

By: Rodriguez

H.B. No. 869

A BILL TO BE ENTITLED

AN ACT

relating to the permanent authority of certain voters to vote early by mail.

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

SECTION 1. Chapter 82, Election Code, is amended by adding Section 82.006 to read as follows:

Sec. 82.006. PERMANENT MAIL VOTER STATUS. (a) A qualified voter is eligible for permanent mail voter status if:

(1) the voter:

(A) is 65 years of age or older on election day;

or

(B) has a sickness or physical condition that:

(i) prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health; and

(ii) is likely to exist with the severity required under Subparagraph (i) for the voter's lifetime; and

(2) the voter's name is not on the suspense list.

(b) A voter having permanent mail voter status is entitled to receive a ballot to be voted by mail for every election other than a primary election.

SECTION 2. Chapter 84, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. APPLICATION FOR PERMANENT MAIL VOTER STATUS

1       Sec. 84.101. FORM AND CONTENTS OF APPLICATION. An  
2 application for a ballot to be voted under this subchapter must:

3           (1) be in the form of an affidavit; and  
4           (2) include, in addition to the information required  
5 by the applicable provisions of Section 84.002:

6                   (A) a statement that the voter seeks permanent  
7 mail voter status; and

8                   (B) an indication of the ground of eligibility  
9 for permanent mail voter status.

10       Sec. 84.102. SUBMITTING APPLICATION. An application  
11 indicating that the voter seeks to acquire permanent mail voter  
12 status is considered submitted for the first election following the  
13 date the application is submitted. A voter may not attain permanent  
14 mail voter status unless the voter timely submits the application  
15 for that election as provided by Subchapter A.

16       Sec. 84.103. ACTION BY EARLY VOTING CLERK. (a) If a  
17 qualified voter eligible for permanent mail voter status submits an  
18 application under Section 84.101 stating a valid ground of  
19 eligibility, the early voting clerk receiving the application  
20 shall:

21           (1) place the voter's name on a list of permanent mail  
22 voters; and

23           (2) notify the early voting clerks serving every  
24 authority that orders elections in the clerk's jurisdiction of the  
25 voter's permanent mail voter status.

26       (b) If the early voting clerk serving an authority receives  
27 an application under Section 84.101 stating a valid ground of

1 eligibility, or is notified of the receipt of such an application by  
2 another early voting clerk, the early voting clerk and the clerk's  
3 successors shall provide a ballot to be voted by mail to the voter  
4 as required by this code for each general and special election  
5 ordered by the authority.

6 (c) An early voting clerk may not provide a ballot under  
7 Subsection (b) to a voter whose name appears on the suspense list.

8 Sec. 84.104. CANCELLATION. (a) A voter having permanent  
9 mail voter status may cancel an application for a ballot to be voted  
10 by mail at any time. The cancellation is effective for an election  
11 for which the voter timely cancels the application as provided by  
12 Section 84.032, and all subsequent elections. A voter who has  
13 canceled the voter's application under this subsection may apply  
14 for permanent mail voter status for a subsequent election.

15 (b) Following cancellation under Subsection (a), the early  
16 voting clerk shall notify the early voting clerks serving every  
17 authority that orders elections in the clerk's jurisdiction of the  
18 cancellation.

19 Sec. 84.105. ADDITIONAL PROCEDURES. The secretary of state  
20 shall prescribe any additional procedures necessary to implement  
21 this subchapter.

22 SECTION 3. (a) The secretary of state shall prescribe any  
23 procedures under Section 84.105, Election Code, as added by this  
24 Act, not later than January 1, 2008.

25 (b) The changes in law made by this Act apply only to an  
26 election for which an application for a ballot to be voted by mail  
27 may not be submitted before January 1, 2008.

1 SECTION 4. This Act takes effect September 1, 2007.