

SUBJECT: Requiring notice to voters of chance to cure certain mail ballot defects

COMMITTEE: Elections — committee substitute recommended

VOTE: 9 ayes — Cain, J. González, Beckley, Bucy, Clardy, Fierro, Jetton,
Schofield, Swanson

0 nays

SENATE VOTE: On final passage, April 13 — 28-3 (Creighton, Paxton, Springer)

WITNESSES: For — Jeffrey Clemmons, Austin College Student Commission, Huston-Tillotson NAACP, and Texas Rising; Chase Bearden, Coalition of Texans with Disabilities; Cinde Weatherby, League of Women Voters of Texas; Emily Eby, Texas Civil Rights Project; Glen Maxey, Texas Democratic Party; Susana Carranza; (*Registered, but did not testify*: David Weinberg, Brennan Center for Justice; Maggie Stern, Children's Defense Fund Texas; Steph Gomez, Common Cause Texas; Joanne Richards, Common Ground for Texans; Jeff Miller, Disability Rights Texas; Daniel Collins, El Paso County; Alan Vera, Harris County Republican Party Ballot Security Committee; Tammy Narvaez, Harris County Commissioners Court; Patricia Zavala, Jolt Action; Rene Perez, Libertarian Party of Texas; Jason Taper, Religious Action Center of Reform Judaism Texas; Anne Mazuca, Secure Democracy; Darcy Caballero and Jen Ramos, Texas Democratic Party; Joshua Houston, Texas Impact; Robert L. Green, Travis County Republican Party Election Integrity Committee; Julie Wheeler, Travis County Commissioners Court; and 26 individuals)

Against — (*Registered, but did not testify*: Gerald Welty, Convention of States; and nine individuals)

On — Bill Sargent; (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; Chris Davis, Texas Association of Elections Administrators; Christina Adkins and Keith Ingram, Texas Secretary of State)

BACKGROUND: Concerns have been raised that signature verification committees and early voting ballot boards do not have the ability to notify voters of the opportunity to cure certain defects in otherwise valid mail ballots.

DIGEST: CSSB 1018 would require a signature verification committee or early voting ballot board, by the second business day after discovering certain defects in an early voting mail ballot and before deciding whether to accept such a ballot, to:

- return the carrier envelope to the voter by mail, if the committee or board determined that it would be possible to correct the defect and return the carrier envelope before polls closed on election day; or
- notify the voter of the defect by telephone or email and inform the voter of the ability to cancel the application to vote by mail or come to the early voting clerk's office in person by the sixth day after election day to correct the defect.

Either action would have to be taken with respect to each ballot in the election to which these provisions applied. A poll watcher would be entitled to observe such an action.

These provisions would apply 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 certificate was that of the voter, missing any required statement of residence, or containing incomplete information with respect to a witness.

An applicant for a mail ballot could submit a request to cancel the application after the close of early voting by personal appearance by appearing in person and executing an affidavit that the applicant received notice of a defect under the bill.

A ballot could not be finally rejected for noncompliance with certain statutory requirements before the seventh day after election day.

The bill would take effect September 1, 2021.

