By:  Zwiener H.B. No. 1822

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of early voting by mail.

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

SECTION 1.  Sections 86.006(a) and (h), Election Code, are amended to read as follows:

(a)  Except as provided by Section 86.0061, a [~~A~~] marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

(1)  mail;

(2)  common or contract carrier; or

(3)  [~~subject to Subsection (a-1),~~] in-person delivery, as provided by Section 86.0061, by the voter who voted the ballot.

(h)  A ballot returned in violation of this section or Section 86.0061 may not be counted. If the early voting clerk determines that the ballot was returned in violation of this section or Section 86.0061, the clerk shall make a notation on the carrier envelope and treat it as a ballot not timely returned in accordance with Section 86.011(c). If the ballot is returned before the end of the period for early voting by personal appearance, the early voting clerk shall promptly mail or otherwise deliver to the voter a written notice informing the voter that:

(1)  the voter's ballot will not be counted because of a violation of this code; and

(2)  the voter may vote if otherwise eligible at an early voting polling place or the election day precinct polling place on presentation of the notice.

SECTION 2.  Chapter 86, Election Code, is amended by adding Section 86.0061 to read as follows:

Sec. 86.0061.  METHOD OF RETURNING MARKED BALLOT: PERSONAL DELIVERY. (a) During the early voting period, a person may deliver a marked ballot voted under this chapter in person to:

(1)  the early voting clerk's office; or

(2)  an election officer at an early voting polling place where the voter who marked the ballot is eligible to vote an early voting ballot by personal appearance.

(b)  While the polls are open on election day, a person may deliver a marked ballot voted under this chapter to the early voting clerk's office.

(c)  An election officer shall make a reasonable effort to assist a person delivering a marked ballot to a polling place under this section before the officer assists a person offering to vote in person at the polling place.

(d)  A person may deliver under this section only the person's own marked ballot.

(e)  A voter who delivers the voter's ballot under this section must present the documentation required under Section 63.001.

(f)  The secretary of state may prescribe procedures necessary to implement this section.

SECTION 3.  Section 86.007, Election Code, is amended by amending Subsection (a) and adding Subsection (d-2) to read as follows:

(a)  Except as provided by Subsection (d) or (d-2), a marked ballot voted by mail must arrive at the address on the carrier envelope:

(1)  before the time the polls are required to close on election day; or

(2)  not later than 5 p.m. on the day after election day, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7 p.m. at the location of the election on election day.

(d-2)  A marked ballot voted under this chapter and delivered in person under Section 86.0061 is timely if delivered to the early voting clerk's office before the time the polls are required to close on election day.

SECTION 4.  Chapter 86, Election Code, is amended by adding Section 86.015 to read as follows:

Sec. 86.015.  ELECTRONIC TRACKING OF APPLICATION FOR BALLOT VOTED BY MAIL OR OF BALLOT VOTED BY MAIL. (a) The secretary of state shall permit a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary of state's public Internet website.

(b)  To comply with Subsection (a), the secretary of state must update its public Internet website appropriately as soon as practicable after each of the following events occurs:

(1)  receipt by the early voting clerk of a person's application for a ballot to be voted by mail;

(2)  placement in the mail by the early voting clerk of a person's official ballot;

(3)  receipt by the early voting clerk of a person's marked ballot; and

(4)  whether the person's marked ballot has been accepted or rejected.

(c)  The secretary of state shall prescribe procedures as necessary to implement this section.

SECTION 5.  Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

Sec. 87.0271.  OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (a) This section applies to an early voting ballot voted by mail:

(1)  for which the voter did not sign the carrier envelope certificate; or

(2)  for which it cannot be determined whether the signature on the carrier envelope certificate is that of the voter.

(b)  Before deciding whether to accept or reject a timely delivered ballot under Section 87.027, the signature verification committee shall:

(1)  return the carrier envelope to the voter by mail, if the voter did not sign the carrier envelope certificate and the signature verification committee determines that it would be possible to sign and return the carrier envelope before the fifth day after 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 before the fifth day after election day to:

(A)  sign the carrier envelope certificate; or

(B)  affirm that the ballot was submitted by the voter.

(c)  A voter may not correct a defect under this section later than the fifth day after election day.

(d)  A poll watcher is entitled to observe an action taken under Subsection (b).

(e)  The secretary of state may prescribe any procedures necessary to implement this section.

SECTION 6.  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; or

(2)  for which it cannot be determined whether the signature on the carrier envelope certificate is that of the voter.

(b)  Before deciding whether to accept or reject a timely delivered ballot under Section 87.041, the early voting ballot board shall:

(1)  return the carrier envelope to the voter by mail, if the voter did not sign the carrier envelope certificate and the early voting ballot board determines that it would be possible to sign and return the carrier envelope before the fifth day after 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 before the fifth day after election day to:

(A)  sign the carrier envelope certificate; or

(B)  affirm that the ballot was submitted by the voter.

(c)  A voter may not correct a defect under this section later than the fifth day after election day.

(d)  A poll watcher is entitled to observe an action taken under Subsection (b).

(e)  The secretary of state may prescribe any procedures necessary to implement this section.

SECTION 7.  Section 86.006(a-1), Election Code, is repealed.

SECTION 8.  The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 9.  This Act takes effect September 1, 2021.