

By: West

S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for voting after changing residence to another county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 12, Election Code, is amended by adding Section 12.007 to read as follows:

Sec. 12.007. CERTAIN ELECTION OFFICERS ARE VOTER REGISTRARS. An election officer serving a polling place is a deputy voter registrar and has the same authority as a regular deputy registrar.

SECTION 2. Section 15.002(a), Election Code, is amended to read as follows:

(a) A voter registration certificate may contain an explanation of the voter's rights or duties under this code, including:

(1) the procedure by which the voter will receive a renewal certificate;

(2) the necessity of notifying the registrar if the voter changes residence;

(3) the necessity of applying for a new registration if the voter changes residence to another county;

(4) the procedure for voting [~~period during which the voter may vote a limited ballot~~] after changing residence to another county;

1 (5) the procedure for voting without a certificate;
2 and

3 (6) the procedure for obtaining a replacement for a
4 lost or destroyed certificate.

5 SECTION 3. Section 16.031(a), Election Code, as effective
6 September 1, 2021, is amended to read as follows:

7 (a) The registrar shall cancel a voter's registration
8 immediately on receipt of:

9 (1) notice under Section 13.072(b), 15.021, or
10 18.0681(d) or a response under Section 15.053 that the voter's
11 residence is outside the county;

12 (2) an abstract of the voter's death certificate under
13 Section 16.001(a) or an abstract of an application indicating that
14 the voter is deceased under Section 16.001(b);

15 (3) an abstract of a final judgment of the voter's
16 total mental incapacity, partial mental incapacity without the
17 right to vote, conviction of a felony, or disqualification under
18 Section 16.002, 16.003, or 16.004;

19 (4) notice under Section 63.007 [~~112.012~~] that the
20 voter has voted [~~applied for~~] a provisional [~~limited~~] ballot in
21 another county;

22 (5) notice from a voter registration official in
23 another state that the voter has registered to vote outside this
24 state;

25 (6) notice from the early voting clerk under Section
26 101.053 that a federal postcard application submitted by an
27 applicant states a voting residence address located outside the

1 registrar's county; or

2 (7) notice from the secretary of state that the voter
3 has registered to vote in another county, as determined by the
4 voter's driver's license number or personal identification card
5 number issued by the Department of Public Safety or social security
6 number.

7 SECTION 4. Chapter 63, Election Code, is amended by adding
8 Section 63.007 to read as follows:

9 Sec. 63.007. PROVISIONAL VOTING FOR VOTER WHO CHANGED
10 COUNTY OF RESIDENCE. (a) After changing residence to another
11 county, a person shall be accepted for provisional voting under
12 this section if:

13 (1) the person would have been eligible to vote in the
14 county of former residence on election day if still residing in that
15 county;

16 (2) the person is registered to vote in the county of
17 former residence at the time the person:

18 (A) offers to vote in the county of new
19 residence; or

20 (B) submitted a voter registration application
21 in the county of new residence;

22 (3) a voter registration for the person in the county
23 of new residence is not effective on or before election day; and

24 (4) the person offers to vote in the person's new
25 county of residence:

26 (A) at any polling place during the early voting
27 period;

1 (B) at any polling place on election day if the
2 county participates in the program under Section 43.007; or

3 (C) at the polling place of the precinct in which
4 the person resides on election day if the county does not
5 participate in the program under Section 43.007.

6 (b) Not later than the 30th day after the election, the
7 voter registrar shall notify the voter registrar for the voter's
8 former county of residence that the voter was accepted for voting
9 under this section.

10 SECTION 5. Section 63.011, Election Code, is amended by
11 adding Subsection (a-2) and amending Subsections (b), (b-1), and
12 (c) to read as follows:

13 (a-2) A person to whom Section 63.007 applies may cast a
14 provisional ballot if the person would be eligible to vote in the
15 election, but for the requirement to be a registered voter, and
16 executes an affidavit stating:

17 "I am currently registered to vote in _____ (insert name
18 of county) County and have not cast a ballot in that county in this
19 election. I understand that doing so is a felony of the second
20 degree under Section 64.012, Election Code."

21 (b) A form for an affidavit required by this section must be
22 printed on an envelope in which the provisional ballot voted by the
23 person may be placed and must include:

24 (1) a space for entering the identification number of
25 the provisional ballot voted by the person; [~~and~~]

26 (2) a space for an election officer to indicate
27 whether the person presented a form of identification described by

1 Section 63.0101; and

2 (3) for a provisional ballot voted by the person under
3 Section 63.007, a space for entering:

4 (A) the precinct number of the precinct in which
5 the voter voted; and

6 (B) the name of the county in which the voter is
7 registered to vote.

8 (b-1) The affidavit form shall [~~may~~] include space for
9 disclosure of any necessary information to enable the person to
10 register to vote under Chapter 13. The secretary of state shall
11 prescribe the form of the affidavit under this section.

12 (c) After executing the affidavit, the person shall be given
13 a provisional ballot for the election. An election officer shall
14 record the number of the ballot and, if applicable, the precinct
15 number on the space provided on the affidavit.

