

BILL ANALYSIS

H.B. 3269
By: Noble
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, a voter who wishes to cancel their mail-in ballot and vote in person at a polling place may do so by signing an affidavit stating that they are canceling their mail-in ballot and by then surrendering that ballot. If a voter does not surrender their mail-in ballot, they may still sign the affidavit that they wish to cancel their mail-in ballot and vote a provisional ballot. It has been reported that some voters during the most recent election who wished to cancel their mail-in ballots and vote in person were still permitted to vote a regular ballot without surrendering their mail-in ballot. H.B. 3269 seeks to address this issue by clarifying that a voter must sign the affidavit to indicate they are canceling their mail-in ballot and surrender the ballot in order to vote a regular ballot.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3269 amends the Election Code to require the early voting clerk to deliver each request to cancel an application for a ballot to be voted by mail to the early voting ballot board to ensure a canceled ballot is not counted. The bill requires the early voting clerk and presiding election judge to keep a log of each returned ballot to provide a copy of the log to the early voting ballot board to ensure that the canceled ballot is not counted in the election. Each entry in the log is required to include certain identifying information of the voter, the voter's signature, and the date and time the application was returned. The bill requires returned ballots to be kept in a secure container with a chain of custody maintained by the early voting clerk.

H.B. 3269 requires the election officer reviewing each cancellation request to electronically submit a record to the secretary of state of each application canceled in a primary, a runoff primary, a general election, or any special election ordered by the governor on the day the application is canceled. The bill clarifies that a person whose application is canceled in accordance with the bill's provisions, if otherwise eligible, may vote in the same manner as if the application had not been submitted. A person whose application is canceled in any other manner may cast a provisional ballot.

EFFECTIVE DATE

September 1, 2021.