

BILL ANALYSIS

C.S.S.B. 1018
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not provide signature verification committees or early voting ballot boards with a way of contacting voters whose mail-in ballots include curable technical defects, which results in otherwise valid votes being disqualified. There have been calls to require a committee or board to provide to a voter the opportunity to correct a mail-in ballot with an unsigned carrier envelope, a carrier envelope signature that does not appear to match the voter's signature, a missing statement of residence, or incomplete information regarding a witness. C.S.S.B. 1018 seeks to do so by requiring a committee or board to return the carrier envelope to the voter or notify the voter by phone or email of their option to correct the defect, depending on the circumstances surrounding the discovered ballot defect.

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.S.B. 1018 amends the Election Code to require a signature verification committee and early voting ballot board, not later than the second business day after discovering an applicable defect with an early voting ballot voted by mail and before deciding whether to accept or reject a timely delivered ballot, to do the following:

- return the carrier envelope to the voter by mail, if the committee or board determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or
- notify the voter of the defect by telephone or email and inform the voter that the voter may request to have their application to vote by mail canceled or may come to the early voting clerk's office in person not later than the sixth day after election day to correct the defect.

The bill requires the committee or board, if the respective entity takes either such action, to take the action with respect to each ballot in the election to which the opportunity to correct the defect applies. The bill entitles a poll watcher to observe such an action and authorizes the secretary of state to prescribe any procedures necessary to implement the bill's provisions. The bill prohibits a ballot from being finally rejected for certain reasons regarding the carrier envelope certificate, voter signature on the certificate and ballot application, or statement of residence, before the seventh day after election day.

C.S.S.B. 1018 applies only to an early voting ballot voted by mail:

- for which the voter did not sign the carrier envelope certificate;
- for which it cannot immediately be determined whether the signature on the carrier envelope certificate is that of the voter;
- missing any required statement of residence; or
- containing incomplete information with respect to a witness.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1018 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed authorized a committee or board to provide the opportunity to correct a defect by taking certain action, the substitute instead requires a committee or board to provide that opportunity by taking that action and includes a deadline by which that action must be taken of not later than the second business day after the defect is discovered, which was not included in the engrossed. With respect to such an action that involves informing the voter of their option to come to the early voting clerk's office in person to correct the defect, the substitute includes a deadline for the person to do so of not later than the sixth day after election day, whereas the engrossed does not include a deadline for this option.

The substitute includes provisions absent from the engrossed that prohibit a ballot from being finally rejected for certain reasons regarding the carrier envelope certificate, voter signature on the certificate and ballot application, or statement of residence before the seventh day after election day.