

By: Bucy

H.B. No. 3525

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the verification of an application or ballot voted by  
3 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 box for the applicant to indicate  
6 whether the applicant consents to receive text messages relating to  
7 the application, and a statement informing the applicant that  
8 failure to furnish that information does not invalidate the  
9 application;

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

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

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

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

23 (H) a statement informing the applicant of the  
24 condition prescribed by Section 81.005; and

25 (I) a statement informing the applicant of the  
26 requirement prescribed by Section 86.003(c).

27 SECTION 2. Section 86.001, Election Code, is amended by

1 adding Subsections (f) and (f-1) to read as follows:

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

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

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

25 Sec. 86.015. ELECTRONIC TRACKING FOR BALLOT VOTED BY MAIL.

26 (a) The secretary of state shall develop and maintain an electronic  
27 system that allows a voter, through a link on the Internet website

1 of the early voting clerk, to access the database created under  
2 Section 87.064 to monitor the status of the voter's ballot voted by  
3 mail.

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

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

8 (2) the voter's:

9 (A) driver's license number;

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

12 (C) date of birth.

13 (c) The system developed under Subsection (a) must update  
14 information accessible from the database created under Section  
15 87.064 as soon as practicable but not later than 11 a.m. the day  
16 after each of the following events occurs:

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

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

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

24 SECTION 4. Subchapter B, Chapter 87, Election Code, is  
25 amended by adding Section 87.0271 to read as follows:

26 Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE  
27 VERIFICATION COMMITTEE. (a) This section applies to an early

1 voting ballot voted by mail:

2 (1) for which the voter did not sign the carrier  
3 envelope certificate;

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

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

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

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

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

20 SECTION 5. Subchapter C, Chapter 87, Election Code, is  
21 amended by adding Section 87.0411 to read as follows:

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

25 (1) for which the voter did not sign the carrier  
26 envelope certificate;

27 (2) for which it cannot immediately be determined

1 whether the signature on the carrier envelope certificate is that  
2 of the voter; or

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

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

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

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

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

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

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

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

1 received;

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

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

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

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

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

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