

1-1 By: Bonnen of Galveston, et al. H.B. No. 2691  
 1-2 (Senate Sponsor - Huffman)  
 1-3 (In the Senate - Received from the House May 15, 2017;  
 1-4 May 15, 2017, read first time and referred to Committee on State  
 1-5 Affairs; May 19, 2017, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 8, Nays 1;  
 1-7 May 19, 2017, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 2691 By: Huffman

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

1-22 relating to certain election practices and procedures.  
 1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-24 SECTION 1. Section 32.002, Election Code, is amended by  
 1-25 adding Subsection (c-1) to read as follows:  
 1-26 (c-1) For purposes of this subsection, the county chair  
 1-27 shall provide a list of names of persons eligible for appointment as  
 1-28 election judges. Judges of countywide polling places established  
 1-29 under Section 43.007 must be appointed from the list of names of  
 1-30 persons submitted by the county chair in compliance with Subsection  
 1-31 (c) except that in appointing a person from the list the  
 1-32 commissioners court shall apportion the number of judges in direct  
 1-33 proportion to the percentage of precincts located in each county  
 1-34 commissioner's precinct won by each party in the last gubernatorial  
 1-35 election, the commissioners court is not required to make the  
 1-36 appointments based on specific polling locations or precincts, a  
 1-37 presiding judge or alternate presiding judge is not required to  
 1-38 serve in a polling place located in the precinct in which the judge  
 1-39 resides, and more than one presiding judge or alternate presiding  
 1-40 judge may be selected from the same precinct to serve in polling  
 1-41 places not located in the precinct in which the judges reside. The  
 1-42 county chairs may submit, and the commissioners court may  
 1-43 preapprove, the appointment of more presiding judges or alternate  
 1-44 presiding judges than necessary to fill available positions. The  
 1-45 county clerk may select an individual whose appointment was  
 1-46 preapproved by the commissioners court to fill a vacancy in a  
 1-47 position that was held by an individual from the same political  
 1-48 party. Other than a judge's party affiliation, nothing in this  
 1-49 subsection precludes a county clerk from placing an election  
 1-50 officer at a countywide polling place based on the need for services  
 1-51 at that location.  
 1-52 SECTION 2. Section 32.006(a), Election Code, is amended to  
 1-53 read as follows:  
 1-54 (a) The county chair of a political party holding a primary  
 1-55 election shall appoint for each primary~~[, with the approval of the~~  
 1-56 ~~county executive committee,~~ the judges for each precinct in which  
 1-57 the election will be held in the county and fill any vacancy that  
 1-58 occurs in the position of presiding judge or alternate presiding  
 1-59 judge.  
 1-60 SECTION 3. Section 32.009(d), Election Code, is amended to

2-1 read as follows:

2-2 (d) A notice to a presiding judge must state the name, ~~[and]~~  
2-3 address, and any available telephone number and e-mail address of  
2-4 the alternate, and a notice to an alternate must state the name,  
2-5 ~~[and]~~ address, and any available telephone number and e-mail  
2-6 address of the presiding judge.

2-7 SECTION 4. Subchapter A, Chapter 32, Election Code, is  
2-8 amended by adding Section 32.012 to read as follows:

2-9 Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION  
2-10 JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the  
2-11 commissioners court appoints a presiding election judge and an  
2-12 alternate presiding judge, the county clerk shall provide to the  
2-13 county chair of each political party a list of the individuals  
2-14 appointed by the commissioners court.

2-15 (b) The appointment list must be provided in writing.

2-16 SECTION 5. Subchapter A, Chapter 32, Election Code, is  
2-17 amended by adding Section 32.013 to read as follows:

2-18 Sec. 32.013. ELECTION JUDGES FOR EARLY VOTING AT  
2-19 RESIDENTIAL CARE FACILITY; QUALIFICATIONS; OATH. (a) Additional  
2-20 election judges shall be selected to serve at a residential care  
2-21 facility under Chapter 107 in the same manner as election judges are  
2-22 selected to serve at a polling place for early voting by personal  
2-23 appearance under this chapter. The county chair of a political  
2-24 party shall indicate on the list of names of persons if a person is  
2-25 willing to serve as an election judge under Chapter 107.

