

By: Hughes

S.B. No. 1599

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. Section 66.026, Election Code, is amended to read as follows:

Sec. 66.026. CONTENTS OF BALLOT BOX NO. 4. Ballot box no. 4 must contain:

(1) the original of the ballot register;

(2) the register of spoiled ballots;

(3) any spoiled ballots;

(4) any ballot to be voted by mail returned at the polling place;

(5) [~~4~~] any defectively printed ballots;

(6) [~~5~~] any envelope containing cancellation requests and canceled ballots; and

(7) [~~6~~] any other unused ballots.

SECTION 2. Section 84.032, Election Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An election officer shall maintain a register of ballots to be voted by mail returned at a polling place under Subsection (d). An election officer shall enter on the register the name of each voter who returns a ballot to be voted by mail and the ballot's number. The secretary of state shall adopt a form to be used for this purpose.

1 SECTION 3. Section 84.036, Election Code, is amended to
2 read as follows:

3 Sec. 84.036. DISPOSITION OF RETURNED BALLOT. (a) If an
4 early voting ballot sent to an applicant whose application is
5 canceled is returned to the early voting clerk as a marked ballot,
6 the ballot shall be treated as a marked ballot not timely returned.

7 (b) After making the appropriate entry on a register
8 maintained under Section 84.032(d-1), an election officer shall
9 deposit a ballot to be voted by mail returned at a polling place
10 under Section 84.032(d) in ballot box no. 4.

11 SECTION 4. Section 86.008, Election Code, is amended to
12 read as follows:

13 Sec. 86.008. OPPORTUNITY TO CORRECT DEFECT: [DEFECTIVE]
14 APPLICATION. (a) This section applies to an application for a
15 ballot to be voted by mail for which the applicant failed to comply
16 with a requirement provided by Section 84.002, 84.0021, or
17 84.003(a) in a manner that would lead, if not corrected, to the
18 rejection of the applicant's application.

19 (a-1) Not later than the second business day after the early
20 voting clerk discovers a defect described by Subsection (a), the
21 early voting clerk shall:

22 (1) determine if it would be possible for the
23 applicant to correct the defect and return an application form by
24 mail before the deadline provided by Section 84.007(c) or
25 86.0015(b-1), as applicable; and

26 (2) notwithstanding any other law, if the clerk
27 determines it would be possible to correct the defect and return an

1 application form before the deadline provided by Section 84.007(c)
2 or 86.0015(b-1), either return the application to the applicant or
3 ~~[If on reviewing an application for a ballot to be voted by mail~~
4 ~~that was received on or before the 18th day before election day the~~
5 ~~early voting clerk determines that the application does not fully~~
6 ~~comply with the applicable requirements prescribed by this title,~~
7 ~~the clerk shall mail or otherwise]~~ deliver an official application
8 form to the applicant.

9 (b) The clerk shall include with the returned application or
10 an application form [mailed or] delivered to the applicant under
11 Subsection (a-1)(2) a written notice containing:

12 (1) a brief explanation of each defect in the
13 noncomplying application;

14 (2) a statement informing the voter that the voter is
15 not entitled to vote an early voting ballot unless the application
16 complies with all legal requirements; and

17 (3) instructions for submitting the corrected or
18 second application.

19 (c) If the early voting clerk determines that it would not
20 be possible for the applicant to correct the defect and return an
21 application form by mail before the deadline provided by Section
22 84.007(c) or 86.0015(b-1), as applicable, [an application that does
23 ~~not fully comply with the applicable requirements prescribed by~~
24 ~~this title is received after the 12th day before election day and~~
25 ~~before the end of the period for early voting by personal~~
26 ~~appearance,]~~ the clerk may notify the applicant by telephone or
27 e-mail of the defect, including the information required under

1 Subsection (b), and inform the applicant that the applicant may
2 come to the early voting clerk's office before the deadline
3 provided by Section 84.007(c) or 86.0015(b-1), as applicable, and
4 correct the defect in person [~~shall mail or otherwise deliver a~~
5 ~~notice to the voter containing the information prescribed by~~
6 ~~Subdivisions (1) and (2) of Subsection (b), including a statement~~
7 ~~that the application was late, if applicable)].~~

8 (c-1) The clerk shall:

9 (1) in addition to returning an application or
10 providing an application form under Subsection (a-1)(2) or
11 notifying an applicant under Subsection (c), notify the applicant
12 of a defect discovered under this section and provide the
13 information required to be included under Subsection (b) using the
14 online tool described by Section 86.015; and

15 (2) if possible, permit the applicant to correct a
16 defect using the online tool described by Section 86.015.

