

By: Gattis

H.B. No. 963

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provisional voting by a person who does not receive an
3 early voting ballot by mail.

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

5 SECTION 1. Section 63.011, Election Code, is amended by
6 adding Subsection (a-1) and amending Subsection (b) to read as
7 follows:

8 (a-1) A person to whom the early voting clerk was required
9 to provide an early voting ballot by mail under Section 86.001 but
10 who did not receive the ballot may cast a provisional ballot on
11 election day if the person executes an affidavit stating that the
12 person:

13 (1) is a registered voter in the precinct in which the
14 person seeks to vote; and

15 (2) did not receive the early voting ballot to be voted
16 by mail.

17 (b) A form for the affidavits required by Subsections (a)
18 and (a-1) [affidavit] shall be printed on an envelope in which the
19 provisional ballot voted by the person may be placed and must
20 include a space for entering the identification number of the
21 provisional ballot voted by the person. The affidavit form may
22 include space for disclosure of any necessary information to enable
23 the person to register to vote under Chapter 13. The secretary of
24 state shall prescribe the form of the affidavit under this section.

1 SECTION 2. Section 65.054(b), Election Code, is amended to
2 read as follows:

3 (b) A provisional ballot may be accepted only if the board
4 determines that, from the information in the affidavit or contained
5 in public records, the person:

6 (1) is eligible to vote in the election; and

7 (2) did not vote early by mail or personal appearance,
8 if the person cast a provisional ballot under Section 63.011(a-1).

9 SECTION 3. The changes in law made by this Act apply only to
10 an election held on or after October 1, 2005.

11 SECTION 4. This Act takes effect October 1, 2005.