

By: Jetton

H.B. No. 3200

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the procedures following the rejection of a ballot
3 voted by mail.

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

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

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

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

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

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

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

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

24 (B) a space for indicating the fact that an

1 applicant whose application is signed by a witness cannot make the
2 applicant's mark and a space for indicating the relationship or
3 lack of relationship of the witness to the applicant;

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

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

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

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

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

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

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

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

27 SECTION 2. Section 87.027, Election Code, is amended by

1 adding Subsection (i-1) to read as follows:

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

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

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

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

12 (a) Not later than 24 hours after a ballot is rejected, [~~the~~
13 ~~10th day after election day,~~] the presiding judge of the early
14 voting ballot board shall:

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

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

19 (A) request new balloting materials; or

20 (B) vote by personal appearance.

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

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

10 (d) Subsection (a) applies to an early voting ballot voted
11 by mail:

12 (1) for which the voter did not sign the carrier
13 envelope certificate;

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

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

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

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