2-26 (b) An election judge serving at a residential care facility  
2-27 may be a volunteer, an employee of the authority conducting the  
2-28 election, or compensated by the authority conducting the election  
2-29 in the same manner as an election judge for a polling place for  
2-30 early voting by personal appearance.

2-31 (c) A person may not serve as an election judge for a  
2-32 residential care facility if at any time during the two years  
2-33 preceding the election, the person has been employed at a  
2-34 residential care facility in the county where the person seeks to  
2-35 serve as an election judge.

2-36 (d) Before beginning the duties of an election judge under  
2-37 Chapter 107, each individual appointed to serve as an election  
2-38 judge at a residential care facility shall sign and date this oath:

2-39 I swear (or affirm) that I will not in any manner request or  
2-40 seek to persuade or induce any voter to vote for or against any  
2-41 candidate or measure to be voted on, and that I will faithfully  
2-42 perform my duty as an officer of the election and guard the purity  
2-43 of the election.

2-44 I have read the statutes and training materials provided and  
2-45 will conduct this election accordingly.

2-46 I understand that failing to follow procedures exactly may  
2-47 result in invalidation of the voter's ballot.

2-48 I will not unduly influence or pressure a person to  
2-49 participate or cast a ballot in the election.

2-50 I will not influence the choice of a voter to choose a  
2-51 particular primary ballot, vote in a particular race or election,  
2-52 or vote on a particular proposition.

2-53 Signed: \_\_\_\_\_

2-54 This \_\_\_ day of \_\_\_, 20\_\_.

2-55 (e) The secretary of state shall provide training for an  
2-56 election judge serving under Chapter 107.

2-57 SECTION 6. Section 32.114(e), Election Code, is amended to  
2-58 read as follows:

2-59 (e) An election judge, early voting clerk, or deputy early  
2-60 voting clerk in charge of an early voting polling place is entitled  
2-61 to compensation for attending the training program at an hourly  
2-62 rate fixed by the appropriate authority in an amount that is equal  
2-63 to or greater than the federal minimum wage [not to exceed \$7].

2-64 SECTION 7. Section 43.007, Election Code, is amended by  
2-65 amending Subsections (a), (c), and (d) and adding Subsections (m)  
2-66 and (n) to read as follows:

2-67 (a) The secretary of state shall implement a program to  
2-68 allow each commissioners court participating in the program to  
2-69 eliminate county election precinct polling places and establish

3-1 countywide polling places for:  
 3-2 (1) each general election for state and county  
 3-3 officers;  
 3-4 (2) each election held on the uniform election date in  
 3-5 May and any resulting runoff;  
 3-6 (3) each election on a proposed constitutional  
 3-7 amendment;  
 3-8 (4) each primary election and runoff primary election  
 3-9 if:  
 3-10 (A) the county chair or county executive  
 3-11 committee of each political party participating in a joint primary  
 3-12 election under Section 172.126 agrees to the use of countywide  
 3-13 polling places; or  
 3-14 (B) the county chair or county executive  
 3-15 committee of each political party required to nominate candidates  
 3-16 by primary election agrees to use the same countywide polling  
 3-17 places; and  
 3-18 (5) each election of a political subdivision located  
 3-19 in the county that is held jointly with an election described by  
 3-20 Subdivision (1), (2), (3), or (4).  
 3-21 (c) In conducting the program, the secretary of state shall  
 3-22 provide a training manual for election judges and clerks appointed  
 3-23 to work at a countywide polling place and for an audit of the voting  
 3-24 system [direct recording electronic voting] units used, including  
 3-25 any type of voting system unit described by Subsection (d)(4),  
 3-26 before and after the election, and during the election to the extent  
 3-27 such an audit is practicable.  
 3-28 (d) The secretary of state shall select to participate in  
 3-29 the program each county that:  
 3-30 (1) has held a public hearing under Subsection (b);  
 3-31 (2) has submitted documentation listing the steps  
 3-32 taken to solicit input on participating in the program by  
 3-33 organizations or persons who represent the interests of voters;  
 3-34 (3) has implemented a computerized voter registration  
 3-35 list that allows an election officer at the polling place to verify  
 3-36 that a voter has not previously voted in the election;  
 3-37 (4) uses either direct recording electronic voting  
 3-38 machines or a voting system capable of printing all available  
 3-39 ballot styles of that polling place; and  
 3-40 (5) is determined by the secretary of state to have the  
 3-41 appropriate technological capabilities.  
 3-42 (m) In adopting a methodology under Subsection (f), the  
 3-43 county must ensure that:  
 3-44 (1) each county commissioner's precinct contains at  
 3-45 least one countywide polling place; and  
 3-46 (2) the total number of permanent branch and temporary  
 3-47 branch polling places open for voting in a county commissioner's  
 3-48 precinct does not exceed more than twice the number of permanent  
 3-49 branch and temporary branch polling places in another county  
 3-50 commissioner's precinct.  
 3-51 (n) To the greatest extent possible, countywide polling  
 3-52 places shall be located in a precinct where the political party that  
 3-53 received the greatest number of votes in the last gubernatorial  
 3-54 election is the same political party with which the presiding judge  
 3-55 is affiliated.  
 3-56 SECTION 8. Section 85.009(b), Election Code, is amended to  
 3-57 read as follows:  
 3-58 (b) Before July of each year, the county chair of each  
 3-59 political party holding a primary election in the county shall  
 3-60 submit in writing to the county clerk a list of names of persons in  
 3-61 order of preference for each early voting polling place who are  
 3-62 eligible for selection as an election officer. The county chair  
 3-63 may supplement the list of names of persons until the 30th day  
 3-64 before early voting begins in case an appointed election officer  
 3-65 becomes unable to serve. The county clerk shall appoint the first  
 3-66 person meeting the applicable eligibility requirements from the  
 3-67 list submitted in compliance with this subsection by the party with  
 3-68 the highest number of votes in the county as the presiding judge  
 3-69 [~~election officer~~] of that polling place and the first person

