88R26125 MPF-F

By:  Noble H.B. No. 3449

Substitute the following for H.B. No. 3449:

By:  Smith C.S.H.B. No. 3449

A BILL TO BE ENTITLED

AN ACT

relating to ballots voted by mail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0105 to read as follows:

Sec. 84.0105.  PRESERVATION OF SIGNATURE. For a period of at least six years, the general custodian of election records shall preserve an image of the voter's signature on the carrier envelope and early voting ballot application.

SECTION 2.  Section 87.021, Election Code, is amended to read as follows:

Sec. 87.021.  BALLOTS AND OTHER MATERIALS DELIVERED TO BOARD. The early voting clerk shall deliver to the early voting ballot board:

(1)  in an election in which regular paper ballots are used for early voting by personal appearance, each ballot box, in accordance with Section 85.032(b), containing the early voting ballots voted by personal appearance and the clerk's key to each box;

(2)  the jacket envelopes containing the early voting ballots voted by mail, regardless of the ballot type or voting system used;

(3)  the poll lists prepared in connection with early voting by personal appearance;

(4)  the list of registered voters used in conducting early voting; [~~and~~]

(5)  a ballot transmittal form that includes a statement of the number of early voting ballots voted by mail, regardless of the ballot type or voting system used, that are delivered to the early voting ballot board, and in an election in which regular paper ballots are used for early voting by personal appearance, the number of names appearing on the poll lists prepared in connection with early voting by personal appearance;

(6)  copies of the applications for ballots to be voted by mail for each ballot voted by mail received; and

(7)  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.

SECTION 3.  Sections 87.027(h) and (i), Election Code, are amended to read as follows:

(h)  If a signature verification committee is appointed for the election, the early voting clerk shall deliver the jacket envelopes containing the early voting ballots voted by mail, the copies of the applications for ballots to be voted by mail, and the 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 to the committee instead of to the early voting ballot board. Deliveries may be made only during the period of the committee's operation at times scheduled in advance of delivery by the early voting clerk. The clerk shall post notice of the time of each delivery. The notice must remain posted continuously for at least two days before the date of the delivery.

(i)  The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter. The committee shall [~~may~~] also 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 to determine whether the signatures are those of the voter. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 4.  Section 87.041, Election Code, is amended by adding Subsection (b-1) and amending Subsection (e) to read as follows:

(b-1)  If a signature verification committee is not appointed under Section 87.027, the board must make a determination as to whether the signatures are those of the voter under Subsection (b)(2).

(e)  In making the determination under Subsection (b)(2), to determine whether the signatures are those of the voter, the board shall:

(1)  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 to determine whether the signatures are those of the voter; and

(2)  [~~may also~~] compare the signatures with any known signature of the voter on file with the county clerk or voter registrar.

SECTION 5.  The heading to Section 87.126, Election Code, is amended to read as follows:

Sec. 87.126.  ELECTRONIC RECORDING OF CERTAIN [~~BALLOT~~] MATERIALS USED IN EARLY VOTING BY MAIL [~~AND APPLICATIONS~~].

SECTION 6.  Section 87.126, Election Code, is amended by adding Subsection (a-2) and amending Subsection (b) to read as follows:

(a-2)  The early voting clerk shall 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 under this section that occurs after September 1, 2023.

(b)  The secretary of state may adopt rules providing requirements for the electronic image quality and storage of the electronic images of the documents described by this section [~~Subsection (a)~~].

SECTION 7.  Section 87.041(d-1), Election Code, is repealed.

SECTION 8.  This Act takes effect September 1, 2023.