

By: Hinojosa

H.B. No. 1464

A BILL TO BE ENTITLED

AN ACT

relating to an early voting ballot voted by mail.

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

SECTION 1. Section 84.011, Election Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the requirements imposed by Subsection (a), the officially prescribed application form for an early voting ballot must include a space for the voter to provide a change of residence address within the county, if applicable.

SECTION 2. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by mail; ~~or~~

(B) never requested a ballot to be voted by mail; or

(C) received notice of a defect under Section 87.0271(b) or 87.0411(b).

SECTION 3. Section 86.001, Election Code, is amended by adding Subsection (f) to read as follows:

1 (f) If the application includes a change of address within
2 the county, the early voting clerk shall notify the voter registrar
3 of the change and the registrar shall update the voter's
4 registration accordingly.

5 SECTION 4. Section 86.002, Election Code, is amended by
6 adding Subsection (a-1) to read as follows:

7 (a-1) Notwithstanding Subsection (a), the clerk is not
8 required to provide a form for a statement of residence to a voter
9 who indicated a change of address within the county on the voter's
10 application for an early voting ballot to be voted by mail.

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

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

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

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

21 (3) missing any required statement of residence; or

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

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

27 (1) return the carrier envelope to the voter by mail,

1 if the signature verification committee determines that it would be
2 possible to correct the defect and return the carrier envelope
3 before the time the polls are required to close on election day; or

4 (2) notify the voter of the defect by telephone or
5 e-mail and inform the voter that the voter may come to the early
6 voting clerk's office in person to:

7 (A) correct the defect; or

8 (B) request to have the voter's application to
9 vote by mail canceled under Section 84.032.

10 (c) If the signature verification committee takes an action
11 described by Subsection (b), the committee must take either action
12 described by that subsection with respect to each ballot in the
13 election to which this section applies.

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

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

18 SECTION 6. Subchapter C, Chapter 87, Election Code, is
19 amended by adding Section 87.0411 to read as follows:

20 Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING
21 BALLOT BOARD. (a) This section applies to an early voting ballot
22 voted by mail:

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

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

1 (3) missing any required statement of residence; or
2 (4) containing incomplete information with respect to
3 a witness.

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

7 (1) return the carrier envelope to the voter by mail,
8 if the early voting ballot board determines that it would be
9 possible to correct the defect and return the carrier envelope
10 before the time the polls are required to close on election day; or

11 (2) notify the voter of the defect by telephone or
12 e-mail and inform the voter that the voter may come to the early
13 voting clerk's office in person to:

14 (A) correct the defect; or

15 (B) request to have the voter's application to
16 vote by mail canceled under Section 84.032.

17 (c) If the early voting ballot board takes an action
18 described by Subsection (b), the board must take either action
19 described by that subsection with respect to each ballot in the
20 election to which this section applies.

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

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

25 SECTION 7. This Act takes effect September 1, 2021.