

By: Paul

H.B. No. 3774

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a signature verification committee.

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

SECTION 1. Section 86.011(d), Election Code, is amended to read as follows:

(d) 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, ~~[the clerk may deliver the carrier envelope in person or by mail to the voter and may receive, before the deadline, the corrected carrier envelope from the voter, or]~~ the clerk may notify the voter of the defect by telephone or e-mail and advise the voter that the voter may 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, or cure the defect as instructed on a corrective action form and return the form by mail. If the procedures authorized by this subsection are used, they must be applied uniformly to all carrier envelopes covered by this subsection. A poll watcher is entitled to observe the procedures under this subsection. The secretary of state may prescribe any other procedures necessary to implement this subsection including requirements for posting notice of any deliveries.

SECTION 2. Section 87.0271(a), Election Code, is amended to read as follows:

(a) This section applies to an early voting ballot voted by mail:

(1) for which the voter did not sign the carrier envelope certificate;

(2) for which it cannot immediately be determined whether the signature on the carrier envelope certificate or signature sheet, as applicable, is that of the voter;

(3) ~~[missing any required statement of residence,~~

~~[(4)] missing information or a required signature sheet [containing incorrect information required under Section 84.002(a)(1-a) or Section 86.002]; or~~

(4) ~~[(5)]~~ containing incomplete information with respect to a witness.

SECTION 3. Sections 87.0222(a) and (a-1), Election Code, are amended to read as follows:

(a) Except as provided by Subsection (a-1), not later than the 11th ~~[ninth]~~ day before election day, the jacket envelopes containing early voting ballots voted by mail shall be delivered to the board.

(a-1) Any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots under Subsection (a) may be delivered to the presiding judge of the early voting ballot board between the end of the 11th ~~[ninth]~~ day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge.

SECTION 4. Section 87.027, Election Code, is amended by

1 amending Subsections (a-1), (c), (d), (f), and (i) and adding
2 Subsections (e-1), (f-1), and (i-1) to read as follows:

3 (a-1) A signature verification committee shall be appointed
4 in the general election for state and county officers on submission
5 to the early voting clerk of a written request for the committee by
6 at least 15 registered voters of the county. The secretary of state
7 shall prescribe the form for a request submitted under this
8 subsection. The request must be submitted not later than the
9 preceding October 1, and a request submitted by mail is considered
10 to be submitted at the time of its receipt by the clerk.

11 (c) Not later than the fifth day after the date the early
12 voting clerk issues the order calling for the appointment of a
13 signature verification committee, or not later than October 15 for
14 a committee required under Subsection (a-1), the appropriate
15 authority shall appoint the members of the committee and designate
16 one of the appointees as chair, subject to Subsection (d). The
17 authority shall fill a vacancy on the committee by appointment as
18 soon as possible after the vacancy occurs, subject to Subsection
19 (d). The early voting clerk shall post notice of the name [~~and~~
20 ~~residence address~~] of each appointee. The notice must remain
21 posted continuously for the period beginning the day after the date
22 of the appointment and ending on the last day of the committee's
23 operation in the election.

24 (d) The early voting clerk shall determine an odd [~~the~~]
25 number of members who are to compose the signature verification
26 committee and shall state that number in the order calling for the
27 committee's appointment. A committee must consist of not fewer

1 than five members. In an election in which party alignment is
2 indicated on the ballot, each county chair of a political party with
3 a nominee or aligned candidate on the ballot shall submit to the
4 appointing authority a list of names of persons eligible to serve on
5 the signature verification committee in order of the county chair's
6 preference. The authority shall appoint at least two persons from
7 each list in the order of preference indicated on each list to serve
8 as members of the committee. The same number of members must be
9 appointed from each list. The authority shall appoint as chair of
10 the committee the highest-ranked person on the list provided by the
11 political party whose nominee for governor received the most votes
12 in the county in the most recent gubernatorial general election.
13 The authority shall appoint as vice chair of the committee the
14 highest-ranked person on the list provided by the political party
15 whose nominee for governor received the second most votes in the
16 county in the most recent gubernatorial general election. The vice
17 chair shall be counted as a member unless the chair is not present.
18 If the chair is not present, the vice chair acts as the chair until
19 the chair returns or a replacement is provided by the chair's
20 political party. A vacancy of any position on the committee shall
21 be filled by appointment from the original list or from a new list
22 submitted by the appropriate county chair.