17 (d) Notwithstanding any other provisions of this code, the
18 clerk may deliver in person to the voter a second application if the
19 defective original application is timely and may receive, before
20 the deadline, the corrected application in person from the voter.
21 If a procedure authorized by this subsection is used, it must be
22 applied uniformly to all applications covered by this subsection.
23 The clerk shall enter a notation on the application indicating any
24 information added by the clerk under this subsection. A poll
25 watcher is entitled to accompany the clerk and observe the
26 procedures under this subsection. The secretary of state may
27 prescribe any other procedures necessary to implement this

1 subsection including requirements for posting notice of any
2 deliveries.

3 SECTION 5. Section [86.015](#)(a), Election Code, is amended to
4 read as follows:

5 (a) The secretary of state shall develop or otherwise
6 provide an online tool to each early voting clerk [~~that enables a~~
7 ~~person who submits an application for a ballot to be voted by mail~~
8 ~~to track the location and status of the person's application and~~
9 ~~ballot~~] on the secretary's Internet website and on the county's
10 Internet website if the early voting clerk is the county clerk of a
11 county that maintains an Internet website that enables a person who
12 submits an application for a ballot to be voted by mail to:

13 (1) track the location and status of the person's
14 application and ballot; and

15 (2) receive notice of and, when possible, correct a
16 defect in the person's application and ballot under Sections
17 [86.008](#)(c-1), [87.0271](#)(e-1), and [87.0411](#)(e-1).

18 SECTION 6. Section [87.0271](#), Election Code, is amended by
19 amending Subsection (c) and adding Subsection (e-1) to read as
20 follows:

21 (c) If the signature verification committee determines
22 under Subsection (b)(1) that it would not be possible for the voter
23 to correct the defect and return the carrier envelope before the
24 time the polls are required to close on election day, the committee
25 may notify the voter of the defect by telephone or e-mail and inform
26 the voter that the voter may request to have the voter's application
27 to vote by mail canceled in the manner described by Section [84.032](#)

1 or come to the early voting clerk's office in person not later than
2 the second [~~sixth~~] day after election day to correct the defect.

3 (e-1) The committee shall:

4 (1) in addition to returning a carrier envelope to the
5 voter by mail under Subsection (b)(2) or notifying the voter of the
6 defect by telephone or e-mail under Subsection (c), notify the
7 voter of a defect discovered under this section using the online
8 tool described by Section 86.015; and

9 (2) if possible, permit the voter to correct a defect
10 using the online tool described by Section 86.015.

11 SECTION 7. Section 87.041(d-1), Election Code, is amended
12 to read as follows:

13 (d-1) If a voter provides the information required under
14 Section 86.002(g) and it identifies the same voter identified on
15 the voter's application for voter registration under Section
16 13.002(c)(8), the signature on the ballot application and on the
17 carrier envelope certificate shall be rebuttably presumed to be the
18 signatures of the voter. The board shall compare signatures in
19 making a determination under Subsection (b)(2) regardless of
20 whether the presumption provided by this subsection exists.

21 SECTION 8. Section 87.0411, Election Code, is amended by
22 amending Subsection (c) and adding Subsection (e-1) to read as
23 follows:

24 (c) If the early voting ballot board determines under
25 Subsection (b)(1) that it would not be possible for the voter to
26 correct the defect and return the carrier envelope before the time
27 the polls are required to close on election day, the board may

1 notify the voter of the defect by telephone or e-mail and inform the
2 voter that the voter may request to have the voter's application to
3 vote by mail canceled in the manner described by Section 84.032 or
4 come to the early voting clerk's office in person not later than the
5 second [~~sixth~~] day after election day to correct the defect.

6 (e-1) The early voting ballot board shall:

7 (1) in addition to returning a carrier envelope to the
8 voter by mail under Subsection (b)(2) or notifying the voter of the
9 defect by telephone or e-mail under Subsection (c), notify the
10 voter of a defect discovered under this section using the online
11 tool described by Section 86.015; and

12 (2) if possible, permit the voter to correct a defect
13 using the online tool described by Section 86.015.

14 SECTION 9. The change in law made by this Act applies only
15 to an application for a ballot to be voted by mail submitted on or
16 after the effective date of this Act. An application for a ballot
17 to be voted by mail submitted before the effective date of this Act
18 is governed by the law in effect when the application was submitted,
19 and the former law is continued in effect for that purpose.

20 SECTION 10. The changes in law made by this Act apply only
21 to an election held on or after the effective date of this Act. An
22 election held before the effective date of this Act is governed by
23 the law in effect when the election was held, and that law is
24 continued in effect for that purpose.

25 SECTION 11. This Act takes effect September 1, 2023.