

By: Swanson, DeAyala, Smith, et al.

H.B. No. 2860

Substitute the following for H.B. No. 2860:

By: Smith

C.S.H.B. No. 2860

A BILL TO BE ENTITLED

AN ACT

relating to maintaining certain voter registration information and reviewing ballots voted by mail; creating criminal offenses.

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

SECTION 1. Subchapter A, Chapter 18, Election Code, is amended by adding Section 18.0045 to read as follows:

Sec. 18.0045. RECORD OF VOTERS REMOVED FROM LIST. (a) The registrar shall retain the voter registration application of any person whose name is removed from a list of registered voters prepared under this subchapter.

(b) If voter registration information was recorded on an optional storage method under Section 13.104, the information may be substituted for the retained registration application under Subsection (a).

(c) All information and records held by the registrar under this section, other than information described as confidential under Section 13.004, are open records for the purposes of Chapter 552, Government Code.

(d) A registrar commits an offense if the registrar knowingly fails to comply with a requirement under this section. An offense under this section is a Class A misdemeanor.

(e) The registrar may use funds dedicated under Chapter 19 for the purpose of defraying costs associated with complying with this section.

1 SECTION 2. Subchapter A, Chapter 18, Election Code, is
2 amended by adding Section 18.0085 to read as follows:

3 Sec. 18.0085. DATABASE OF LISTS AVAILABLE ON COUNTY
4 WEBSITE. (a) The registrar shall make a copy of any list prepared
5 under this subchapter available on the county's publicly accessible
6 Internet website in a searchable, sortable, and downloadable
7 database format.

8 (b) The registrar may use funds dedicated under Chapter 19
9 for the purpose of defraying costs associated with developing and
10 maintaining the database prescribed by this section.

11 (c) A registrar commits an offense if the registrar
12 knowingly fails to comply with the requirements under Subsection
13 (a). An offense under this section is a Class A misdemeanor.

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

16 (i) The signature verification committee shall compare the
17 signature on each carrier envelope certificate, except those signed
18 for a voter by a witness, with the signature on the voter's ballot
19 application to determine whether the signatures are those of the
20 voter. The committee shall [~~may~~] also compare the signatures with
21 any known signature of the voter on file with the county clerk or
22 voter registrar to determine whether the signatures are those of
23 the voter. The committee shall also compare the information
24 provided by the voter under Section 84.002(a)(1-a) on the voter's
25 ballot application with the information provided by the voter under
26 Section 86.002(g) and any known copies of the information on file
27 with the county clerk or voter registrar. Except as provided by

1 Subsection (l), a determination under this subsection that the
2 signatures or provided information are not those of the voter must
3 be made by a majority vote of the committee's membership. The
4 committee shall place the jacket envelopes, carrier envelopes, and
5 applications of voters whose signatures or provided information are
6 not those of the voter in separate containers from those of voters
7 whose signatures or provided information are those of the voter.
8 The committee chair shall deliver the sorted materials to the early
9 voting ballot board at the time specified by the board's presiding
10 judge.

11 (j) If a signature verification committee is appointed, the
12 early voting ballot board shall follow the same procedure for
13 accepting the early voting ballots voted by mail as in an election
14 without a signature verification committee, except that the board
15 may not determine whether a voter's signatures on the carrier
16 envelope certificate and ballot application are those of the same
17 person if the committee has determined that the signatures are
18 those of the same person. If the committee has determined that the
19 signatures or provided information are not those of the same
20 person, the board may make a determination that the signatures or
21 provided information are those of the same person by a majority vote
22 of the board's membership.

23 SECTION 4. Subchapter B, Chapter 87, Election Code, is
24 amended by adding Section 87.0272 to read as follows:

25 Sec. 87.0272. INAPPROPRIATE ACTION BY SIGNATURE
26 VERIFICATION COMMITTEE. (a) A chair of a signature verification
27 committee or a chair's designee commits an offense if the chair or

1 chair's designee knowingly fails to perform a requirement under
2 Section 87.027(i).

3 (b) An offense under this section is a Class A misdemeanor.

4 (c) The secretary of state may withhold all or part of any
5 funds distributed by the secretary of state under Chapter 19 from a
6 county that violates the requirements established under Section
7 87.027(i).

8 SECTION 5. Section 87.041(b), Election Code, is amended to
9 read as follows:

10 (b) A ballot may be accepted only if:

11 (1) the carrier envelope certificate is properly
12 executed;

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

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

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

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

25 (6) for a voter to whom a statement of residence form
26 was required to be sent under Section 86.002(a), the statement of
27 residence is returned in the carrier envelope and indicates that

1 the voter satisfies the residence requirements prescribed by
2 Section 63.0011;

3 (7) the address to which the ballot was mailed to the
4 voter is an address that is otherwise required by Sections 84.002
5 and 86.003; ~~and~~

6 (8) the information required under Section 86.002(g)
7 provided by the voter identifies the same voter identified on the
8 voter's application for voter registration under Section
9 13.002(c)(8); and

10 (9) the information provided by the voter under
11 Section 84.002(a)(1-a) on the voter's ballot application is
12 determined to be the same as the voter's information provided by the
13 voter under Section 86.002(g) and any known copies of the
14 information on file with the county clerk or voter registrar.

15 SECTION 6. Subchapter C, Chapter 87, Election Code, is
16 amended by adding Section 87.0412 to read as follows:

17 Sec. 87.0412. INAPPROPRIATE ACTION BY BOARD. (a) The
18 presiding judge of the early voting ballot board or a judge's
19 designee commits an offense if the presiding judge or designee
20 knowingly fails to perform a requirement under Section 87.041(b).

21 (b) An offense under this section is a Class A misdemeanor.

22 (c) The secretary of state may withhold all or part of any
23 funds distributed by the secretary of state under Chapter 19 from a
24 county that violates the requirements established under Section
25 87.041(b).

26 SECTION 7. Section 87.126, Election Code, is amended by
27 adding Subsection (a-2) to read as follows:

1 (a-2) An early voting clerk who maintains only electronic
2 records of applications for a ballot to be voted by mail, jacket
3 envelopes, carrier envelopes, or ballots commits an offense if the
4 clerk knowingly fails to record the front and back of each
5 application, envelope, or ballot recorded, and provide the records
6 to the early voting ballot board, the signature verification
7 committee, or both. An offense under this subsection is a Class A
8 misdemeanor.

9 SECTION 8. The changes in law made by this Act apply only to
10 an election ordered on or after the effective date of this Act. An
11 election ordered before the effective date of this Act is governed
12 by the law in effect when the election was ordered, and the former
13 law is continued in effect for that purpose.

14 SECTION 9. This Act takes effect September 1, 2023.