87R7846 SGM-D

By:  Jetton H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

relating to the procedures following the rejection of a ballot voted by mail.

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

SECTION 1.  Section 84.011(a), Election Code, is amended to read as follows:

(a)  The officially prescribed application form for an early voting ballot must include:

(1)  immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(2)  a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;

(3)  spaces for entering an applicant's voter registration number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(4)  on an application for a ballot to be voted by mail:

(A)  a space for an applicant applying on the ground of absence from the county of residence to indicate the date on or after which the applicant can receive mail at the address outside the county;

(B)  a space for indicating the fact that an applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C)  a space for entering an applicant's telephone number and e-mail address, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

(D)  a space or box for an applicant applying on the ground of age or disability to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E)  a space or box for an applicant applying on the ground of confinement in jail to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 84.002(a)(4), if applicable;

(F)  a space for an applicant applying on the ground of age or disability to indicate if the application is an application under Section 86.0015;

(G)  spaces for entering the signature, printed name, and residence address of any person assisting the applicant;

(H)  a statement informing the applicant of the condition prescribed by Section 81.005; [~~and~~]

(I)  a statement informing the applicant of the requirement prescribed by Section 86.003(c); and

(J)  a space for the voter to indicate the voter's preferred contact method.

SECTION 2.  Section 87.027, Election Code, is amended by adding Subsection (i-1) to read as follows:

(i-1)  A person serving on the signature verification committee may not correct a rejected ballot or return it to the voter.

SECTION 3.  Section 87.043, Election Code, is amended by adding Subsection (e) to read as follows:

(e)  A person serving on the early voting ballot board may not correct a rejected ballot or return it to the voter.

SECTION 4.  Section 87.0431, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (d) to read as follows:

(a)  Not later than 24 hours after a ballot is rejected, [~~the 10th day after election day,~~] the presiding judge of the early voting ballot board shall:

(1)  notify the voter of the rejection of the voter's ballot using the voter's preferred contact method; and

(2)  inform the voter that, time permitting, the voter may:

(A)  request new balloting materials; or

(B)  vote by personal appearance.

(a-1)  In addition to the notice provided under Subsection (a), the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application. If the ballot was transmitted to the voter by e-mail under Subchapter C, Chapter 101, the presiding judge shall also provide the notice to the e-mail address to which the ballot was sent.

(a-2)  The presiding judge of the board shall coordinate with the early voting clerk to provide new balloting materials by mail to a voter who makes a request under Subsection (a)(2)(A), except if the ballot was transmitted to the voter by e-mail under Subchapter C, Chapter 101, the presiding judge shall provide the balloting materials by e-mail. This subsection does not apply if the presiding judge determines that the voter will not have sufficient time to return the new balloting materials before the deadline prescribed by Section 86.007.

(d)  Subsection (a) 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.

SECTION 5.  This Act takes effect September 1, 2021.