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S.B. No. 1018

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 84.032(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 2. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

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

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

(2) for which it cannot immediately be determined

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

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

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

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

9 (1) return the carrier envelope to the voter by mail,  
10 if the signature verification committee determines that it would be  
11 possible to correct the defect and return the carrier envelope  
12 before the time the polls are required to close on election day; or

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

16 (A) correct the defect; or

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

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

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

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

27 SECTION 3. Subchapter C, Chapter 87, Election Code, is

1 amended by adding Section 87.0411 to read as follows:

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

5 (1) for which the voter did not sign the carrier  
6 envelope certificate;

7 (2) for which it cannot immediately be determined  
8 whether the signature on the carrier envelope certificate is that  
9 of the voter;

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

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

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

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

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

23 (A) correct the defect; or

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

26 (c) If the early voting ballot board takes an action  
27 described by Subsection (b), the board must take either action

1 described by that subsection with respect to each ballot in the  
2 election to which this section applies.

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

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

7 SECTION 4. This Act takes effect September 1, 2021.