

By: Zwiener

H.B. No. 1822

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of early voting by mail.

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

SECTION 1. Sections 86.006(a) and (h), Election Code, are amended to read as follows:

(a) Except as provided by Section 86.0061, a [A] marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

(1) mail;

(2) common or contract carrier; or

(3) [~~subject to Subsection (a-1),~~] in-person delivery, as provided by Section 86.0061, by the voter who voted the ballot.

(h) A ballot returned in violation of this section or Section 86.0061 may not be counted. If the early voting clerk determines that the ballot was returned in violation of this section or Section 86.0061, the clerk shall make a notation on the carrier envelope and treat it as a ballot not timely returned in accordance with Section 86.011(c). If the ballot is returned before the end of the period for early voting by personal appearance, the early voting clerk shall promptly mail or otherwise deliver to the voter a written notice informing the voter that:

1 (1) the voter's ballot will not be counted because of a
2 violation of this code; and

3 (2) the voter may vote if otherwise eligible at an
4 early voting polling place or the election day precinct polling
5 place on presentation of the notice.

6 SECTION 2. Chapter 86, Election Code, is amended by adding
7 Section 86.0061 to read as follows:

8 Sec. 86.0061. METHOD OF RETURNING MARKED BALLOT: PERSONAL
9 DELIVERY. (a) During the early voting period, a person may deliver
10 a marked ballot voted under this chapter in person to:

11 (1) the early voting clerk's office; or

12 (2) an election officer at an early voting polling
13 place where the voter who marked the ballot is eligible to vote an
14 early voting ballot by personal appearance.

15 (b) While the polls are open on election day, a person may
16 deliver a marked ballot voted under this chapter to the early voting
17 clerk's office.

18 (c) An election officer shall make a reasonable effort to
19 assist a person delivering a marked ballot to a polling place under
20 this section before the officer assists a person offering to vote in
21 person at the polling place.

22 (d) A person may deliver under this section only the
23 person's own marked ballot.

24 (e) A voter who delivers the voter's ballot under this
25 section must present the documentation required under Section
26 63.001.

27 (f) The secretary of state may prescribe procedures

1 necessary to implement this section.

2 SECTION 3. Section 86.007, Election Code, is amended by
3 amending Subsection (a) and adding Subsection (d-2) to read as
4 follows:

5 (a) Except as provided by Subsection (d) or (d-2), a marked
6 ballot voted by mail must arrive at the address on the carrier
7 envelope:

8 (1) before the time the polls are required to close on
9 election day; or

10 (2) not later than 5 p.m. on the day after election
11 day, if the carrier envelope was placed for delivery by mail or
12 common or contract carrier before election day and bears a
13 cancellation mark of a common or contract carrier or a courier
14 indicating a time not later than 7 p.m. at the location of the
15 election on election day.

16 (d-2) A marked ballot voted under this chapter and delivered
17 in person under Section 86.0061 is timely if delivered to the early
18 voting clerk's office before the time the polls are required to
19 close on election day.

20 SECTION 4. Chapter 86, Election Code, is amended by adding
21 Section 86.015 to read as follows:

22 Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT
23 VOTED BY MAIL OR OF BALLOT VOTED BY MAIL. (a) The secretary of
24 state shall permit a person who submits an application for a ballot
25 to be voted by mail to track the location and status of the person's
26 application and ballot on the secretary of state's public Internet
27 website.

1 (b) To comply with Subsection (a), the secretary of state
2 must update its public Internet website appropriately as soon as
3 practicable after each of the following events occurs:

4 (1) receipt by the early voting clerk of a person's
5 application for a ballot to be voted by mail;

6 (2) placement in the mail by the early voting clerk of
7 a person's official ballot;

8 (3) receipt by the early voting clerk of a person's
9 marked ballot; and

10 (4) whether the person's marked ballot has been
11 accepted or rejected.

12 (c) The secretary of state shall prescribe procedures as
13 necessary to implement this section.

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

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

19 (1) for which the voter did not sign the carrier
20 envelope certificate; or

21 (2) for which it cannot be determined whether the
22 signature on the carrier envelope certificate is that of the voter.

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

26 (1) return the carrier envelope to the voter by mail,
27 if the voter did not sign the carrier envelope certificate and the

1 signature verification committee determines that it would be
2 possible to sign and return the carrier envelope before the fifth
3 day after 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 before the fifth day after election
7 day to:

8 (A) sign the carrier envelope certificate; or

9 (B) affirm that the ballot was submitted by the
10 voter.

11 (c) A voter may not correct a defect under this section
12 later than the fifth day after election day.

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

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

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

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

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

24 (2) for which it cannot be determined whether the
25 signature on the carrier envelope certificate is that of the voter.

26 (b) Before deciding whether to accept or reject a timely
27 delivered ballot under Section 87.041, the early voting ballot

1 board shall:

2 (1) return the carrier envelope to the voter by mail,
3 if the voter did not sign the carrier envelope certificate and the
4 early voting ballot board determines that it would be possible to
5 sign and return the carrier envelope before the fifth day after
6 election day; or

7 (2) notify the voter of the defect by telephone or
8 e-mail and inform the voter that the voter may come to the early
9 voting clerk's office in person before the fifth day after election
10 day to:

11 (A) sign the carrier envelope certificate; or

12 (B) affirm that the ballot was submitted by the
13 voter.

14 (c) A voter may not correct a defect under this section
15 later than the fifth day after election day.

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

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

20 SECTION 7. Section 86.006(a-1), Election Code, is repealed.

21 SECTION 8. The changes in law made by this Act apply only to
22 an offense committed on or after the effective date of this Act. An
23 offense committed before the effective date of this Act is governed
24 by the law in effect on the date the offense was committed, and the
25 former law is continued in effect for that purpose. For purposes of
26 this section, an offense was committed before the effective date of
27 this Act if any element of the offense occurred before that date.

1 SECTION 9. This Act takes effect September 1, 2021.