

BILL ANALYSIS

H.B. 2306
By: Thompson, Senfronia
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties point out that there are still many barriers to polling place accessibility in Texas despite many improvements in that regard. Elderly or disabled individuals who wish to participate in the electoral process are often unable to do so for many reasons, such as the seriousness of an illness, the nature of a disability, the inability to drive, or the lack of access to appropriate transportation. The parties contend that granting such voters permanent mail-in voting status would allow these voters to participate in the process without needing to arrange for assistance or risk injury. H.B. 2306 seeks to provide this permanent mail-in voting status for certain voters.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2306 amends the Election Code to make a qualified voter eligible for permanent mail voter status if the voter's name is not on the suspense list and if either the voter is 65 years of age or older on election day, or the voter has a sickness or physical condition that 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 is likely to exist with this severity over the voter's lifetime.

H.B. 2306 requires an application for permanent mail voter status to be in the form of an affidavit and to include, in addition to other required contents of an application for a ballot to be voted by mail: a statement that the voter seeks permanent mail voter status; a statement of whether the voter intends to vote in a political party's primary and, if applicable, which party's primary; and an indication of the ground of eligibility for permanent mail voter status. The bill requires the official form of the application to include a notice stating that if a voter desires to change the given political party affiliation, the voter must submit a new application to the early voting clerk.

H.B. 2306 establishes that an application indicating that the voter seeks to acquire permanent mail voter status is considered submitted for the first election following the date the application is submitted and prohibits a voter from attaining permanent mail voter status unless the voter timely submits the application for that election.

H.B. 2306 requires an early voting clerk receiving an application, if a qualified voter eligible for permanent mail voter status submits an application stating a valid ground of eligibility, to place the voter's name on a list of permanent mail voters and to notify the early voting clerks serving every authority that orders elections in the clerk's jurisdiction of the voter's permanent mail voter status. The bill requires an early voting clerk and the clerk's successors, if the early voting clerk serving an authority receives an application stating a valid ground of eligibility, or is notified of

the receipt of such an application by another early voting clerk, to provide a ballot to be voted by mail to the voter for each election ordered by the authority and prohibits an early voting clerk from providing the ballot to a voter whose name appears on the suspense list.

H.B. 2306 authorizes a voter having permanent mail voter status to cancel an application for a ballot to be voted by mail at any time and makes the cancellation effective for an election for which the voter timely cancels the application and for all subsequent elections, but authorizes a voter who has canceled the voter's application to apply for permanent mail voter status for a subsequent election. The bill requires the early voting clerk, following the cancellation, to notify the early voting clerks serving every authority that orders elections in the clerk's jurisdiction of the cancellation. The bill requires the secretary of state, not later than January 1, 2014, to prescribe any additional procedures necessary to implement the bill's provisions, and makes the bill's provisions apply only to an election for which an application for a ballot to be voted by mail may not be submitted before January 1, 2014.

EFFECTIVE DATE

September 1, 2013.