

BILL ANALYSIS

Senate Research Center
85R31688 ADM-F

C.S.H.B. 1595
By: Bohac (Bettencourt)
State Affairs
5/19/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a ballot by mail must be mailed to a voter not later than 38 days before election day. Interested parties contend that this 38-day time period allows for too much time where voters can lose their ballot or forget that they received a mail ballot and end up voting in person. This is confusing to the voter and can create a situation where the voter violates the law by voting twice. H.B. 1595 reduces the amount of time that is required to send out a mail ballot to the voter prior to an election to reduce voter confusion. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 1595 amends current law relating to 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 84.011, Election Code, by adding Subsection (c), to require that the officially prescribed application form for an early voting ballot, in addition to the requirements imposed by Subsection (a) (relating to the requirements for the officially prescribed application form for an early voting ballot), include a space for the voter to provide a change of residence address within the county, if applicable.

SECTION 2. Amends Section 84.032(c), Election Code, as follows:

(c) Authorizes an applicant to submit a request for cancellation after the close of early voting by personal appearance by appearing in person and:

(1) makes no changes to this subdivision; or

(2) executing an affidavit that the applicant has not received the ballot to be voted by mail or received notice of a certain defect. Makes nonsubstantive changes.

SECTION 3. Amends Section 86.001, Election Code, by adding Subsection (f), to require the early voting clerk (clerk), if the application for a ballot to be voted by mail includes a change of address within the county, to notify the voter registrar of the change and requires the registrar to update the voter's registration accordingly.

SECTION 4. Amends Section 86.002, Election Code, by adding Subsection (a-1), to provide that, notwithstanding Subsection (a) (relating to requiring the clerk to provide certain envelopes with each ballot provided to a voter), the clerk is not required to provide a form for a statement of residence to a voter who indicated a change or address within the county on the voter's application for an early voting ballot to be voted by mail.

SECTION 5. Amends Section 86.004(a), Election Code, to decrease from not later than the 38th day before election day to not later than the 30th day before election day the date by which balloting materials are required to be mailed.

SECTION 6. Amends Section 87.027(i), Election Code, as follows:

(i) Authorizes the signature verification committee (committee) to compare certain signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian of election records (general custodian) or voter registrar to confirm that the signatures are those of the same person and authorizes the committee to use the signatures to determine that the signatures are not those of the same person, rather than authorizes the committee to compare certain signatures with the signature on the voter's registration application to confirm that the signatures are those of the same person but prohibits the committee from using the registration application signatures to determine that the signatures are not those of the same person.

SECTION 7. Amends Subchapter B, Chapter 87, Election Code, by adding Section 87.0271, as follows:

Sec. 87.0271. OPPORTUNITY TO CORRECT DEFECT: SIGNATURE VERIFICATION COMMITTEE. (a) Provides that 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 is that of the voter;
- (3) missing any required statement of residence; or
- (4) containing incomplete information with respect to a witness.

(b) Authorizes the committee, before deciding whether to accept or reject a timely delivered ballot under Section 87.027 (Signature Verification Committee), to:

- (1) return the carrier envelope to the voter by mail, if the committee determines that it would be possible to correct the defect and return the envelope before the time the polls are required to close on election day; or
- (2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the clerk's office in person to perform certain tasks.

(c) Requires the committee, if the committee takes an action described by Subsection (b), to take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) Provides that a poll watcher is entitled to observe an action taken under Subsection (b).

(e) Authorizes the Texas secretary of state (SOS) to prescribe any procedures necessary to implement this section.

SECTION 8. Amends Section 87.041(e), Election Code, as follows:

(e) Authorizes the early voting ballot board (board), in making a certain determination, to compare certain signatures with any two or more signatures of the voter made within the preceding six years and on file with the general custodian or voter registrar to determine if the signatures are those of the same person. Deletes existing text authorizing the board, in making a certain determination, to compare certain signatures with any two or more signatures of the voter made within the preceding six years and on file with the voter registrar to confirm that the signatures are those of the same person but prohibiting the

board from using the signatures to determine that the signatures are not those of the same person.

SECTION 9. Amends Subchapter C, Chapter 87, Election Code, by adding Section 87.0411, as follows:

Sec. 87.0411. OPPORTUNITY TO CORRECT DEFECT: EARLY VOTING BALLOT BOARD. (a) Provides that 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 is that of the voter;
- (3) missing any required statement of residence; or
- (4) containing incomplete information with respect to a witness.

(b) Authorizes the board, before deciding whether to accept or reject a timely delivered ballot under Section 87.041 (Accepting Voter), to:

- (1) return the carrier envelope to the voter by mail, if the board determines that it would be possible to correct the defect and return the envelope before the time the polls are required to close on election day; or
- (2) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the clerk's office in person to perform certain tasks.

(c) Requires the board, if the board takes an action described by Subsection (b), to take either action described by that subsection with respect to each ballot in the election to which this section applies.

(d) Provides that a poll watcher is entitled to observe an action taken under Subsection (b).

(e) Authorizes SOS to prescribe any procedures necessary to implement this section.

SECTION 10. Effective date: September 1, 2017.