

By: West

S.B. No. 379

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. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. VOTING BY MAIL AFTER DECLARATION OF PUBLIC HEALTH

DISASTER

Sec. 107.001. APPLICABILITY. This chapter only applies during a statewide public health disaster, as defined by Section 81.003, Health and Safety Code, that arises due to a worldwide outbreak of an infectious disease that may greatly increase morbidity or mortality and cause significant economic, social, or political disruption.

Sec. 107.002. VOTING BY MAIL AFTER DECLARATION OF PUBLIC HEALTH DISASTER. A qualified voter is eligible for early voting by mail if the voter submits an application for a ballot to vote by mail:

(1) following a declaration of a public health disaster described under Section 107.001; and

(2) in the period that an application may be submitted under Section 84.007.

SECTION 2. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the

1 signature on each carrier envelope certificate, except those signed
2 for a voter by a witness, with the signature on the voter's ballot
3 application to determine whether the signatures are those of the
4 voter. The committee may also compare the signatures with any two
5 or more signatures of the voter made within the preceding six years
6 and on file with the county clerk or voter registrar to determine
7 whether the signatures are those of the voter. Except as provided by
8 Subsection (1), a determination under this subsection that the
9 signatures are not those of the voter must be made by a majority
10 vote of the committee's membership. The committee shall place the
11 jacket envelopes, carrier envelopes, and applications of voters
12 whose signatures are not those of the voter in separate containers
13 from those of voters whose signatures are those of the voter. As
14 soon as practicable after the committee discovers that a voter did
15 not sign the carrier envelope certificate or determines that the
16 signature on the voter's ballot application or certificate is not
17 that of the voter, the committee chair shall deliver the jacket
18 envelope, carrier envelope, and application of the voter to the
19 early voting ballot board. The committee chair shall deliver the
20 jacket envelopes, carrier envelopes, and applications of voters
21 whose signatures are those of the voter [~~sorted materials~~] to the
22 early voting ballot board at the time specified by the board's
23 presiding judge.

24 SECTION 3. Subchapter C, Chapter 87, Election Code, is
25 amended by adding Section 87.0411 to read as follows:

26 Sec. 87.0411. OPPORTUNITY TO CORRECT SIGNATURE DEFECT. (a)
27 The early voting ballot board may not reject an early voting ballot

1 voted by mail on the basis that the voter did not sign the carrier
2 envelope certificate or that the signature on the voter's ballot
3 application or carrier envelope certificate is not that of the
4 voter if the early voting clerk receives from the voter, not later
5 than the ninth day after the date of the election, the following
6 materials:

7 (1) a copy of one form of identification listed under
8 Section 63.0101(a), or if the voter does not have access to a form
9 of identification listed under that section, a document listed
10 under Section 63.0101(b); and

11 (2) a signed cure affidavit in a form prescribed by the
12 secretary of state stating that the ballot at issue is that of the
13 voter.

14 (b) A voter may submit materials listed under Subsection (a)
15 to the early voting clerk by:

16 (1) personal delivery;

17 (2) mail;

18 (3) e-mail; or

19 (4) telephonic facsimile machine, if a machine is
20 available in the clerk's office.

21 (c) The early voting ballot board shall notify a voter that
22 the voter's ballot contains a signature defect as soon as
23 practicable after the early voting ballot board:

24 (1) discovers a missing signature on the voter's
25 carrier envelope certificate;

26 (2) determines that the signature on the voter's
27 ballot application or carrier envelope certificate is not the

1 signature of the voter; or

2 (3) except as provided by Subsection (f), receives the
3 jacket envelope, carrier envelope, and application of a voter from
4 the signature verification committee under Section 87.027(i).

5 (d) The notice under Subsection (c) must:

6 (1) inform the voter that the voter's vote will not be
7 counted unless the voter submits the materials listed under
8 Subsection (a) not later than the date prescribed by that section;

9 (2) instruct the voter on the methods of returning the
10 materials listed under Subsection (b); and

11 (3) direct the voter to the location of the cure
12 affidavit on the secretary of state's Internet website.

13 (e) The early voting ballot board shall provide notice to
14 the voter under Subsection (c) by any method reasonably calculated
15 to provide sufficient time for the voter to submit the materials
16 under Subsection (a) not later than the date prescribed by that
17 section.

18 (f) The early voting ballot board is not required to provide
19 notice under Subsection (c) if the board makes a determination
20 under Section 87.027(j) that the signature on the carrier envelope
21 certificate and ballot application are those of the voter.

22 (g) If the early voting ballot board does not provide notice
23 to the voter under Subsection (c) and the ballot meets the
24 requirements of Sections 87.041(b)(1), (3), (4), (5), (6), and (7),
25 the board shall accept the ballot in the manner provided by Section
26 87.042.

27 (h) The secretary of state shall:

1 (1) prominently display and maintain on the main page
2 of the secretary's Internet website a link to a blank version of the
3 affidavit described by Subsection (a)(2); and

4 (2) adopt rules and prescribe forms as necessary to
5 implement this section.

6 (i) An affidavit prescribed under this section must include
7 clear instructions for completion and notice of the penalties
8 associated with election fraud and voting more than once in an
9 election.

10 SECTION 4. Sections 87.041(b) and (d), Election Code, are
11 amended to read as follows:

12 (b) Except as provided by Section 87.041(g), a [A] ballot
13 may be accepted only if:

14 (1) the carrier envelope certificate is properly
15 executed;

16 (2) neither the voter's signature on the ballot
17 application nor the signature on the carrier envelope certificate
18 is determined to have been executed by a person other than the
19 voter, unless signed by a witness;

20 (3) the voter's ballot application states a legal
21 ground for early voting by mail;

22 (4) the voter is registered to vote, if registration
23 is required by law;

24 (5) the address to which the ballot was mailed to the
25 voter, as indicated by the application, was outside the voter's
26 county of residence, if the ground for early voting is absence from
27 the county of residence;

1 (6) for a voter to whom a statement of residence form
2 was required to be sent under Section 86.002(a), the statement of
3 residence is returned in the carrier envelope and indicates that
4 the voter satisfies the residence requirements prescribed by
5 Section 63.0011; and

6 (7) the address to which the ballot was mailed to the
7 voter is an address that is otherwise required by Sections 84.002
8 and 86.003.

9 (d) Except as provided by Section 87.0411(g), a [A] ballot
10 shall be rejected if any requirement prescribed by Subsection (b)
11 is not satisfied. In that case, the board shall indicate the
12 rejection by entering "rejected" on the carrier envelope and on the
13 corresponding jacket envelope.

14 SECTION 5. The changes in law made by this Act apply only to
15 an election ordered on or after September 1, 2021.

16 SECTION 6. This Act takes effect September 1, 2021.