

By: Bohac

H.B. No. 3294

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provisional voting by a person who applied for an early
3 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 and
10 who did not vote early by mail 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 vote early by mail.

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

24 SECTION 2. Section 65.054(b), Election Code, is amended to

1 read as follows:

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

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

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

8 SECTION 3. Section 84.032, Election Code, is amended by
9 amending Subsection (b) and adding Subsection (g) to read as
10 follows:

11 (b) A request must:

12 (1) be in writing and signed by the applicant;

13 (2) specify the election for which the application was
14 made; and

15 (3) except as provided by Subsection (c), (d), [~~e~~]
16 (e), or (g), be received by the early voting clerk:

17 (A) not later than the third day before election
18 day; and

19 (B) if an early voting ballot sent to the
20 applicant is returned to the clerk as a marked ballot, before the
21 marked ballot's arrival at the address on the carrier envelope.

22 (g) An applicant who did not vote early by mail may submit a
23 request to the presiding election judge on election day at the
24 applicant's precinct polling place by appearing in person, if the
25 applicant casts a provisional ballot and executes an affidavit
26 under Section 63.011(a-1).

27 SECTION 4. The changes in law made by this Act apply only to

1 an election held on or after October 1, 2005.

2 SECTION 5. This Act takes effect October 1, 2005.