

## **BILL ANALYSIS**

C.S.H.B. 3449  
By: Noble  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Every county has an early voting ballot board and may opt to have a signature verification committee for the purpose of processing mail-in ballots. The law, however, does not give equal access to materials for determining if the signatures on a mail-in ballot application and mail-in ballot carrier envelope are those of the voter. Additionally, the signature verification committee is not required to examine any known signature on file with county election officers to determine if the signatures are those of the voter. C.S.H.B. 3449 seeks to revise the practices and procedures for processing mail-in ballots by setting a minimum retention period for signature images and establishing requirements regarding the delivery of applications and certain signature records to early voting ballot boards and signature verification committees and the use of those signature records by those entities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 6 of this bill.

### **ANALYSIS**

C.S.H.B. 3449 amends the Election Code to require the general custodian of election records to preserve an image of the voter's signature on the mail-in ballot carrier envelope and mail-in ballot application for at least six years.

C.S.H.B. 3449 requires the early voting clerk to deliver to the early voting ballot board, or to the signature verification committee if one is appointed for the election, copies of the applications for ballots to be voted by mail for each such ballot received and copies of the voter's signature in the county's election records and in the possession of the county clerk or voter registrar from at least the previous six years. The bill repeals a requirement for the voter's signature on the ballot application and the carrier envelope to be rebuttably presumed to be those of the voter if the identifying information provided on the carrier envelope and the voter's registration application identify the same voter.

C.S.H.B. 3449 replaces an authorization for the signature verification committee to compare the signatures on each carrier envelope certificate, except those signed for a voter by a witness, and on the voter's ballot application with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter with a requirement for the committee to compare the signatures with any known signature of the voter in the county's election records and on file with the county clerk or voter registrar. The bill

requires the early voting ballot board to make a determination as to whether the signatures are those of the voter if a signature verification committee is not appointed. In making that determination, the bill requires the board to compare the signature on each carrier envelope, except those signed for a voter by a witness, with the signature on the voter's ballot application and to compare the signatures with any known signature of the voter on file with the county clerk or voter registrar.

C.S.H.B. 3449 requires the early voting clerk to have software available to display all electronically available signatures in the county's election records. The software must be made available for the first election following an update of the software the early voting clerk uses to electronically record mail-in ballot materials and applications that occurs after September 1, 2023. The bill expands the scope of the secretary of state's authority to adopt rules providing requirements for the electronic image quality and storage of electronic images of ballot materials and applications to allow for the adoption of such rules relating to the signatures displayed in the software.

C.S.H.B. 3449 repeals Section 87.041(d-1), Election Code.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3449 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute require copies of voter signatures in the possession of the county clerk or voter registrar to be delivered to the early voting ballot board or signature verification committee, as applicable, but the substitute also requires delivery of copies of voter signatures in the county's election records. Additionally, the substitute revises the requirement established by the introduced for the signature verification committee to compare the signatures on the carrier envelope certificate and on the voter's ballot application with any known signature of the voter on file with the county clerk or voter registrar to also require comparison with any known signature of the voter in the county's election records.

The substitute revises the requirement in the introduced for the early voting clerk to have software available to display all electronically available signatures by specifying that the signatures to be displayed in that software are those in the county's election records.