87R12242 ADM-D

By:  Springer S.B. No. 1731

A BILL TO BE ENTITLED

AN ACT

relating to election integrity; creating a criminal offense; increasing a criminal penalty.

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

SECTION 1.  Section 61.008(a), Election Code, is amended to read as follows:

(a)  A person commits an offense if the person indicates to a voter in a polling place by word, sign, or gesture how the person desires the voter to vote or not vote, or if the person offers or gives a nonmonetary gift to a voter at a polling place or to a person assisting the voter under Subchapter B, Chapter 64.

SECTION 2.  Section 84.001(b), Election Code, is amended to read as follows:

(b)  An application must be in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

SECTION 3.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0011 to read as follows:

Sec. 84.0011.  SOLICITATION OF BALLOT BY MAIL APPLICATIONS PROHIBITED. The early voting clerk may make no attempt to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party.

SECTION 4.  Section 84.004, Election Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e)  An offense under this section is a state jail felony [~~Class B misdemeanor~~].

(f)  An early voting clerk who is aware of or is in possession of evidence that an offense under this section has been committed shall promptly notify a law enforcement agency and retain the evidence.

SECTION 5.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0111 to read as follows:

Sec. 84.0111.  PROHIBITION ON DISTRIBUTION OF OFFICIAL APPLICATION FORM. Unless otherwise authorized by this code, an officer or employee of this state or of a political subdivision of this state may not distribute an official application form for an early voting ballot to be voted by mail to a person.

SECTION 6.  Section 86.002(d), Election Code, is amended to read as follows:

(d)  The secretary of state shall prescribe instructions to be printed on the balloting materials for the execution and return of a statement of residence. The instructions must include an explanation of the circumstances under which the ballot must be rejected with respect to the statement and instructions on how to cure a rejected ballot in accordance with Chapter 87.

SECTION 7.  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 in the official carrier envelope and then seal the carrier envelope, and sign the certificate on the carrier envelope. An electronic signature is not permitted.

SECTION 8.  Chapter 86, Election Code, is amended by adding Section 86.00511 to read as follows:

Sec. 86.00511.  UNLAWFULLY WITNESSING CARRIER ENVELOPE FOR MORE THAN ONE VOTER. (a) A person commits an offense if the person acts as a witness for a voter in signing the certificate on the carrier envelope for more than one voter in an election.

(b)  An offense under this section is a state jail felony.

(c)  Each application signed by the witness in violation of this section constitutes a separate offense.

(d)  This section does not apply if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event.

(e)  An early voting clerk who is aware of or is in possession of evidence that an offense under this section has been committed shall promptly notify a law enforcement agency and retain the evidence.

SECTION 9.  Section 86.0052(a), Election Code, is amended to read as follows:

(a)  A person commits an offense if the person:

(1)  compensates another person for depositing the carrier envelope in the mail or with a common or contract carrier as provided by Section 86.0051(b)[~~, as part of any performance-based compensation scheme based on the number of ballots deposited or in which another person is presented with a quota of ballots to deposit as provided by Section 86.0051(b)~~];

(2)  engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of ballots deposited as provided by Section 86.0051(b); or

(3)  with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

SECTION 10.  Subchapter A, Chapter 87, Election Code, is amended by adding Section 87.007 to read as follows:

Sec. 87.007.  SIGNATURE VERIFICATION TRAINING. (a) The secretary of state shall:

(1)  develop a training course and uniform standards for the process of signature comparison and verification under this chapter; and

(2)  ensure that the training course is made available to any person who has a duty to examine signatures under this chapter.

(b)  The secretary of state shall adopt rules as necessary to implement this section.

SECTION 11.  Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

Sec. 87.0271.  NOTICE TO VOTER OF REJECTED BALLOT: 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;

(3)  missing any required statement of residence; or

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

(b)  Immediately after rejecting a timely delivered ballot under Section 87.027, the signature verification committee shall notify the voter of the defect by mail. The notice must be accompanied by the rejected ballot and must inform the voter that the voter may come to the early voting clerk's office in person to request to have the voter's application to vote by mail canceled under Section 84.032.

(c)  A voter whose ballot is rejected under Section 87.027 may attempt to cure the defective ballot by:

(1)  appearing at the office of the early voting clerk not later than 5:00 p.m. on the fourth business day after the election;

(2)  presenting the rejected ballot and the notice received by the voter under Subsection (b); and

(3)  executing an affidavit that the voter has not voted in the election.

(d)  Notice under this section may not be given in person, by e-mail, or by telephone.

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

SECTION 12.  Subchapter C, Chapter 87, Election Code, is amended by adding Section 87.0411 to read as follows:

Sec. 87.0411.  NOTICE TO VOTER OF REJECTED BALLOT: 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;

(3)  missing any required statement of residence; or

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

(b)  Immediately after rejecting a timely delivered ballot under Section 87.041, the early voting ballot board shall notify the voter of the defect by mail. The notice must be accompanied by the rejected ballot and must inform the voter that the voter may cure the voter's rejected ballot at the early voting clerk's office as provided by this section.

(c)  A voter whose ballot is rejected under Section 87.041 may attempt to cure the defective ballot by:

(1)  appearing at the office of the early voting clerk not later than 5:00 p.m. on the fourth business day after the election;

(2)  presenting the rejected ballot and the notice received by the voter under Subsection (b); and

(3)  executing an affidavit that the voter has not voted in the election.

(d)  Notice under this section may not be given in person, by e-mail, or by telephone.

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

SECTION 13.  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 14.  This Act takes effect September 1, 2021.