4-1 meeting the applicable eligibility requirements from the list  
4-2 submitted in compliance with this subsection by the party with the  
4-3 second highest number of votes in the county as the alternate  
4-4 presiding judge [~~election officer~~] of that polling place. The  
4-5 county clerk shall appoint additional election officers for each  
4-6 polling place in the manner described by Subsection (a). The  
4-7 county clerk may reject the list if the persons whose names are  
4-8 submitted on the list are determined not to meet the applicable  
4-9 eligibility requirements.

4-10 SECTION 9. Subchapter A, Chapter 85, Election Code, is  
4-11 amended by adding Section 85.0091 to read as follows:

4-12 Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY  
4-13 ELECTIONS. (a) The early voting clerk shall select election  
4-14 officers for a primary election for the main early voting polling  
4-15 place and any branch polling place in a manner consistent with  
4-16 Section 85.009, except that the early voting clerk shall prescribe  
4-17 the deadline by which county chairs must submit names of persons  
4-18 eligible to serve as election officers during early voting.

4-19 (b) This section does not apply to a joint primary governed  
4-20 by Section 172.126.

4-21 SECTION 10. Subchapter C, Chapter 85, Election Code, is  
4-22 amended by adding Section 85.0651 to read as follows:

4-23 Sec. 85.0651. MOVABLE POLLING PLACE OPERATION. (a)  
4-24 Notwithstanding Sections 85.064 and 85.065, early voting by  
4-25 personal appearance at a movable polling place established under  
4-26 Section 85.062 shall be conducted for at least eight hours on each  
4-27 day voting is conducted.

4-28 (b) The location of a movable polling place may be changed  
4-29 only after the polling place has been open for at least two days of  
4-30 voting at its current location.

4-31 SECTION 11. Section 86.003, Election Code, is amended by  
4-32 amending Subsections (a) and (b) and adding Subsection (e) to read  
4-33 as follows:

4-34 (a) The balloting materials for voting by mail shall be  
4-35 provided to the voter by mail, unless the ballot is delivered to a  
4-36 voter for early voting under Chapter 107. A ballot provided by any  
4-37 other method may not be counted.

4-38 (b) Subject to Subsection (c), the balloting materials  
4-39 shall be addressed to the applicable address specified in the  
4-40 voter's application. The election officer providing the ballot may  
4-41 not knowingly deliver [~~mail~~] the materials to an address other than  
4-42 that prescribed by this section.

