87R7677 ADM-F

By:  Oliverson, Bell of Montgomery, Metcalf, H.B. No. 3080

     Swanson, Huberty, et al.

A BILL TO BE ENTITLED

AN ACT

relating to unsolicited provision of an application form for a ballot to be voted by mail and to procedures for verification of a ballot voted by mail; creating a criminal offense.

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

SECTION 1.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:

Sec. 84.0111.  UNSOLICITED PROVISION OF OFFICIAL APPLICATION FORM. (a) A person commits an offense if the person mails or otherwise provides an application form for an early voting ballot to a person who did not solicit the form.

(b)  An offense under this section is a Class A misdemeanor.

SECTION 2.  Section 86.002, Election Code, is amended by adding Subsection (g) to read as follows:

(g)  The clerk shall include with the balloting materials a card containing a space for the voter to:

(1)  place the voter's right thumbprint; and

(2)  sign the card.

SECTION 3.  Section 86.005(c), Election Code, is amended to read as follows:

(c)  After marking the ballot, the voter must place it in the official ballot envelope and then seal the ballot envelope, place the ballot envelope and the completed card described by Section 86.002(g) in the official carrier envelope and then seal the carrier envelope, and sign the certificate on the carrier envelope.

SECTION 4.  Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.028 to read as follows:

Sec. 87.028.  THUMBPRINT VERIFICATION. The secretary of state shall adopt rules to facilitate the procurement of the right thumbprint of as many registered voters as possible by entering into agreements with the Department of Public Safety and any other state agency the secretary of state deems appropriate. A state agency shall cooperate with the secretary of state in fulfilling its duties under this section.

SECTION 5.  Sections 87.041(b) and (e), Election Code, are amended to read as follows:

(b)  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 and [~~nor~~] the signature on the carrier envelope certificate are [~~is~~] determined to be those of [~~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; and

(8)  the voter returned the completed card described by Section 86.002(g) in the carrier envelope.

(e)  In making the determination under Subsection (b)(2), the board may also:

(1)  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; and

(2)  open the carrier envelope and use the card described by Section 86.002(g) to assist in the determination.

SECTION 6.  This Act takes effect September 1, 2021.