

1-1 By: Bonnen of Galveston, et al. H.B. No. 1927
1-2 (Senate Sponsor - Huffman)
1-3 (In the Senate - Received from the House May 5, 2015;
1-4 May 6, 2015, read first time and referred to Committee on State
1-5 Affairs; May 21, 2015, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-7 May 21, 2015, sent to printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	Huffman	X			
1-11	Ellis	X			
1-12	Birdwell	X			
1-13	Creighton	X			
1-14	Estes	X			
1-15	Fraser	X			
1-16	Nelson	X			
1-17	Schwertner	X			
1-18	Zaffirini	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 1927 By: Birdwell

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the procedures for applying for a ballot to be voted by
1-23 mail; creating a criminal offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 84.001(e), Election Code, is amended to
1-26 read as follows:

1-27 (e) An applicant for a ballot to be voted by mail may apply
1-28 for ballots for the main election and any resulting runoff election
1-29 on the same application. ~~If an [The timeliness of the application~~
1-30 ~~for both elections is determined in relation to the main election.~~
1-31 ~~However, if the] application for the main election and any~~
1-32 ~~resulting runoff is not timely for the main election, it will be~~
1-33 ~~considered timely for any resulting runoff if received not later~~
1-34 ~~than the deadline, determined using the date of the runoff~~
1-35 ~~election, for submitting a regular application for a ballot to be~~
1-36 ~~voted by mail [the timeliness of the application for the runoff~~
1-37 ~~election is determined in relation to that election].~~

1-38 SECTION 2. Section 84.004(a), Election Code, is amended to
1-39 read as follows:

1-40 (a) A person commits an offense if:

1-41 (1) ~~[, in the same election,]~~ the person signs an
1-42 ~~[early voting ballot]~~ application for a ballot to be voted by mail
1-43 as a witness for more than one applicant in the same election; or
1-44 (2) the person signs an application for annual ballots
1-45 by mail as a witness for more than one applicant in the same
1-46 calendar year.

1-47 SECTION 3. Section 84.007, Election Code, is amended by
1-48 amending Subsections (b) and (c) and adding Subsection (e) to read
1-49 as follows:

1-50 (b) An application must be submitted to the early voting
1-51 clerk by:

1-52 (1) mail;
1-53 (2) common or contract carrier; ~~or~~
1-54 (3) telephonic facsimile machine, if a machine is
1-55 available in the clerk's office; or
1-56 (4) electronic transmission of a scanned application
1-57 containing an original signature.

1-58 (c) Except as provided by Section 86.0015(b), an [An]
1-59 application may [must] be submitted at any time in the year of the
1-60 election for which a ballot is requested, but not later than [on or

2-1 ~~after the 60th day before election day and before]~~ the close of
2-2 regular business in the early voting clerk's office or 12 noon,
2-3 whichever is later, on the 11th [~~ninth~~] day before election day
2-4 unless that day is a Saturday, Sunday, or legal state or national
2-5 holiday, in which case the last day is the first preceding regular
2-6 business day.

2-7 (e) The early voting clerk shall designate an e-mail address
2-8 for receipt of an application under Subsection (b)(4). The
2-9 secretary of state shall include the e-mail addresses on the
2-10 secretary of state's website.

2-11 SECTION 4. Section 84.011(a), Election Code, is amended to
2-12 read as follows:

2-13 (a) The officially prescribed application form for an early
2-14 voting ballot must include:

2-15 (1) immediately preceding the signature space the
2-16 statement: "I certify that the information given in this
2-17 application is true, and I understand that giving false information
2-18 in this application is a crime.";

2-19 (2) a statement informing the applicant of the
2-20 offenses prescribed by Sections 84.003 and 84.004;

2-21 (3) spaces for entering an applicant's voter
2-22 registration number and county election precinct of registration,
2-23 with a statement informing the applicant that failure to furnish
2-24 that information does not invalidate the application; and

2-25 (4) on an application for a ballot to be voted by mail:

2-26 (A) a space for an applicant applying on the
2-27 ground of absence from the county of residence to indicate the date
2-28 on or after which the applicant can receive mail at the address
2-29 outside the county;

2-30 (B) a space for indicating the fact that an
2-31 applicant whose application is signed by a witness cannot make the
2-32 applicant's mark and a space for indicating the relationship or
2-33 lack of relationship of the witness to the applicant;

2-34 (C) a space for entering an applicant's telephone
2-35 number, with a statement informing the applicant that failure to
2-36 furnish that information does not invalidate the application;

2-37 (D) a space or box for an applicant applying on
2-38 the ground of age or disability to indicate that the address to
2-39 which the ballot is to be mailed is the address of a facility or
2-40 relative described by Section 84.002(a)(3), if applicable;

2-41 (E) a space or box for an applicant applying on
2-42 the ground of confinement in jail to indicate that the address to
2-43 which the ballot is to be mailed is the address of a relative
2-44 described by Section 84.002(a)(4), if applicable;

2-45 (F) a space for an applicant applying on the
2-46 ground of age or disability to indicate if the application is an
2-47 application under Section 86.0015;

2-48 (G) spaces for entering the signature, printed
2-49 name, and residence address of any person assisting the applicant;

2-50 (H) [~~(G)~~] a statement informing the applicant of
2-51 the condition prescribed by Section 81.005; and

2-52 (I) [~~(H)~~] a statement informing the applicant of
2-53 the requirement prescribed by Section 86.003(c).

