87R4962 SGM-D

By:  Bucy H.B. No. 3525

A BILL TO BE ENTITLED

AN ACT

relating to the verification of an application or 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 box for the applicant to indicate whether the applicant consents to receive text messages relating to the application, and 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).

SECTION 2.  Section 86.001, Election Code, is amended by adding Subsections (f) and (f-1) to read as follows:

(f)  The early voting clerk, before rejecting an application, shall within 24 hours of receiving a defective application contact the applicant using any e-mail address or telephone number provided on the application to notify the applicant of the defect. The applicant may make clerical corrections to the application by e-mail, telephone, or text message, including correcting the applicant's date of birth, correcting the spelling of the applicant's name, or providing additional information to make corrections to an address or county of residence. If an applicant has submitted an address that is not an acceptable mailing address, the applicant may submit to the early voting clerk a mailing address by e-mail. If the early voting clerk does not receive a response before the fourth day after the date the clerk contacted the applicant, the clerk may reject the application. The early voting clerk shall attach to and maintain with the original application submissions and corrections provided by e-mail, telephone, or text message under this subsection.

(f-1)  An applicant may not change the address or county of residence submitted on the original application to a different address or county of residence by e-mail, telephone, or text message.

SECTION 3.  Chapter 86, Election Code, is amended by adding Section 86.015 to read as follows:

Sec. 86.015.  ELECTRONIC TRACKING FOR BALLOT VOTED BY MAIL. (a) The secretary of state shall develop and maintain an electronic system that allows a voter, through a link on the Internet website of the early voting clerk, to access the database created under Section 87.064 to monitor the status of the voter's ballot voted by mail.

(b)  The system developed under Subsection (a) must require the voter to provide, before permitting the voter to access information described by that subsection:

(1)  the voter's name and registration address; and

(2)  the voter's:

(A)  driver's license number;

(B)  personal identification card number issued by the Department of Public Safety; or

(C)  date of birth.

(c)  The system developed under Subsection (a) must update information accessible from the database created under Section 87.064 as soon as practicable but not later than 11 a.m. the day after each of the following events occurs:

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

(2)  acceptance or rejection by the early voting ballot board of a person's marked ballot, including any reason for rejection.

(d)  The information contained in Subsection (c) is public information for the purposes of Chapter 552, Government Code.

SECTION 4.  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;

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

(3)  containing incomplete information with respect to a witness.

(b)  Before deciding whether to accept or reject a ballot under Section 87.027, the signature verification committee shall immediately contact the voter or witness, as appropriate, to advise the voter or witness of the defect and include detailed instructions regarding how to correct the defect in person at the early voting clerk's office.

(c)  Subsection (b) does not apply if the signature verification committee determines that it would be impossible to correct the defect before the fourth day after election day.

(d)  The secretary of state may adopt rules to implement this section.

SECTION 5.  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;

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

(3)  containing incomplete information with respect to a witness.

(b)  Before deciding whether to accept or reject a ballot under Section 87.041, the early voting ballot board shall immediately contact the voter or witness, as appropriate, to advise the voter or witness of the defect and include detailed instructions regarding how to correct the defect in person at the early voting clerk's office.

(c)  Subsection (b) does not apply if the early voting ballot board determines that it would be impossible to correct the defect before the fourth day after election day.

(d)  The secretary of state may adopt rules to implement this section.

SECTION 6.  Subchapter D, Chapter 87, Election Code, is amended by adding Section 87.064 to read as follows:

Sec. 87.064.  DAILY STATUS REPORT ON EARLY VOTING BALLOTS BY MAIL. (a) Each day that early voting by personal appearance is conducted, the early voting ballot board shall compile a list of voters who voted early by mail and deliver it to the secretary of state. The information contained on the list is public information for the purposes of Chapter 552, Government Code. The list shall contain for each person to whom a ballot to be voted by mail was provided:

(1)  the voter's name and registration number;

(2)  whether the voter's early voting ballot by mail was received;

(3)  to the extent applicable to the election, whether the signature verification committee has determined the signatures are not those of the voter;

(4)  whether the early voting ballot by mail has been accepted or rejected by the early voting board; and

(5)  if rejected, the reason for the rejection.

(b)  The secretary of state shall, on a daily basis, compile the data received under Subsection (a) into a downloadable database format and post the data on the secretary's public Internet website.

SECTION 7.  The changes in law made by Section 3 of this Act apply beginning with an application for a ballot to be voted by mail for an election held on or after January 1, 2022.

SECTION 8.  This Act takes effect September 1, 2021.