

1-1 By: Hughes S.B. No. 1599
 1-2 (In the Senate - Filed March 3, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 6, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 2; April 6, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1599 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to ballots voted by mail.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Section 66.026, Election Code, is amended to
 1-26 read as follows:
 1-27 Sec. 66.026. CONTENTS OF BALLOT BOX NO. 4. Ballot box no. 4
 1-28 must contain:
 1-29 (1) the original of the ballot register;
 1-30 (2) the register of spoiled ballots;
 1-31 (3) any spoiled ballots;
 1-32 (4) any ballot to be voted by mail returned at the
 1-33 polling place;
 1-34 (5) [~~4~~] any defectively printed ballots;
 1-35 (6) [~~5~~] any envelope containing cancellation
 1-36 requests and canceled ballots; and
 1-37 (7) [~~6~~] any other unused ballots.
 1-38 SECTION 2. Section 84.032, Election Code, is amended by
 1-39 adding Subsection (d-1) to read as follows:
 1-40 (d-1) An election officer shall maintain a register of
 1-41 ballots to be voted by mail returned at a polling place under
 1-42 Subsection (d). An election officer shall enter on the register the
 1-43 name of each voter who returns a ballot to be voted by mail and the
 1-44 ballot's number. The secretary of state shall adopt a form to be
 1-45 used for this purpose.
 1-46 SECTION 3. Section 84.036, Election Code, is amended to
 1-47 read as follows:
 1-48 Sec. 84.036. DISPOSITION OF RETURNED BALLOT. (a) If an
 1-49 early voting ballot sent to an applicant whose application is
 1-50 canceled is returned to the early voting clerk as a marked ballot,
 1-51 the ballot shall be treated as a marked ballot not timely returned.
 1-52 (b) After making the appropriate entry on a register
 1-53 maintained under Section 84.032(d-1), an election officer shall
 1-54 deposit a ballot to be voted by mail returned at a polling place
 1-55 under Section 84.032(d) in ballot box no. 4.
 1-56 SECTION 4. Section 86.008, Election Code, is amended to
 1-57 read as follows:
 1-58 Sec. 86.008. OPPORTUNITY TO CORRECT DEFECT: [DEFECTIVE]
 1-59 APPLICATION. (a) This section applies to an application for a
 1-60 ballot to be voted by mail for which the applicant failed to comply

2-1 with a requirement provided by Section 84.002, 84.0021, or
 2-2 84.003(a) in a manner that would lead, if not corrected, to the
 2-3 rejection of the applicant's application.

2-4 (a-1) Not later than the second business day after the early
 2-5 voting clerk discovers a defect described by Subsection (a), the
 2-6 early voting clerk shall:

2-7 (1) determine if it would be possible for the
 2-8 applicant to correct the defect and return an application form by
 2-9 mail before the deadline provided by Section 84.007(c) or
 2-10 86.0015(b-1), as applicable; and

2-11 (2) notwithstanding any other law, if the clerk
 2-12 determines it would be possible to correct the defect and return an
 2-13 application form before the deadline provided by Section 84.007(c)
 2-14 or 86.0015(b-1), either return the application to the applicant or
 2-15 [If on reviewing an application for a ballot to be voted by mail
 2-16 that was received on or before the 18th day before election day the
 2-17 early voting clerk determines that the application does not fully
 2-18 comply with the applicable requirements prescribed by this title,
 2-19 the clerk shall mail or otherwise] deliver an official application
 2-20 form to the applicant.

2-21 (b) The clerk shall include with the returned application or
 2-22 an application form [~~mailed or~~] delivered to the applicant under
 2-23 Subsection (a-1)(2) a written notice containing:

2-24 (1) a brief explanation of each defect in the
 2-25 noncomplying application;

2-26 (2) a statement informing the voter that the voter is
 2-27 not entitled to vote an early voting ballot unless the application
 2-28 complies with all legal requirements; and

2-29 (3) instructions for submitting the corrected or
 2-30 second application.

2-31 (c) If the early voting clerk determines that it would not
 2-32 be possible for the applicant to correct the defect and return an
 2-33 application form by mail before the deadline provided by Section
 2-34 84.007(c) or 86.0015(b-1), as applicable, [an application that does
 2-35 not fully comply with the applicable requirements prescribed by
 2-36 this title is received after the 12th day before election day and
 2-37 before the end of the period for early voting by personal
 2-38 appearance,] the clerk may notify the applicant by telephone or
 2-39 e-mail of the defect, including the information required under
 2-40 Subsection (b), and inform the applicant that the applicant may
 2-41 come to the early voting clerk's office before the deadline
 2-42 provided by Section 84.007(c) or 86.0015(b-1), as applicable, and
 2-43 correct the defect in person [shall mail or otherwise deliver a
 2-44 notice to the voter containing the information prescribed by
 2-45 Subdivisions (1) and (2) of Subsection (b), including a statement
 2-46 that the application was late, if applicable].

2-47 (c-1) The clerk shall:

2-48 (1) in addition to returning an application or
 2-49 providing an application form under Subsection (a-1)(2) or
 2-50 notifying an applicant under Subsection (c), notify the applicant
 2-51 of a defect discovered under this section and provide the
 2-52 information required to be included under Subsection (b) using the
 2-53 online tool described by Section 86.015; and

2-54 (2) if possible, permit the applicant to correct a
 2-55 defect using the online tool described by Section 86.015.

2-56 (d) Notwithstanding any other provisions of this code, the
 2-57 clerk may deliver in person to the voter a second application if the
 2-58 defective original application is timely and may receive, before
 2-59 the deadline, the corrected application in person from the voter.
 2-60 If a procedure authorized by this subsection is used, it must be
 2-61 applied uniformly to all applications covered by this subsection.
 2-62 The clerk shall enter a notation on the application indicating any
 2-63 information added by the clerk under this subsection. A poll
 2-64 watcher is entitled to accompany the clerk and observe the
 2-65 procedures under this subsection. The secretary of state may
 2-66 prescribe any other procedures necessary to implement this
 2-67 subsection including requirements for posting notice of any
 2-68 deliveries.

2-69 SECTION 5. Sections 86.015(a) and (b), Election Code, are

3-1 amended to read as follows:

3-2 (a) The secretary of state shall develop or otherwise
3-3 provide an online tool to each early voting clerk [~~that enables a~~
3-4 ~~person who submits an application for a ballot to be voted by mail~~
3-5 ~~to track the location and status of the person's application and~~
3-6 ~~ballot~~] on the secretary's Internet website and on the county's
3-7 Internet website if the early voting clerk is the county clerk of a
3-8 county that maintains an Internet website that enables a person who
3-9 submits an application for a ballot to be voted by mail to:

3-10 (1) track the location and status of the person's
3-11 application and ballot; and

3-12 (2) receive notice of and, when possible, correct a
3-13 defect in the person's application and ballot under Sections
3-14 86.008(c-1), 87.0271(e-1), and 87.0411(e-1).

3-15 (b) The online tool developed or provided under Subsection
3-16 (a) must require the voter to provide, before permitting the voter
3-17 to access information described by that subsection:

3-18 (1) the voter's name and date of birth [~~registration~~
3-19 ~~address~~] and the last four digits of the voter's social security
3-20 number; and

3-21 (2) the voter's:

3-22 (A) driver's license number; or

3-23 (B) personal identification card number issued
3-24 by the Department of Public Safety.

3-25 SECTION 6. Section 87.0271, Election Code, is amended by
3-26 amending Subsections (b) and (c) and adding Subsections (b-1),
3-27 (c-1), and (e-1) to read as follows:

3-28 (b) Not later than the second [~~business~~] day after a
3-29 signature verification committee discovers a defect described by
3-30 Subsection (a) and before the committee decides whether to accept
3-31 or reject a timely delivered ballot under Section 87.027, the
3-32 committee shall send the voter a notice of the defect and a
3-33 corrective action form developed by the secretary of state under
3-34 Subsection (c-1) by mail or by common or contract carrier[+]

3-35 [~~(1) determine if it would be possible for the voter to~~
3-36 ~~correct the defect and return the carrier envelope before the time~~
3-37 ~~the polls are required to close on election day; and~~

3-38 [~~(2) return the carrier envelope to the voter by mail,~~
3-39 ~~if the committee determines that it would be possible for the voter~~
3-40 ~~to correct the defect and return the carrier envelope before the~~
3-41 ~~time the polls are required to close on election day].~~

3-42 (b-1) The signature verification committee shall include
3-43 with the notice delivered to the voter under Subsection (b):

3-44 (1) a brief explanation of each defect in the
3-45 noncomplying ballot; and

3-46 (2) a notice that the voter may:

3-47 (A) cancel the voter's application to vote by
3-48 mail in the manner described by Section 84.032; or

3-49 (B) correct the defect in the voter's ballot by:

3-50 (i) submitting a corrective action form
3-51 developed and made available by the secretary of state under
3-52 Subsection (c-1) by mail or by common or contract carrier; or

3-53 (ii) coming to the early voting clerk's
3-54 office not later than the second day after election day.

3-55 (c) If the signature verification committee determines
3-56 [~~under Subsection (b)(1)] that it would not be possible for the~~
3-57 ~~voter to receive the notice of defect within a reasonable time to~~
3-58 ~~correct the defect [and return the carrier envelope before the time~~
3-59 ~~the polls are required to close on election day], the committee may~~
3-60 ~~notify the voter of the defect by telephone or e-mail and inform the~~
3-61 ~~voter that the voter may request to have the voter's application to~~
3-62 ~~vote by mail canceled in the manner described by Section 84.032,~~
3-63 ~~submit a corrective action form developed by the secretary of state~~
3-64 ~~under Subsection (c-1) by mail or by common or contract carrier, or~~
3-65 ~~come to the early voting clerk's office in person not later than the~~
3-66 ~~second [sixth] day after election day to correct the defect.~~

3-67 (c-1) The secretary of state shall develop a corrective
3-68 action form that may be completed and submitted to a signature
3-69 verification committee under this section to correct a defect.

4-1 (e-1) The committee shall:

4-2 (1) in addition to sending the voter a notice of the
 4-3 defect under Subsection (b) or notifying the voter of the defect by
 4-4 telephone or e-mail under Subsection (c), notify the voter of a
 4-5 defect discovered under this section using the online tool
 4-6 described by Section 86.015; and

4-7 (2) if possible, permit the voter to correct a defect
 4-8 using the online tool described by Section 86.015.

4-9 SECTION 7. Section 87.041(d-1), Election Code, is amended
 4-10 to read as follows:

4-11 (d-1) If a voter provides the information required under
 4-12 Section 86.002(g) and it identifies the same voter identified on
 4-13 the voter's application for voter registration under Section
 4-14 13.002(c)(8), the signature on the ballot application and on the
 4-15 carrier envelope certificate shall be rebuttably presumed to be the
 4-16 signatures of the voter. The board shall compare signatures in
 4-17 making a determination under Subsection (b)(2) regardless of
 4-18 whether the presumption provided by this subsection exists.

4-19 SECTION 8. Section 87.0411, Election Code, is amended by
 4-20 amending Subsections (b) and (c) and adding Subsections (b-1),
 4-21 (c-1), and (e-1) to read as follows:

4-22 (b) Not later than the second business day after an early
 4-23 voting ballot board discovers a defect described by Subsection (a)
 4-24 and before the board decides whether to accept or reject a timely
 4-25 delivered ballot under Section 87.041, the board shall send the
 4-26 voter a notice of the defect and a corrective action form developed
 4-27 by the secretary of state under Subsection (c-1) by mail or by
 4-28 common or contract carrier[+]

4-29 [~~(1) determine if it would be possible for the voter to~~
 4-30 ~~correct the defect and return the carrier envelope before the time~~
 4-31 ~~the polls are required to close on election day; and~~

4-32 [~~(2) return the carrier envelope to the voter by mail,~~
 4-33 ~~if the board determines that it would be possible for the voter to~~
 4-34 ~~correct the defect and return the carrier envelope before the time~~
 4-35 ~~the polls are required to close on election day].~~

4-36 (b-1) The early voting ballot board shall include with the
 4-37 notice delivered to the voter under Subsection (b):

4-38 (1) a brief explanation of each defect in the
 4-39 noncomplying ballot; and

4-40 (2) a notice that the voter may:

4-41 (A) cancel the voter's application to vote by
 4-42 mail in the manner described by Section 84.032; or

4-43 (B) correct the defect in the voter's ballot by:

4-44 (i) submitting a corrective action form
 4-45 developed and made available by the secretary of state under
 4-46 Subsection (c-1) by mail or by common or contract carrier; or

4-47 (ii) coming to the early voting clerk's
 4-48 office not later than the second day after election day.

4-49 (c) If the early voting ballot board determines [~~under~~
 4-50 ~~Subsection (b)(1)] that it would not be possible for the voter to~~
 4-51 ~~receive the notice of defect within a reasonable time to correct the~~
 4-52 ~~defect [and return the carrier envelope before the time the polls~~
 4-53 ~~are required to close on election day], the board may notify the~~
 4-54 voter of the defect by telephone or e-mail and inform the voter that
 4-55 the voter may request to have the voter's application to vote by
 4-56 mail canceled in the manner described by Section 84.032, submit a
 4-57 corrective action form developed by the secretary of state under
 4-58 Subsection (c-1) by mail or by common or contract carrier, or come
 4-59 to the early voting clerk's office in person not later than the
 4-60 second [~~sixth~~] day after election day to correct the defect.

4-61 (c-1) The secretary of state shall develop a corrective
 4-62 action form that may be completed and submitted to an early voting
 4-63 ballot board under this section to correct a defect.

4-64 (e-1) The early voting ballot board shall:

4-65 (1) in addition to sending the voter notice of the
 4-66 defect under Subsection (b) or notifying the voter of the defect by
 4-67 telephone or e-mail under Subsection (c), notify the voter of a
 4-68 defect discovered under this section using the online tool
 4-69 described by Section 86.015; and

5-1 (2) if possible, permit the voter to correct a defect
5-2 using the online tool described by Section [86.015](#).

5-3 SECTION 9. The change in law made by this Act applies only
5-4 to an application for a ballot to be voted by mail submitted on or
5-5 after the effective date of this Act. An application for a ballot
5-6 to be voted by mail submitted before the effective date of this Act
5-7 is governed by the law in effect when the application was submitted,
5-8 and the former law is continued in effect for that purpose.

5-9 SECTION 10. The changes in law made by this Act apply only
5-10 to an election held on or after the effective date of this Act. An
5-11 election held before the effective date of this Act is governed by
5-12 the law in effect when the election was held, and that law is
5-13 continued in effect for that purpose.

5-14 SECTION 11. This Act takes effect September 1, 2023.

* * * * *

5-15