

By: Thompson of Harris

H.B. No. 2306

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. ELIGIBILITY FOR PERMANENT MAIL VOTER STATUS. 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.

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

SUBCHAPTER C. APPLICATION FOR PERMANENT MAIL VOTER STATUS

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

1 (1) be in the form of an affidavit; and

2 (2) include, in addition to the information required
3 by the applicable provisions of Section 84.002:

4 (A) a statement that the voter seeks permanent
5 mail voter status;

6 (B) a statement of whether the voter intends to
7 vote in a political party's primary and, if applicable, which
8 party's primary; and

9 (C) an indication of the ground of eligibility
10 for permanent mail voter status.

11 (b) The official form of the application must include a
12 notice stating that if a voter desires to change the political party
13 affiliation given in Subsection (a)(2)(B), the voter must submit a
14 new application to the early voting clerk.

15 Sec. 84.102. SUBMITTING APPLICATION. An application
16 indicating that the voter seeks to acquire permanent mail voter
17 status is considered submitted for the first election following the
18 date the application is submitted. A voter may not attain permanent
19 mail voter status unless the voter timely submits the application
20 for that election as provided by Subchapter A.

21 Sec. 84.103. ACTION BY EARLY VOTING CLERK. (a) If a
22 qualified voter eligible for permanent mail voter status submits an
23 application under Section 84.101 stating a valid ground of
24 eligibility, the early voting clerk receiving the application
25 shall:

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

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

4 (b) If the early voting clerk serving an authority receives
5 an application under Section 84.101 stating a valid ground of
6 eligibility, or is notified of the receipt of such an application by
7 another early voting clerk, the early voting clerk and the clerk's
8 successors shall provide a ballot to be voted by mail to the voter
9 as required by this code for each election ordered by the authority.

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

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

19 (b) Following cancellation under Subsection (a), the early
20 voting clerk shall notify the early voting clerks serving every
21 authority that orders elections in the clerk's jurisdiction of the
22 cancellation.

23 Sec. 84.105. ADDITIONAL PROCEDURES. The secretary of state
24 shall prescribe any additional procedures necessary to implement
25 this subchapter.

26 SECTION 3. (a) The secretary of state shall prescribe any
27 procedures under Section 84.105, Election Code, as added by this

1 Act, not later than January 1, 2014.

2 (b) The changes in law made by this Act apply only to an
3 election for which an application for a ballot to be voted by mail
4 may not be submitted before January 1, 2014.

5 SECTION 4. This Act takes effect September 1, 2013.