2-54 SECTION 5. Subchapter B, Chapter 84, Election Code, is
2-55 amended by adding Section 84.038 to read as follows:

2-56 Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION.

2-57 The cancellation of an application for a ballot to be voted by mail
2-58 under Section 84.032(c), (d), or (e) is effective for a single
2-59 ballot only and does not cancel the application with respect to a
2-60 subsequent election, including a subsequent election to which the
2-61 same application applies under Section 84.001(e) or 86.0015(b).

2-62 SECTION 6. Section 86.0015, Election Code, is amended to
2-63 read as follows:

2-64 Sec. 86.0015. ANNUAL BALLOTS BY MAIL [~~APPLYING FOR MORE~~
2-65 ~~THAN ONE ELECTION IN SAME APPLICATION~~]. (a) This section applies
2-66 only to an application for a ballot to be voted by mail that:

2-67 (1) indicates [~~is submitted to the county clerk~~
2-68 ~~indicating~~] the ground of eligibility is age or disability; and

2-69 (2) does not specify the election for which a ballot is

3-1 requested or has been marked by the applicant as an application for
 3-2 more than one election.

3-3 (b) An application described by Subsection (a) is
 3-4 considered to be an application for a ballot for each election,
 3-5 including any ensuing runoff [in which the county clerk serves as
 3-6 early voting clerk and]:

3-7 (1) in which the applicant is eligible to vote; and

3-8 (2) that occurs before the earlier of:

3-9 (A) except as provided by Subsection (b-2), the
 3-10 end of the calendar year in which the application was submitted;
 3-11 [or]

3-12 (B) the date the county clerk receives notice
 3-13 from the voter registrar under Subsection (f) [~~(d)~~] that the voter
 3-14 has changed residence to another county; or

3-15 (C) the date the voter's registration is canceled
 3-16 [submitted a change in registration information].

3-17 (b-1) An application submitted under this section must be
 3-18 submitted before the close of regular business in the early voting
 3-19 clerk's office or 12 noon, whichever is later, on the 11th day
 3-20 before election day unless that day is a Saturday, Sunday, or legal
 3-21 state or national holiday, in which case the last day is the first
 3-22 preceding regular business day.

3-23 (b-2) An application is considered to be submitted in the
 3-24 following calendar year for purposes of this section if:

3-25 (1) the applicant is eligible to vote in an election
 3-26 occurring in January or February of the next calendar year; and

3-27 (2) the application is submitted in the last 60 days of
 3-28 a calendar year but not earlier than the 60th day before the date of
 3-29 the January or February election.

3-30 (c) In an election of a political subdivision located in a
 3-31 county in which the county clerk is not the early voting clerk, the
 3-32 county clerk shall provide the early voting clerk of the political
 3-33 subdivision that is holding the election a list of voters in the
 3-34 portion of the political subdivision located in the county who have
 3-35 ballot applications on file under this section. The early voting
 3-36 clerk shall provide a ballot to be voted by mail to each voter on the
 3-37 list.

3-38 (d) The secretary of state shall provide a method by which
 3-39 counties and political subdivisions located in the county can
 3-40 exchange and update information on applications received under this
 3-41 section.

3-42 (e) An application described by Subsection (a) shall be
 3-43 preserved for the period for preserving the precinct election
 3-44 records for the last election for which the application is
 3-45 effective.

3-46 (f) [~~(d)~~] The voter registrar shall notify the county clerk
 3-47 when a voter's voter registration has been canceled or a voter's
 3-48 address or name has changed [following the receipt of a notice of a
 3-49 change in registration information under Section 15.021]. The
 3-50 county clerk must update any list of voters who have ballot
 3-51 applications on file under this section based on the information
 3-52 received from the voter registrar. A voter's ballot application on
 3-53 file under this section may not be canceled if a correction in
 3-54 registration information for the voter is a change of address
 3-55 within the county in which the voter is registered or a change of
 3-56 the voter's name.

3-57 SECTION 7. Section 86.006, Election Code, is amended by
 3-58 amending Subsection (a) and adding Subsection (a-1) to read as
 3-59 follows:

3-60 (a) A marked ballot voted under this chapter must be
 3-61 returned to the early voting clerk in the official carrier
 3-62 envelope. The carrier envelope may be delivered in another
 3-63 envelope and must be transported and delivered only by:

3-64 (1) mail;

3-65 (2) [or by] common or contract carrier; or

3-66 (3) subject to Subsection (a-1), in-person delivery by
 3-67 the voter who voted the ballot.

3-68 (a-1) The voter may deliver a marked ballot in person to the
 3-69 early voting clerk's office only while the polls are open on

4-1 election day. A voter who delivers a marked ballot in person must
4-2 present an acceptable form of identification described by Section
4-3 63.0101.

4-4 SECTION 8. Section 84.009(b), Election Code, is repealed.

4-5 SECTION 9. Not later than January 1, 2016, the secretary of
4-6 state shall make the modifications to the official application form
4-7 for a ballot to be voted early by mail, as required by Section
4-8 84.011(a), Election Code, as amended by this Act.

4-9 SECTION 10. This Act applies only to an application for a
4-10 ballot to be voted by mail submitted on or after January 1, 2016.

4-11 SECTION 11. This Act takes effect September 1, 2015.

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