16 SECTION 6. Section 65.054, Election Code, is amended by
17 amending Subsection (b) and adding Subsection (b-1) to read as
18 follows:

19 (b) Except as provided by Subsection (b-1), a [~~A~~]
20 provisional ballot shall be accepted if the board determines that:

21 (1) from the information in the affidavit or contained
22 in public records, the person is eligible to vote in the election
23 and has not previously voted in that election;

24 (2) the person:

25 (A) meets the identification requirements of
26 Section 63.001(b) at the time the ballot was cast or in the period
27 prescribed under Section 65.0541;

1 (B) notwithstanding Chapter 110, Civil Practice
2 and Remedies Code, executes an affidavit under penalty of perjury
3 that states the voter has a religious objection to being
4 photographed and the voter has consistently refused to be
5 photographed for any governmental purpose from the time the voter
6 has held this belief; or

7 (C) executes an affidavit under penalty of
8 perjury that states the voter does not have any identification
9 meeting the requirements of Section 63.001(b) as a result of a
10 natural disaster that was declared by the president of the United
11 States or the governor, occurred not earlier than 45 days before the
12 date the ballot was cast, and caused the destruction of or inability
13 to access the voter's identification; and

14 (3) the voter has not been challenged and voted a
15 provisional ballot solely because the voter did not meet the
16 requirements for identification prescribed by Section 63.001(b).

17 (b-1) A provisional ballot cast under Section 63.007 shall
18 be accepted if the board determines from the information in the
19 affidavit or contained in public records that the person:

20 (1) is registered to vote in the county of the person's
21 former residence;

22 (2) has not previously voted in the election; and

23 (3) is eligible to vote in the election, but for the
24 requirement to be a registered voter.

25 SECTION 7. Section 65.055, Election Code, is amended by
26 adding Subsection (a-1) to read as follows:

27 (a-1) If the affidavit on the envelope of a provisional

1 ballot accepted under Section 65.054(b-1) contains the information
2 necessary to enable the person to register to vote under Chapter 13,
3 the voter registrar shall make a copy of the affidavit under
4 procedures prescribed by the secretary of state. The voter
5 registrar shall treat the copy as an application for registration
6 under Chapter 13.

7 SECTION 8. Section 111.001, Election Code, is amended to
8 read as follows:

9 Sec. 111.001. RESTRICTED BALLOT. In this subtitle,
10 "restricted ballot" means a ballot that is restricted to the
11 offices and propositions stating measures on which a person is
12 entitled to vote under Chapter [~~112,~~ 113~~]~~ or 114.

13 SECTION 9. Section 111.009, Election Code, is amended to
14 read as follows:

15 Sec. 111.009. EXCLUDING VOTER FROM PRECINCT EARLY VOTING
16 LIST. The name of a person [~~voting a limited ballot by personal~~
17 ~~appearance under Chapter 112 or]~~ to whom a [~~limited or]~~ federal
18 ballot to be voted by mail is provided under Chapter [~~112 or]~~ 114 is
19 not required to be included on the precinct early voting list.

20 SECTION 10. Section 162.002, Election Code, is amended to
21 read as follows:

22 Sec. 162.002. ELIGIBILITY TO AFFILIATE. To be eligible to
23 affiliate with a political party, a person must be:

- 24 (1) a registered voter; or
25 (2) eligible to vote a provisional [~~limited~~] ballot
26 under Section 63.007 at the time of affiliating.

27 SECTION 11. Section 162.005, Election Code, is amended to

1 read as follows:

2 Sec. 162.005. AFFILIATION PROCEDURE: EARLY VOTING BY MAIL.
3 Subject to Section 162.004(a-1), the early voting clerk in a
4 general primary election shall provide an affiliation certificate
5 with each early voting [~~or limited~~] ballot to be voted by mail. The
6 certificate is not required to be provided to an applicant for a
7 runoff primary ballot unless the applicant requests it.

8 SECTION 12. Section 174.003, Election Code, is amended to
9 read as follows:

10 Sec. 174.003. DELEGATE TO BE QUALIFIED VOTER. In addition
11 to the requirement of party affiliation, to be eligible to serve as
12 a delegate to a county, senatorial district, or state convention
13 held under this chapter, a person must be a qualified voter of the
14 territory that the person is selected to represent or a resident of
15 that territory who is eligible to vote a provisional [~~limited~~]
16 ballot under Section 63.007.

17 SECTION 13. Section 174.024, Election Code, is amended to
18 read as follows:

19 Sec. 174.024. PARTICIPANT TO BE REGISTERED VOTER. In
20 addition to the requirement of party affiliation, to be eligible to
21 participate in a precinct convention held under this subchapter, a
22 person must be a registered voter of the precinct or a precinct
23 resident who is eligible to vote a provisional [~~limited~~] ballot
24 under Section 63.007.

25 SECTION 14. Section 181.065, Election Code, is amended to
26 read as follows:

27 Sec. 181.065. PARTICIPANT TO BE REGISTERED VOTER. To be

1 eligible to participate in a precinct convention held under this
2 chapter, a person must be a registered voter of the precinct or a
3 precinct resident who is eligible to vote a provisional [~~limited~~]
4 ballot under Section 63.007.

5 SECTION 15. Chapter 112, Election Code, is repealed.

6 SECTION 16. Not later than December 31, 2021, the secretary
7 of state shall adopt all necessary rules to implement this Act.

8 SECTION 17. (a) Except as provided by Subsection (b) of
9 this section, this Act takes effect January 31, 2022.

10 (b) Section 16 of this Act takes effect immediately if this
11 Act receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for Section 16 to
14 take effect immediately, that section takes effect on the 91st day
15 after the last day of the legislative session.