

## **BILL ANALYSIS**

C.S.H.B. 1927  
By: Bonnen, Greg  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that currently local entities that do not contract with a county to administer their elections are not required to produce a ballot by mail to qualified applicants for a ballot and that elections administrators are not required to provide information regarding the ballots to these local entities. Some persons eligible to vote by mail expect to receive a ballot for each election in which they are qualified to participate, yet in some cases these ballots are not delivered. C.S.H.B. 1927 seeks to remedy this situation.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 1927 amends the Election Code to revise a provision regarding the elections for which an application for a ballot to be voted by mail that is submitted to the county clerk on grounds of age or disability without specifying the election for which the ballot is requested and in which the county clerk serves as early voting clerk is considered to be an application for a ballot to vote to remove the limitation for such an application to be considered an application for a ballot only for each election in which the county clerk serves as early voting clerk. The bill requires the county clerk, in an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, to provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have applications for a ballot to be voted by mail for more than one election on file. The bill requires the early voting clerk to provide a ballot to be voted by mail to each voter on the list. The bill requires the secretary of state to provide a method by which counties and political subdivisions located in the county can exchange and update information on such applications. The bill requires the county clerk to send the voter ballots to be voted by mail at the voter's updated address and to update as necessary the lists provided to early voting clerks to reflect the change or, if the voter's county of residence has changed, to delete the voter from the county clerk's list of voters who have such applications on file.

C.S.H.B. 1927 applies only to an election for which an application for a ballot to be voted early by mail may not be submitted before January 1, 2016.

## EFFECTIVE DATE

September 1, 2015.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1927 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 86.0015, Election Code, is amended to read as follows:

Sec. 86.0015. APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION. (a) This section applies only to an application for a ballot to be voted by mail that:

(1) indicates ~~[is submitted to the county clerk indicating]~~ the ground of eligibility is age or disability; and

(2) does not specify the election for which a ballot is requested.

(b) An application described by Subsection (a) is considered to be an application for a ballot for each election ~~[in which the county clerk serves as early voting clerk and]~~:

(1) in which the applicant is eligible to vote; and

(2) that occurs before the earlier of:

(A) the end of the calendar year in which the application was submitted; or

(B) the date the county clerk receives notice from the voter registrar under Subsection (f) ~~[(d)]~~ that the voter has changed residence to another county ~~[submitted a change in registration information]~~.

(c) The county clerk shall maintain a registry for applications to which this section applies in a form prescribed by the secretary of state that allows the voter to vote by mail in all elections described by Subsection (b).

(d) On receiving an application to which this section applies, the early voting clerk shall enter the information in the registry for applications.

(e) An application described by Subsection

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 86.0015, Election Code, is amended to read as follows:

Sec. 86.0015. APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION. (a) This section applies only to an application for a ballot to be voted by mail that:

(1) indicates ~~[is submitted to the county clerk indicating]~~ the ground of eligibility is age or disability; and

(2) does not specify the election for which a ballot is requested.

(b) An application described by Subsection (a) is considered to be an application for a ballot for each election ~~[in which the county clerk serves as early voting clerk and]~~:

(1) in which the applicant is eligible to vote; and

(2) that occurs before the earlier of:

(A) the end of the calendar year in which the application was submitted; or

(B) the date the county clerk receives notice from the voter registrar under Subsection (f) ~~[(d)]~~ that the voter has changed residence to another county ~~[submitted a change in registration information]~~.

(c) In an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, the county clerk shall provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section. The early voting clerk shall provide a ballot to be voted by mail to each voter on the list.

(d) The secretary of state shall provide a method by which counties and political subdivisions located in the county can exchange and update information on applications received under this section.

(e) An application described by Subsection

(a) shall be preserved for the period for preserving the precinct election records for the last election for which the application is effective.

(f) [(d)] The voter registrar shall notify the county clerk following the receipt of a notice of a change in registration information under Section 15.021. The county clerk shall:

(1) except as provided by Subdivision (2), update the registry to reflect the change; or

(2) delete the voter from the registry and notify the county clerk of the voter's new county of residence, if known and in this state, that the voter is eligible to receive ballots by mail under this section, if the voter's county of residence has changed.

(g) A county clerk that receives notice of a voter as provided by Subsection (f)(2) shall add the voter to the registry maintained by the clerk under Subsection (c). The secretary of state may prescribe procedures to implement this subsection.

SECTION 2. The changes in law made by this Act apply only to an election for which an application for a ballot to be voted by mail may not be submitted before January 1, 2016.

SECTION 3. This Act takes effect September 1, 2015.

(a) shall be preserved for the period for preserving the precinct election records for the last election for which the application is effective.

(f) [(d)] The voter registrar shall notify the county clerk following the receipt of a notice of a change in registration information under Section 15.021. The county clerk shall:

(1) except as provided by Subdivision (2), send to the voter ballots to be voted by mail as required by this section at the voter's updated address, and update as necessary the lists provided to early voting clerks under Subsection (c) to reflect the change;  
or

(2) delete the voter from the county clerk's list of voters who have ballot applications on file under this section, if the voter's county of residence has changed.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.