

BILL ANALYSIS

Senate Research Center
87R4823 SGM-F

S.B. 1018
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law does not provide signature verification committees (SVC) or early voting ballot boards (EVBB) with a way of contacting voters whose mail-in ballots include curable technical defects. This results in valid votes being disqualified.

If an SVC or EVBB identifies a mail-in ballot with an unsigned carrier-envelope, a carrier-envelope signature that does not appear to match the voter's signature, a missing statement of residence, or incomplete information regarding a witness, S.B. 1018 would enable them to notify the voter. The bill also would allow SVCs and EVBBs to return the carrier-envelope to the voter via mail if the defect is correctable, and the voter would receive the ballot before election day. If the ballot could not be sent back before election day, they could contact the voter of the defect via telephone or email. Voters would have the option to go to the early voting clerk's office in-person to cure the defect or request that their mail-in ballot application be canceled, allowing them to vote in-person on election day. These changes would ensure that election officials count all valid mail-in ballots.

As proposed, S.B. 1018 amends current law relating to an early voting ballot voted by mail.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.011, Election Code, by adding Subsection (c), as follows:

(c) Requires that the officially prescribed application form for an early voting ballot, in addition to the requirements imposed by Subsection (a) (relating to certain criteria required to be included on an application form for an early voting ballot), include a space for the voter to provide a change of residence address within the county, if applicable.

SECTION 2. Amends Section 84.032(c), Election Code, as follows:

(c) Authorizes an applicant to submit a request after the close of early voting by personal appearance by appearing in person and executing an affidavit that the applicant received notice of a defect under Section 87.0271(b) or 87.0411(b). Makes nonsubstantive changes.

SECTION 3. Amends Section 86.001, Election Code, by adding Subsection (f), as follows:

(f) Requires the early voting clerk, if the application includes a change of address within the county, to notify the voter registrar of the change and requires the registrar to update the voter's registration accordingly.

SECTION 4. Amends Section 86.002, Election Code, by adding Subsection (a-1), as follows:

(a-1) Provides that the clerk, notwithstanding Subsection (a) (relating to an official ballot envelope and carrier envelope), is not required to provide a form for a statement of residence to a voter who indicated a change of address within the county on the voter's application for an early voting ballot to be voted by mail.

SECTION 5. Amends Subchapter B, Chapter 87, Election Code, by adding Section 87.0271, as follows:

Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (a) Provides that 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;
- (3) missing any required statement of residence; or
- (4) containing incomplete information with respect to a witness.

(b) Authorizes the signature verification committee, before deciding whether to accept or reject a timely delivered ballot under Section 87.027 (Signature Verification Committee), to:

- (1) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or
- (2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to correct the defect or to request to have the voter's application to vote by mail canceled under Section 84.032 (Request for Cancellation).

(c) Requires the signature verification committee, if the committee takes an action described by Subsection (b), to take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) Entitles a poll watcher to observe an action taken under Subsection (b).

(e) Authorizes the secretary of state (SOS) to prescribe any procedures necessary to implement this section.

SECTION 6. Amends Subchapter C, Chapter 87, Election Code, by adding Section 87.0411, as follows:

Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD. (a) Provides that 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;
- (3) missing any required statement of residence; or
- (4) containing incomplete information with respect to a witness.

(b) Authorizes the early voting ballot board, before deciding whether to accept or reject a timely delivered ballot under Section 87.041 (Accepting Voter), to:

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

(2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to correct the defect or request to have the voter's application to vote by mail canceled under Section 84.032.

(c) Requires the early voting ballot board, if the board takes an action described by Subsection (b), to take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) Entitles a poll watcher to observe an action taken under Subsection (b).

(e) Authorizes the SOS to prescribe any procedures necessary to implement this section.

SECTION 7. Effective date: September 1, 2021.