23 (e-1) A person may not serve on a signature verification
24 committee and an early voting ballot board in the same election.

25 (f) The early voting clerk shall determine the place, day or
26 days, and hours of operation of the signature verification
27 committee and shall state that information in the order calling for

the committee's appointment. A committee may not begin operating before the 20th day before election day and must convene not later than the 12th day before election day.

(f-1) After the day the signature verification committee begins operating, the early voting clerk may no longer send a voter a notice of a defect and corrective action form under Section 86.011(d). The early voting clerk may, with instruction from the committee chair, send a voter a notice of defect and corrective action form under Section 87.0271 on behalf of the committee.

(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 may also compare the signatures with any known signature of the voter 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, with the chair only voting to resolve a tie. Both political parties must be equally represented during the majority vote. If an unequal number of members are present, it must be decided at the beginning of the meeting which member shall abstain from participating so that an equal number of members from both parties are voting. The committee shall place the jacket envelopes, unopened carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are

1 those of the voter. The committee chair shall deliver the sorted
2 materials to the early voting ballot board at the time specified by
3 the board's presiding judge.

4 (i-1) The signature verification committee may only open a
5 carrier envelope if the carrier envelope is attached to a federal
6 postcard application for the purpose of reviewing a signature
7 sheet.

8 SECTION 5. Subchapter B, Chapter 87, Election Code, is
9 amended by adding Section 87.0273 to read as follows:

10 Sec. 87.0273. SIGNATURE VERIFICATION COMMITTEE MEMBERS;
11 OATH AND IDENTIFICATION. (a) A member of the signature
12 verification committee shall repeat the following oath aloud:

13 "I swear (or affirm) that I will objectively work to be sure
14 to accept and count every eligible voter who provides the required
15 identification number and whose signature accompanying the ballot
16 appears to be that of the voter or the voter's witness. I
17 understand it is my duty to verify the voter's signature on the
18 ballot carrier envelope even when rebuttably presumed to be the
19 voter due to matching personal identification information. I will
20 not work alone when ballots are present and will work only in the
21 presence of a member of a political party different from my own. I
22 will faithfully perform my duties as an officer of the election and
23 guard the purity of the election."

24 (b) A member of the signature verification committee who
25 arrives after the oath is made shall repeat the oath aloud before
26 performing any duties as a member.

27 (c) Following administration of the oath, each member of the

1 signature verification committee shall be issued a form of
2 identification, prescribed by the secretary of state, to be
3 displayed by the member during the member's hours of service on the
4 board.

5 SECTION 6. Section 87.128(c), Election Code, is amended to
6 read as follows:

7 (c) Each member who takes notes under this section shall
8 sign and date the notes and deliver them to the presiding judge or
9 committee chair, as applicable, for delivery to the custodian of
10 election records. A member may request and receive a copy of their
11 notes at the time of delivery.

12 SECTION 7. Section 101.105, Election Code, is amended to
13 read as follows:

14 Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY
15 E-MAIL. Balloting materials to be sent by e-mail under this
16 subchapter include:

17 (1) the appropriate ballot;
18 (2) ballot instructions, including instructions that
19 inform a voter that the ballot must be returned by mail to be
20 counted;

21 (3) instructions prescribed by the secretary of state
22 on:

23 (A) how to print a return envelope from the
24 federal Voting Assistance Program website; and

25 (B) how to create a carrier envelope if not using
26 an official ~~[or]~~ signature sheet for the ballot; ~~[and]~~

27 (4) a list of certified write-in candidates, if

1 applicable; and

2 (5) an official signature sheet.

3 SECTION 8. The changes in law made by this Act apply only to
4 an election ordered on or after the effective date of this Act.

5 SECTION 9. This Act takes effect September 1, 2025.