4-43 (e) A voter who makes an application to vote early by mail on  
4-44 the grounds of age or disability requesting that the ballot be sent  
4-45 to the address of a residential care facility, as defined by Chapter  
4-46 107, is required to vote as provided by that chapter if five or more  
4-47 applications for ballots to be voted by mail are made by residents  
4-48 of the same facility who request that the ballots be sent to that  
4-49 facility.

4-50 SECTION 12. Section 86.004, Election Code, is amended by  
4-51 amending Subsection (a) and adding Subsection (c) to read as  
4-52 follows:

4-53 (a) Except as provided by Subsection (b) or (c), the  
4-54 balloting materials for voting by mail shall be mailed to a voter  
4-55 entitled to vote by mail not later than the seventh calendar day  
4-56 after the later of the date the clerk accepts the voter's  
4-57 application for a ballot to be voted by mail or the date the ballots  
4-58 become available for mailing, except that if that mailing date is  
4-59 earlier than the 45th day before election day, the balloting  
4-60 materials shall be mailed not later than the 38th day before  
4-61 election day.

4-62 (c) An application to vote early by mail on the grounds of  
4-63 age or disability requesting that the ballot be sent to the address  
4-64 of a residential care facility, as defined by Chapter 107, shall be  
4-65 held until the earlier of:

4-66 (1) the date on which five or more applications for  
4-67 ballots to be voted by mail made by residents of the same facility  
4-68 who request that the ballots be sent to that facility have been  
4-69 received, in which case ballots may not be mailed to the voters and

5-1 voting shall be conducted under Chapter 107; or  
 5-2 (2) the last day on which an application for a ballot  
 5-3 to be voted by mail may be received, after which the ballot shall  
 5-4 promptly be mailed to the voter.

5-5 SECTION 13. Subtitle B, Title 7, Election Code, is amended  
 5-6 by adding Chapter 107 to read as follows:

5-7 CHAPTER 107. EARLY VOTING AT A RESIDENTIAL CARE FACILITY

5-8 Sec. 107.001. PURPOSE. This chapter is enacted to  
 5-9 facilitate voting in a nursing home, other long-term care facility,  
 5-10 or retirement center in which a significant number of occupants,  
 5-11 patients, or residents lack adequate transportation to an  
 5-12 appropriate polling place, need assistance in voting, are 65 years  
 5-13 of age or older or are disabled, or are indefinitely confined.

5-14 Sec. 107.002. DEFINITION. In this chapter, "residential  
 5-15 care facility" means a facility licensed and regulated under  
 5-16 Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

5-17 Sec. 107.003. APPLICABILITY OF EARLY VOTING BY PERSONAL  
 5-18 APPEARANCE PROVISIONS. To the extent applicable and not in  
 5-19 conflict with this chapter, Chapter 85 applies to voting at a  
 5-20 residential care facility under this chapter.

5-21 Sec. 107.004. EARLY VOTING AT RESIDENTIAL CARE FACILITY  
 5-22 REQUIRED. (a) A voter residing in a residential care facility who  
 5-23 has applied to vote early by mail on the grounds of age or  
 5-24 disability and who requested that the ballot be sent to the address  
 5-25 of the facility must vote as provided by this chapter if five or  
 5-26 more applications for ballots to be voted by mail were made by  
 5-27 residents of the same facility who requested that the ballots be  
 5-28 sent to the facility.

5-29 (b) If a residential care facility has fewer than five  
 5-30 residents qualified to vote under this chapter on January 1 of each  
 5-31 calendar year, the secretary of state may exempt a residential care  
 5-32 facility from the requirements of this chapter. For this exemption  
 5-33 to apply, the Department of State Health Services and the facility  
 5-34 director must provide written confirmation that the exemption  
 5-35 applies to the residential care facility. The secretary of state  
 5-36 shall adopt rules to implement this subsection.

5-37 Sec. 107.005. VOTING LOCATION. (a) The administrator of  
 5-38 the residential care facility shall make available an area located  
 5-39 in a common area of the facility for the purposes of voting under  
 5-40 this chapter. The area shall allow a voter to cast a secret ballot.

5-41 (b) The facility administrator shall allow posting of  
 5-42 required notices during the period that voting is conducted under  
 5-43 this chapter.

