

AN ACT

relating to the procedures for applying for a ballot to be voted by mail; creating a criminal offense.

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

SECTION 1. Section 84.001(e), Election Code, is amended to read as follows:

(e) An applicant for a ballot to be voted by mail may apply for ballots for the main election and any resulting runoff election on the same application. If an application for the main election and any resulting runoff is not timely for the main election, it 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 ~~[the timeliness of the application for the runoff election is determined in relation to that election].~~

SECTION 2. Section 84.004(a), Election Code, is amended to read as follows:

(a) A person commits an offense if:

(1) ~~[, in the same election,]~~ the person signs an ~~[early voting ballot]~~ application for a ballot to be voted by mail as a witness for more than one applicant in the same election; or

(2) the person signs an application for annual ballots

1 by mail as a witness for more than one applicant in the same  
2 calendar year.

3 SECTION 3. Section 84.007, Election Code, is amended by  
4 amending Subsections (b) and (c) and adding Subsection (e) to read  
5 as follows:

6 (b) An application must be submitted to the early voting  
7 clerk by:

8 (1) mail;

9 (2) common or contract carrier; ~~or~~

10 (3) telephonic facsimile machine, if a machine is  
11 available in the clerk's office; or

12 (4) electronic transmission of a scanned application  
13 containing an original signature.

14 (c) Except as provided by Section 86.0015(b), an ~~An~~  
15 application may ~~must~~ be submitted at any time in the year of the  
16 election for which a ballot is requested, but not later than ~~on or~~  
17 ~~after the 60th day before election day and before~~ the close of  
18 regular business in the early voting clerk's office or 12 noon,  
19 whichever is later, on the 11th ~~ninth~~ day before election day  
20 unless that day is a Saturday, Sunday, or legal state or national  
21 holiday, in which case the last day is the first preceding regular  
22 business day.

23 (e) The early voting clerk shall designate an e-mail address  
24 for receipt of an application under Subsection (b)(4). The  
25 secretary of state shall include the e-mail addresses on the  
26 secretary of state's website.

27 SECTION 4. Section 84.011(a), Election Code, is amended to

1 read as follows:

2 (a) The officially prescribed application form for an early  
3 voting ballot must include:

4 (1) immediately preceding the signature space the  
5 statement: "I certify that the information given in this  
6 application is true, and I understand that giving false information  
7 in this application is a crime.";

8 (2) a statement informing the applicant of the  
9 offenses prescribed by Sections 84.003 and 84.004;

10 (3) spaces for entering an applicant's voter  
11 registration number and county election precinct of registration,  
12 with a statement informing the applicant that failure to furnish  
13 that information does not invalidate the application; and

14 (4) on an application for a ballot to be voted by mail:

15 (A) a space for an applicant applying on the  
16 ground of absence from the county of residence to indicate the date  
17 on or after which the applicant can receive mail at the address  
18 outside the county;

19 (B) a space for indicating the fact that an  
20 applicant whose application is signed by a witness cannot make the  
21 applicant's mark and a space for indicating the relationship or  
22 lack of relationship of the witness to the applicant;

23 (C) a space for entering an applicant's telephone  
24 number, with a statement informing the applicant that failure to  
25 furnish that information does not invalidate the application;

26 (D) a space or box for an applicant applying on  
27 the ground of age or disability to indicate that the address to

1 which the ballot is to be mailed is the address of a facility or  
2 relative described by Section 84.002(a)(3), if applicable;

3 (E) a space or box for an applicant applying on  
4 the ground of confinement in jail to indicate that the address to  
5 which the ballot is to be mailed is the address of a relative  
6 described by Section 84.002(a)(4), if applicable;

7 (F) a space for an applicant applying on the  
8 ground of age or disability to indicate if the application is an  
9 application under Section 86.0015;

10 (G) spaces for entering the signature, printed  
11 name, and residence address of any person assisting the applicant;

12 (H) [~~(G)~~] a statement informing the applicant of  
13 the condition prescribed by Section 81.005; and

14 (I) [~~(H)~~] a statement informing the applicant of  
15 the requirement prescribed by Section 86.003(c).

