

## **BILL ANALYSIS**

C.S.H.B. 913  
By: Israel  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties report that the number of persons voting by mail continues to increase and that problems such as rejected ballots by mail persist. These interested parties have found that certain improvements to the vote-by-mail carrier envelope could decrease the rejection rate of mailed-in ballots and improve the vote-by-mail process. C.S.H.B. 913 seeks to provide for these improvements.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 913 amends the Election Code to remove as an alternative to printing certain required textual material as prescribed by the secretary of state on a separate sheet accompanying an official carrier envelope for an early voting ballot the option of printing that textual material on the reverse side of the envelope. The bill requires the space provided for the voter's signature on the certificate printed on the reverse side of the official carrier envelope to be located in a box meeting specified format requirements and prohibits the early voting ballot board from rejecting a ballot solely on the grounds that a signature on the carrier envelope certificate is not located entirely in the space provided for the signature. The bill removes from a provision requiring the secretary of state by rule to require the printing of a notice informing voters of the voting rights hotline and its purpose the option of printing that information on the official carrier envelope and retains the remaining option as a requirement to print that information on an insert enclosed with the balloting materials for voting by mail sent to the voter.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 913 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 86.013(c), (d), and (g), Election Code, are amended to read as follows:

(c) A certificate in substantially the following form must be printed on the reverse side of the official carrier envelope in a manner that **provides for** ~~[requires]~~ the voter to sign across the flap of the envelope: "I certify that the enclosed ballot expresses my wishes independent of any dictation or undue persuasion by any person.

\_\_\_\_\_  
Signature of voter  
By: \_\_\_\_\_  
Signature of person assisting voter, if applicable (see Ballot Envelope and separate sheet accompanying Carrier Envelope for restrictions and penalties)

\_\_\_\_\_  
Printed name of person assisting voter, if applicable

\_\_\_\_\_  
Residence address of person assisting voter, if applicable"  
The space provided for the voter's signature must be located in a box that is at least one inch by ~~two~~ inches, and "Signature of voter" must be printed in bold type.

(d) The following textual material, as prescribed by the secretary of state, must be printed ~~[on the reverse side of the official carrier envelope or]~~ on a separate sheet accompanying the carrier envelope ~~[when it is provided]~~:

- (1) the prohibition prescribed by Section 86.006(b);
  - (2) the conditions for delivery by common or contract carrier prescribed by Sections 81.005 and 86.006;
  - (3) the requirements for the legal execution and delivery of the carrier envelope, including the prohibition on compensation for depositing carrier envelopes containing ballots voted by other persons under Section 86.0052;
  - (4) the prohibition prescribed by Section 86.006(e); and
  - (5) the offenses prescribed by Sections 86.006(f) and 86.010(f).
- (g) The secretary of state by rule shall require that a notice informing voters of the telephone number established under Section

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 86.013(c), (d), and (g), Election Code, are amended to read as follows:

(c) A certificate in substantially the following form must be printed on the reverse side of the official carrier envelope in a manner that **requires** the voter to sign across the flap of the envelope: "I certify that the enclosed ballot expresses my wishes independent of any dictation or undue persuasion by any person.

\_\_\_\_\_  
Signature of voter  
By: \_\_\_\_\_  
Signature of person assisting voter, if applicable (see Ballot Envelope and separate sheet accompanying Carrier Envelope for restrictions and penalties)

\_\_\_\_\_  
Printed name of person assisting voter, if applicable

\_\_\_\_\_  
Residence address of person assisting voter, if applicable"  
The space provided for the voter's signature must be located in a box that is at least one inch by ~~three~~ inches, and "Signature of Voter" and "Sign Over the Sealed Flap" must be printed in bold type.

(d) The following textual material, as prescribed by the secretary of state, must be printed ~~[on the reverse side of the official carrier envelope or]~~ on a separate sheet accompanying the carrier envelope ~~[when it is provided]~~:

- (1) the prohibition prescribed by Section 86.006(b);
  - (2) the conditions for delivery by common or contract carrier prescribed by Sections 81.005 and 86.006;
  - (3) the requirements for the legal execution and delivery of the carrier envelope, including the prohibition on compensation for depositing carrier envelopes containing ballots voted by other persons under Section 86.0052;
  - (4) the prohibition prescribed by Section 86.006(e); and
  - (5) the offenses prescribed by Sections 86.006(f) and 86.010(f).
- (g) The secretary of state by rule shall require that a notice informing voters of the telephone number established under Section

31.0055 and the purpose of the telephone number be printed on[=:  
[~~(1)~~ the official carrier envelope; or  
[~~(2)~~] an insert enclosed with the balloting materials for voting by mail sent to the voter.

SECTION 2. Section 87.041, Election Code, is amended by adding Subsection (g) to read as follows:

(g) The board may not reject a ballot solely on the grounds that a signature on the carrier envelope certificate is not located:

(1) entirely in the space provided for the signature; or

(2) across the flap of the envelope.

SECTION 3. The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

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SECTION 3. Same as introduced version.

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