirement prescribed by Subsection (b) is not satisfied. In that case, the board shall indicate the rejection by entering "rejected" on the carrier envelope and on the corresponding jacket envelope.

SECTION _____. Section 87.0222, Election Code, is repealed.