16 SECTION 5. Subchapter B, Chapter 84, Election Code, is  
17 amended by adding Section 84.038 to read as follows:

18 Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION.  
19 The cancellation of an application for a ballot to be voted by mail  
20 under Section 84.032(c), (d), or (e) is effective for a single  
21 ballot only and does not cancel the application with respect to a  
22 subsequent election, including a subsequent election to which the  
23 same application applies under Section 84.001(e) or 86.0015(b).

24 SECTION 6. Section 86.0015, Election Code, is amended to  
25 read as follows:

26 Sec. 86.0015. ANNUAL BALLOTS BY MAIL [~~APPLYING FOR MORE~~  
27 ~~THAN ONE ELECTION IN SAME APPLICATION~~]. (a) This section applies

1 only to an application for a ballot to be voted by mail that:

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

4 (2) does not specify the election for which a ballot is  
5 requested or has been marked by the applicant as an application for  
6 more than one election.

7 (b) An application described by Subsection (a) is  
8 considered to be an application for a ballot for each election,  
9 including any ensuing runoff [~~in which the county clerk serves as~~  
10 ~~early voting clerk and~~]:

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

12 (2) that occurs before the earlier of:

13 (A) except as provided by Subsection (b-2), the  
14 end of the calendar year in which the application was submitted;  
15 [~~or~~]

16 (B) the date the county clerk receives notice  
17 from the voter registrar under Subsection (f) [~~(d)~~] that the voter  
18 has changed residence to another county; or

19 (C) the date the voter's registration is canceled  
20 [~~submitted a change in registration information~~].

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

27 (b-2) An application is considered to be submitted in the

1 following calendar year for purposes of this section if:

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

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

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

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

19 (e) An application described by Subsection (a) shall be  
20 preserved for the period for preserving the precinct election  
21 records for the last election for which the application is  
22 effective.

23 (f) ~~[(d)]~~ The voter registrar shall notify the county clerk  
24 when a voter's voter registration has been canceled or a voter's  
25 address or name has changed ~~[following the receipt of a notice of a~~  
26 ~~change in registration information under Section 15.021]~~. The  
27 county clerk must update any list of voters who have ballot

1 applications on file under this section based on the information  
2 received from the voter registrar. A voter's ballot application on  
3 file under this section may not be canceled if a correction in  
4 registration information for the voter is a change of address  
5 within the county in which the voter is registered or a change of  
6 the voter's name.

7 SECTION 7. Section [86.006](#), Election Code, is amended by  
8 amending Subsection (a) and adding Subsection (a-1) to read as  
9 follows:

10 (a) A marked ballot voted under this chapter must be  
11 returned to the early voting clerk in the official carrier  
12 envelope. The carrier envelope may be delivered in another  
13 envelope and must be transported and delivered only by:

- 14 (1) mail;  
15 (2) [~~or by~~] common or contract carrier; or  
16 (3) subject to Subsection (a-1), in-person delivery by  
17 the voter who voted the ballot.

18 (a-1) The voter may deliver a marked ballot in person to the  
19 early voting clerk's office only while the polls are open on  
20 election day. A voter who delivers a marked ballot in person must  
21 present an acceptable form of identification described by Section  
22 [63.0101](#).

23 SECTION 8. Section [84.009](#)(b), Election Code, is repealed.

24 SECTION 9. Not later than January 1, 2016, the secretary of  
25 state shall make the modifications to the official application form  
26 for a ballot to be voted early by mail, as required by Section  
27 [84.011](#)(a), Election Code, as amended by this Act.

1           SECTION 10. This Act applies only to an application for a  
2 ballot to be voted by mail submitted on or after January 1, 2016.

3           SECTION 11. This Act takes effect September 1, 2015.



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President of the Senate

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Speaker of the House

I certify that H.B. No. 1927 was passed by the House on May 4, 2015, by the following vote: Yeas 141, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1927 on May 28, 2015, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1927 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor