

BILL ANALYSIS

Senate Research Center

S.B. 2964
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1599 (88R) allowed for voters to correct errors in their early voting ballots through a corrective action form. This gave voters the chance to address simple clerical errors such as a missing signature or an incorrect voter ID number on their early ballot. However, this bill left out early voting clerks as a group of individuals who could notify a voter of a defect and send them a corrective action cure.

S.B. 2964 is a clean up for S.B. 1599 (88R) that will allow early voting clerks to notify voters of clerical errors and send them a corrective action form.

S.B. 2964 amends current law relating to an opportunity to correct certain defects in an early voting ballot voted by mail.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 86.011, Election Code, by amending Subsection (d) and adding Subsections (e), (f), (g), (h), (i), (j), and (k), as follows:

(d) Requires the early voting clerk, notwithstanding any other provisions of the Election Code, if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements prescribed by Title 7 (Early Voting), not later than the second day after the clerk discovers the defect and before the time of delivery under Subchapter B (Delivering Materials to Board), Chapter 87 (Processing Early Voting Results), to send the voter a notice of the defect and a corrective action form developed by the secretary of state (SOS) under Subsection (g) by mail or by common or contract carrier.

Deletes existing text authorizing the clerk, notwithstanding any other provisions of this code, if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements prescribed by this title, to deliver the carrier envelope in person or by mail to the voter and receive, before the deadline, the corrected carrier envelope from the voter, or to notify the voter of the defect by telephone and advise the voter that the voter is authorized to come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day.

(e) Creates this subsection from existing text. Requires the early voting clerk to include with the notice delivered to the voter under Subsection (d):

(1) a brief explanation of each defect in the noncomplying ballot; and

(2) a notice that the voter is authorized to cancel the voter's application to vote by mail in the manner described by Section 84.032 (Request for Cancellation) or correct the defect in the voter's ballot by taking certain actions.

(f) Authorizes the early voting clerk, if the clerk determines that it would not be possible for the voter to receive the notice of defect within a reasonable time to correct the defect, to notify the voter of the defect by telephone or e-mail and inform the voter that the voter is authorized to request to have the voter's application to vote by mail canceled in the manner described by Section 84.032, submit a corrective action form developed by SOS under Subsection (g) by mail or by common or contract carrier, or come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.

(g) Requires SOS to develop a corrective action form that is authorized to be completed and submitted to an early voting clerk under Section 86.011 (Action by Clerk on Return of Ballot) to correct a defect.

(h) Creates this subsection from existing text. Requires the early voting clerk, if the clerk takes an action described by Subsection (d), to take either action described by that subsection with respect to each ballot in the election to which this section applies. Deletes existing text requiring that the procedures authorized by this subsection, if they are used, be applied uniformly to all carrier envelopes covered by this subsection.

(i) Creates this subsection from existing text. Provides that a poll watcher is entitled to observe an action taken under Subsection (d) or (f), rather than the procedures under this subsection.

(j) Requires the early voting clerk to:

(1) in addition to sending the voter notice of the defect under Subsection (d) or notifying the voter of the defect by telephone or e-mail under Subsection (f), notify the voter of a defect discovered under this section using the online tool described by Section 86.015 (Electronic Tracking of Application for Ballot Voted by Mail or Ballot Voted by Mail); and

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

(k) Creates this subsection from existing text. Authorizes SOS to prescribe any procedures necessary to implement this section, rather than subsection including requirements for posting notice of any deliveries. Makes a nonsubstantive change.

SECTION 2. Amends Section 86.015(a), Election Code, as follows:

(a) Requires SOS to develop or otherwise provide an online tool to each early voting clerk on SOS's Internet website and on the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot and receive notice of and, if possible, correct a defect in the person's application and ballot under certain provisions, including Section 86.011(j).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2025.