

By: Reynolds

H.B. No. 2382

A BILL TO BE ENTITLED

AN ACT

relating to in-person delivery of an application to vote an early voting ballot by mail.

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

SECTION 1. Section 84.001, Election Code, is amended by amending Subsections (d) and (d-1) to read as follows:

(d) An application must be submitted by mail or in person to the early voting clerk for the election who serves the election precinct of the applicant's residence.

(d-1) A timely application that is addressed or delivered to the wrong early voting clerk shall be forwarded to the proper early voting clerk not later than the day after the date it is received by the wrong clerk.

SECTION 2. Section 101.052, Election Code, is amended by amending Subsections (a-1), (d), and (i) and adding Subsection (n) to read as follows:

(a-1) A federal postcard application must be submitted ~~by~~:

(1) by mail; ~~or~~

(2) by electronic transmission of an image of the application under procedures prescribed by the secretary of state; or

(3) in person to the early voting clerk for the election who serves the election precinct of the applicant's

1 residence.

2 (d) A timely application that is addressed or delivered to
3 the wrong early voting clerk shall be forwarded to the proper early
4 voting clerk not later than the day after the date it is received by
5 the wrong clerk.

6 (i) Except as provided by Subsections (l), ~~[and]~~ (m), and
7 (n), for purposes of determining the date a federal postcard
8 application is submitted to the early voting clerk, an application
9 is considered to be submitted on the date it is placed and properly
10 addressed in the United States mail. An application mailed from an
11 Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is
12 considered placed in the United States mail. The date indicated by
13 the post office cancellation mark, including a United States
14 military post office cancellation mark, is considered to be the
15 date the application was placed in the mail unless proven
16 otherwise. For purposes of an application made under Subsection
17 (e):

18 (1) an application that does not contain a
19 cancellation mark is considered to be timely if it is received by
20 the early voting clerk on or before the 15th day before election
21 day; and

22 (2) if the 20th day before the date of an election is a
23 Saturday, Sunday, or legal state or national holiday, an
24 application is considered to be timely if it is submitted to the
25 early voting clerk on or before the next regular business day.

26 (n) An application delivered under Subsection (a-1)(3) is
27 considered to be submitted at the time it is received by the early

1 voting clerk who receives the initial in-person delivery,
2 regardless of whether the clerk was required to forward the
3 application under Subsection (d).

4 SECTION 3. Section 84.008, Election Code, is repealed.

5 SECTION 4. This Act takes effect September 1, 2015.