5-44 (c) An election judge may enter the private room of a voter  
 5-45 who requests that balloting materials be brought to the voter.

5-46 Sec. 107.006. NOTICE OF ELECTION IN RESIDENTIAL CARE  
 5-47 FACILITY; DETERMINATION OF TIME FOR VOTING. (a) If early voting at  
 5-48 a residential care facility is required under this chapter, the  
 5-49 early voting clerk shall give notice that early voting will occur at  
 5-50 the facility and appoint election judges for the purpose of  
 5-51 conducting voting under this chapter.

5-52 (b) Not later than 5 p.m. on the sixth business day before  
 5-53 election day, the election judges shall, with the input of the  
 5-54 administrator of the residential care facility, designate one or  
 5-55 more times for voting to be conducted. Voting may be conducted not  
 5-56 earlier than the 29th day before election day and not later than the  
 5-57 fourth day preceding election day.

5-58 (c) Notice of the time or times for conducting the election  
 5-59 shall be posted at the residential care facility by the election  
 5-60 judge and on the appropriate county's Internet website as soon as  
 5-61 practicable after determining the time and not later than the fifth  
 5-62 day before the first day on which voting will be conducted at the  
 5-63 facility.

5-64 (d) The secretary of state with the assistance of the  
 5-65 Department of State Health Services shall create a list of all  
 5-66 residential care facilities eligible under this chapter on January  
 5-67 1 of each calendar year in an early voting clerk's jurisdiction.  
 5-68 The secretary of state shall provide the list to the early voting  
 5-69 clerk.

6-1           (e) The early voting clerk shall maintain a public list of  
 6-2 all residential care facilities in the clerk's jurisdiction at  
 6-3 which voting is conducted under this chapter. The list must be  
 6-4 available on the Internet website of the authority conducting the  
 6-5 election or posted at the location where public notices are posted  
 6-6 in the county courthouse or authority's public building, as  
 6-7 applicable, and for each facility state:

6-8                     (1) the name of the facility;

6-9                     (2) the address of the facility;

6-10                    (3) the dates and times for voting at the facility; and

6-11                    (4) the names of the election judges for the facility.

6-12           (f) At any time during the year and regardless of whether  
 6-13 five or more voters at a residential care facility have requested  
 6-14 ballots to be voted by mail, the early voting clerk may post notice  
 6-15 of the dates on which voting will be conducted at the facility under  
 6-16 this chapter for each election. If the early voting clerk posts  
 6-17 notice under this subsection, the names of the election judges and  
 6-18 the hours during which voting will be conducted must be posted at  
 6-19 least 48 hours before voting is conducted at the facility,  
 6-20 notwithstanding Subsection (c).

6-21           Sec. 107.007. CONDUCT OF ELECTION. (a) In an election  
 6-22 conducted under this chapter, the early voting clerk shall deliver  
 6-23 to the election judges for a residential care facility the  
 6-24 balloting materials for any qualified voters who have requested a  
 6-25 mail ballot for an election that would have been otherwise mailed to  
 6-26 the voter at the facility under Chapter 86.

6-27           (b) The election judges for a residential care facility  
 6-28 shall deliver the balloting materials to the voter at the facility.

6-29           (c) The voter shall mark and seal the ballot in the same  
 6-30 manner as a voter voting under Chapter 86.

6-31           (d) Both election judges for the residential care facility  
 6-32 shall sign the carrier envelope as witnesses. In the space for the  
 6-33 address of the witness, each election judge shall write in  
 6-34 "Residential Care Facility Election Judge."

6-35           (e) The election judges shall accept the carrier envelope  
 6-36 and place the envelope in a secure bag or ballot container for  
 6-37 transport to the early voting clerk's office.

6-38           (f) Ballots voted at a residential care facility shall be  
 6-39 processed for counting in the manner provided by Chapter 86 for a  
 6-40 ballot voted by mail.

6-41           Sec. 107.008. VOTING BY ADDITIONAL QUALIFIED VOTERS. (a)  
 6-42 The early voting clerk shall produce a list of all additional  
 6-43 qualified voters who reside at, and are registered to vote at, a  
 6-44 residential care facility where voting is conducted under this  
 6-45 chapter.

