

## **BILL ANALYSIS**

C.S.H.B. 3056  
By: Reynolds  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the office of the secretary of state has identified certain procedures and requirements relating to an annual application for a ballot by mail submitted by a voter indicating the ground of eligibility is age or disability that needs to be clarified. C.S.H.B. 3056 seeks to provide for these changes.

### **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. 3056 amends the Election Code to establish that an application for a ballot to be voted by mail submitted for both the main election and any resulting runoff on the main election will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail.

C.S.H.B. 3056 expands the conduct that constitutes the Class B misdemeanor involving unlawfully witnessing an early voting ballot application for more than one applicant to include signing an annual application for a ballot to be voted by mail as a witness for more than one applicant in the same calendar year. The bill moves up the deadline for submitting an application for a ballot to be voted by mail from the ninth to the 11th day before election day. The bill includes among the required contents of the officially prescribed application form for an early voting ballot a space for an applicant applying on the ground of age or disability to indicate if the application is an annual application and requires the secretary of state, not later than January 1, 2016, to make the modifications to the form.

C.S.H.B. 3056 expands the applicability of 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 include an application for a ballot to be voted by mail that is submitted to the county clerk indicating the ground of eligibility is age or disability and that has been marked by the applicant as an annual application. The bill includes the date a voter's registration is canceled among the criteria used to determine the election for which an application under the provision is considered to be an application for a ballot and further revises those criteria. The bill requires a submitted application considered to be an application for a ballot for each election or marked as an annual

application to be submitted before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day. The bill specifies that such an application is considered to be submitted in the following calendar year if the applicant is eligible to vote in an election occurring in January or February of the next calendar year and the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election. The bill requires the early voting clerk to notify a voter if the voter is found to be no longer eligible for such a ballot by mail based on the voter submitting a change in registration information relating to the voter's registration address or the voter's registration being canceled.

C.S.H.B. 3056 applies only to an application for a ballot to be voted by mail submitted on or after January 1, 2016.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3056 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   | HOUSE COMMITTEE SUBSTITUTE   |
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| SECTION 1. Section 84.001(e), Election Code, is amended.   | SECTION 1. Same as introduced version.   |
| SECTION 2. Section 84.004(a), Election Code, is amended.   | SECTION 2. Same as introduced version.   |
| SECTION 3. Section 84.007(c), Election Code, is amended.   | SECTION 3. Same as introduced version.   |
| SECTION 4. Section 84.011(a), Election Code, is amended.   | SECTION 4. Same as introduced version.   |
| SECTION 5. The heading to Section 86.0015, Election Code, is amended.  | SECTION 5. Same as introduced version.   |
| SECTION 6. Section 86.0015, Election Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (b-2) to read as follows:<br>(a) This section applies only to an application for a ballot to be voted by mail that:<br>(1) is submitted to the county clerk indicating the ground of eligibility is age or disability; and<br>(2) does not specify the election for which a ballot is requested <u>or has been marked by the applicant as an annual application.</u><br>(b) An application described by Subsection (a) is considered to be an application for a | SECTION 6. Section 86.0015, Election Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1), (b-2), and (e) to read as follows:<br>(a) This section applies only to an application for a ballot to be voted by mail that:<br>(1) is submitted to the county clerk indicating the ground of eligibility is age or disability; and<br>(2) does not specify the election for which a ballot is requested <u>or has been marked by the applicant as an annual application.</u><br>(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) except as provided by Subsection (b-1), the end of the calendar year in which the application was submitted; [Ø]

(B) the date the county clerk receives notice from the voter registrar [under Subsection (d)] that the voter has submitted a change in registration information relating to the voter's registration address; or

(C) the date the voter's registration is canceled.

(b-1) An application submitted under this section is subject to the same deadline for submittal as a regular application for a ballot to be voted by mail under Section 84.007(c).

(b-2) An application submitted in the last 60 days of a calendar year is considered to be submitted in the next calendar year for purposes of this section if:

(1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2) the application is submitted after the earliest date for submitting a regular application for a ballot to be voted by mail under Section 84.007(c).

SECTION 7. Not later than January 1, 2016, the secretary of state shall make the modifications to the official application form for a ballot to be voted early by mail, as required by Section 84.011(a), Election Code, as modified by this Act.

SECTION 8. This Act applies only to an application for a ballot to be voted by mail submitted on or after January 1, 2016.

SECTION 9. This Act takes effect immediately if it receives a vote of two-

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) except as provided by Subsection (b-1), the end of the calendar year in which the application was submitted; [Ø]

(B) the date the county clerk receives notice from the voter registrar [under Subsection (d)] that the voter has submitted a change in registration information relating to the voter's registration address; or

(C) the date the voter's registration is canceled.

(b-1) An application submitted under this section must be submitted before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(b-2) An application is considered to be submitted in the following calendar year for purposes of this section if:

(1) the applicant is eligible to vote in an election occurring in January or February of the next calendar year; and

(2) the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election.

(e) The early voting clerk shall notify a voter if the voter is found to be no longer eligible for a ballot by mail under this section for a reason described by Subsection (b)(2)(B) or (C).

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.