

## **BILL ANALYSIS**

C.S.H.B. 4780  
By: Smith  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Constituents, the secretary of state's office, and county clerks have suggested that the information located on the back of official carrier envelopes for mail-in ballots is confusing and hard to read. Despite years of discussing solutions for this issue, to date there has been no attempt to implement a solution through legislation. C.S.H.B. 4780 seeks to resolve this issue by providing for required information to be entered on a signature sheet in lieu of on the carrier envelope.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4780 amends the Election Code to provide for a signature sheet contained in the official carrier envelope of a mail-in ballot to replace the form incorporated into the carrier envelope of such a ballot as the document on which certain voter information is entered. With respect to that information, the bill does the following:

- requires the signature sheet to include a space for the voter to enter the following information:
  - the number of the voter's driver's license, election identification certificate, or personal identification card issued by the Department of Public Safety;
  - if the voter has not been issued such a number, the last four digits of the voter's social security number; or
  - a statement by the applicant that the applicant has not been issued either such number;
- retains the requirement for a person who assists a voter to prepare a ballot to be voted by mail to enter their signature, printed name, and residence address on the official carrier envelope but requires the person to enter the following on the signature sheet:
  - the relationship of the person providing the assistance to the voter; and
  - whether the person received or accepted any form of compensation or other benefit from a candidate, campaign, or political committee in exchange for providing assistance;
- requires the following to appear or be printed on the signature sheet, as applicable, rather than the reverse side of the carrier envelope:
  - spaces for indicating the identity and date of the election;

- spaces for indicating certain identifying information of the voter and any person other than the voter who deposits the carrier envelope in the mail or with a common contract carrier, including the relationship of that person to the voter;
- specified textual material regarding the lawful return and delivery of the carrier envelope, as prescribed by the secretary of state, to be printed on the signature sheet rather than on the reverse side of the carrier envelope or on a separate accompanying the carrier envelope; and
- the notice that the carrier envelope must be sealed by the voter before it leaves the voter's hands; and
- revises the requirement of the secretary of state to require by rule that a notice informing voters of the telephone number of the voting rights hotline and the purpose of the hotline be printed on the official carrier envelope or an insert enclosed with the balloting materials for voting by mail sent to the voter by replacing the document on which that notice must be printed from the official carrier envelope or insert to the signature sheet enclosed with those materials.

C.S.H.B. 4780 requires the oath of a person assisting a voter to be included on the signature sheet as part of the certificate printed on the reverse of the carrier envelope through which the voter certifies that the ballot expresses the voter's wishes independent of any dictation or undue persuasion by any person. The bill requires the secretary of state to prescribe the form and content of the signature sheet that satisfies requirements of the law.

C.S.H.B. 4780 includes the signature sheet among the election materials for which the secretary of state must prepare the translation for election materials required to be provided in a language other than English or Spanish.

### **EFFECTIVE DATE**

September 1, 2023.

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

While C.S.H.B. 4780 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.

The introduced authorized the official carrier envelope for a ballot voted by mail to be modified to remove the following if the voter is provided a signature sheet that contains the information:

- witness signature requirements for election documents;
- spaces for entering the number of certain personal identification or, if applicable, a statement that the applicant has not been issued such a number;
- the spaces for entering the signature, printed name, and residence address of a person other than the voter who deposits the carrier envelope in the mail or with a common or contract carrier and for indicating that person's relationship to the voter;
- the certificate that requires the voter to certify the absence of dictation or persuasion by another person in voting the ballot and includes the oath of a person assisting a voter; and
- notice that the carrier envelope must be sealed before it leaves the voter's hands.

The substitute does not include this authorization and instead requires such information to be entered on a signature sheet rather than the carrier envelope, except for the following:

- witness signature requirements for election documents; and
- the certificate that requires the voter to certify the absence of dictation or persuasion by another person in voting the ballot.

The substitute omits the following provisions of the introduced:

- a requirement for a voter, in order for an early voting mail ballot to be counted, to either include a completed signature sheet in the carrier envelope containing their completed ballot to complete the carrier envelope certificate; and
- an authorization for the early voting ballot board or signature verification committee to open the sealed carrier envelope to retrieve the voters signature for review if the voter provides a signature sheet in lieu of completing the carrier envelope certificate.

The substitute includes the following provisions not in the introduced:

- a requirement for the clerk to enter on the signature sheet the identity and date of the election before providing the balloting materials; and
- requirements for the signature sheet to include the following:
  - a space to enter certain identifying information of the voter;
  - certain textual material prescribed by the secretary of state; and
  - a notice of the telephone number of the voting rights hotline and the purpose of the hotline.

Whereas the introduced required the secretary of state to prescribe the form and content of the signature sheet and the modified the carrier envelope, the substitute requires that the secretary of state only prescribe the form and content of the signature sheet.

The substitute contains a provision not in the introduced that includes the signature sheet among the election materials for which the secretary of state must prepare the translation for election materials required to be provided in a language other than English or Spanish.