6-46           (b) The clerk shall supply the election judges for the  
 6-47 residential care facility with sufficient additional ballots and  
 6-48 voting materials to allow any additional qualified voter who  
 6-49 resides at the facility to vote under this chapter. During the  
 6-50 voting period, any registered voter who resides at the facility may  
 6-51 complete an application to request a mail ballot as if they were  
 6-52 voting by mail. An election judge for the facility shall serve as a  
 6-53 witness for any person who is unable to sign the person's name and  
 6-54 may witness multiple applications.

6-55           (c) An election judge for the residential care facility must  
 6-56 accept a properly completed application for a ballot made under  
 6-57 this section, and shall provide a ballot to the voter. The election  
 6-58 judge shall make a notation on an application that it was made under  
 6-59 this section.

6-60           (d) A voter who applies for a ballot under this section  
 6-61 shall vote in the manner provided by Section 107.007, except that  
 6-62 the voter's ballot must be stored with the voter's application, and  
 6-63 the voter's ballot may not be counted if the voter was not a  
 6-64 qualified voter for the election as demonstrated from the  
 6-65 information contained in the voter's application.

6-66           (e) An election judge at the residential care facility may  
 6-67 assist and witness a ballot received by a voter who resides at the  
 6-68 facility and is not registered to vote at the facility while the  
 6-69 election judge is present at the facility.

7-1 (f) The secretary of state may prescribe an application for  
7-2 a voter to request a ballot under Subsection (b).

7-3 Sec. 107.009. RETENTION OF RECORDS. (a) The election  
7-4 judges for the residential care facility shall record the number of  
7-5 ballots voted. Both of the election judges for each facility and  
7-6 the early voting clerk shall sign and attest to the number of  
7-7 ballots issued.

7-8 (b) On completion of voting under this chapter, the election  
7-9 judges must record the number of:

- 7-10 (1) completed ballots;
- 7-11 (2) spoiled ballots; and
- 7-12 (3) unused returned ballots.

7-13 Sec. 107.010. PROOF OF IDENTIFICATION PRESENTED AT  
7-14 RESIDENTIAL CARE FACILITY. (a) Notwithstanding Section 63.0101 or  
7-15 any other law, a voter voting under this chapter may submit a  
7-16 statement as proof of identification signed by both election judges  
7-17 for the residential care facility that:

- 7-18 (1) contains the name and address of the voter; and
- 7-19 (2) verifies that the voter is a resident of the  
7-20 facility and appears on the list of registered voters.

7-21 (b) The election judges shall enclose the statement in the  
7-22 carrier envelope.

7-23 Sec. 107.011. ASSISTING VOTER; NOTICE. (a) On written  
7-24 request to the early voting clerk by a relative of a registered  
7-25 voter in a residential care facility, the clerk may notify the  
7-26 relative of the time or times at which election judges will conduct  
7-27 voting at the facility. The relative may be present at the facility  
7-28 while voting is conducted.

7-29 (b) A voter may receive assistance in the same manner as  
7-30 provided by Subchapter B, Chapter 64.

7-31 (c) An election judge shall seal a ballot if the voter  
7-32 receives assistance from a person who is not an election judge.

7-33 Sec. 107.012. SECURITY OF BALLOTS AND MATERIALS. (a) On  
7-34 completion of the voting each day on which voting is conducted at a  
7-35 residential care facility under this chapter, the election judges  
7-36 for the facility shall seal the ballot envelopes and any absentee  
7-37 ballot applications inside a secure envelope and shall seal the  
7-38 envelope and sign the seal. The election judges shall place the  
7-39 envelope inside a ballot bag or container.

7-40 (b) As soon as possible after conducting voting at a  
7-41 residential care facility, but not later than 18 hours after  
7-42 leaving the facility, the election judges shall deliver the ballot  
7-43 bag or container to the early voting clerk.

7-44 Sec. 107.013. PROVISION OF MAIL BALLOT TO CERTAIN VOTERS.  
7-45 (a) If a qualified voter residing at a residential care facility  
7-46 and seeking to vote at the facility under this chapter is not able  
7-47 to cast a ballot during any time when voting is conducted at the  
7-48 facility, the election judges for the facility shall inform the  
7-49 early voting clerk not later than the fourth day before election  
7-50 day. The clerk shall mail the ballot to the voter not later than the  
7-51 fourth day before election day.

7-52 (b) Any registered voter who did not cast a ballot at the  
7-53 residential care facility may cast a ballot by:

- 7-54 (1) voting in person on election day; or
- 7-55 (2) voting by mail.

7-56 (c) An election judge shall leave a ballot package for a  
7-57 voter who:

7-58 (1) requested a ballot to be voted by mail and was not  
7-59 present during the scheduled time for early voting at the  
7-60 residential care facility; and

7-61 (2) is expected to return to the residential care  
7-62 facility before the deadline for returning a ballot by mail.

7-63 (d) If a voter who requested a ballot to be voted by mail  
7-64 under this chapter is temporarily located at another location,  
7-65 including by hospitalization:

7-66 (1) the early voting clerk may mail the ballot to the  
7-67 voter's temporary address, if known; or

7-68 (2) the early voting judge may personally deliver the  
7-69 ballot package to the voter's temporary address, if known.

8-1 (e) If an election judge personally delivers a ballot  
8-2 package under Subsection (d), the election judge may:

- 8-3 (1) allow the ballot to be returned by mail; or
- 8-4 (2) accept the marked ballot personally.

8-5 Sec. 107.014. WATCHERS. (a) In an election held under this  
8-6 chapter, a watcher may observe the process of ballot distribution  
8-7 in the common areas of a residential care facility in a manner  
8-8 consistent with Chapter 33.

8-9 (b) A political party entitled to have the names of its  
8-10 nominees placed on the general election ballot may appoint a  
8-11 watcher to accompany the election judges to a residential care  
8-12 facility.

8-13 (c) A political party seeking to appoint a watcher to serve  
8-14 at a residential care facility shall submit the name of the watcher  
8-15 to the county election officer of the county in which the facility  
8-16 is located not later than the close of business on the last business  
8-17 day before the date the watcher seeks to observe the conduct of the  
8-18 election under this chapter.

8-19 (d) A watcher must present the watcher's certificate of  
8-20 appointment to an election judge for the residential care facility  
8-21 on arrival at the facility.

8-22 (e) A watcher has access to the same areas of the  
8-23 residential care facility as an election judge.

8-24 Sec. 107.015. LIMITATIONS ON APPLICABILITY OF CHAPTER. (a)  
8-25 The early voting clerk is not required to send election judges to  
8-26 conduct an election at a residential care facility unless there are  
8-27 at least five registered voters who are residents of the facility.

8-28 (b) This chapter does not prevent a registered voter from:

- 8-29 (1) voting early by personal appearance;
- 8-30 (2) voting on election day; or
- 8-31 (3) voting by mail from an address other than the  
8-32 residential care facility, including from the address of a family  
8-33 member designated under Section 84.002.

8-34 Sec. 107.016. RULES. The secretary of state may adopt rules  
8-35 and prescribe procedures for voting at a residential care facility  
8-36 in accordance with this chapter.

8-37 SECTION 14. Subchapter A, Chapter 242, Health and Safety  
8-38 Code, is amended by adding Section 242.0181 to read as follows:

8-39 Sec. 242.0181. COMPLIANCE WITH CERTAIN REQUIREMENTS  
8-40 REGARDING EARLY VOTING. An institution must comply with Chapter  
8-41 107, Election Code.

8-42 SECTION 15. Subchapter A, Chapter 247, Health and Safety  
8-43 Code, is amended by adding Section 247.008 to read as follows:

8-44 Sec. 247.008. COMPLIANCE WITH CERTAIN REQUIREMENTS  
8-45 REGARDING EARLY VOTING. An assisted living facility must comply  
8-46 with Chapter 107, Election Code.

8-47 SECTION 16. Sections 32.006(b), 32.010, 42.002(c), and  
8-48 43.007(i), Election Code, are repealed.

8-49 SECTION 17. Sections 242.0181 and 247.008, Health and  
8-50 Safety Code, as added by this Act, apply only to a license issued or  
8-51 renewed on or after the effective date of this Act. A license  
8-52 issued or renewed before that date is governed by the law in effect  
8-53 on the date the license was issued or renewed, and the former law is  
8-54 continued in effect for that purpose.

8-55 SECTION 18. This Act takes effect September 1, 2017.

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