

By: Reynolds, et al.

H.B. No. 3056

Substitute the following for H.B. No. 3056:

By: Schofield

C.S.H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for applying for a ballot to be voted by mail; affecting the prosecution of 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 annual application for a

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

3 SECTION 3. Section 84.007(c), Election Code, is amended to  
4 read as follows:

5 (c) Except as provided by Section 86.0015, an [~~An~~]  
6 application must be submitted on or after the 60th day before  
7 election day and before the close of regular business in the early  
8 voting clerk's office or 12 noon, whichever is later, on the 11th  
9 [~~ninth~~] day before election day unless that day is a Saturday,  
10 Sunday, or legal state or national holiday, in which case the last  
11 day is the first preceding regular business day.

12 SECTION 4. Section 84.011(a), Election Code, is amended to  
13 read as follows:

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

16 (1) immediately preceding the signature space the  
17 statement: "I certify that the information given in this  
18 application is true, and I understand that giving false information  
19 in this application is a crime.";

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

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

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

27 (A) a space for an applicant applying on the

1 ground of absence from the county of residence to indicate the date  
2 on or after which the applicant can receive mail at the address  
3 outside the county;

4 (B) a space for indicating the fact that an  
5 applicant whose application is signed by a witness cannot make the  
6 applicant's mark and a space for indicating the relationship or  
7 lack of relationship of the witness to the applicant;

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

11 (D) a space or box for an applicant applying on  
12 the ground of age or disability to indicate that the address to  
13 which the ballot is to be mailed is the address of a facility or  
14 relative described by Section 84.002(a)(3), if applicable;

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

19 (F) a space for an applicant applying on the  
20 ground of age or disability to indicate if the application is an  
21 annual application under Section 86.0015;

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

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

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

1 SECTION 5. The heading to Section 86.0015, Election Code,  
2 is amended to read as follows:

3 Sec. 86.0015. ANNUAL [~~APPLYING FOR MORE THAN ONE ELECTION~~  
4 ~~IN SAME~~] APPLICATION FOR BALLOT BY MAIL.

5 SECTION 6. Section 86.0015, Election Code, is amended by  
6 amending Subsections (a) and (b) and adding Subsections (b-1),  
7 (b-2), and (e) to read as follows:

8 (a) This section applies only to an application for a ballot  
9 to be voted by mail that:

10 (1) is submitted to the county clerk indicating the  
11 ground of eligibility is age or disability; and

12 (2) does not specify the election for which a ballot is  
13 requested or has been marked by the applicant as an annual  
14 application.

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

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

19 (2) that occurs before the earlier of:

20 (A) except as provided by Subsection (b-1), the  
21 end of the calendar year in which the application was submitted;  
22 [~~or~~]

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

27 (C) the date the voter's registration is

1 canceled.

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

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

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

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

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

18 SECTION 7. Not later than January 1, 2016, the secretary of  
19 state shall make the modifications to the official application form  
20 for a ballot to be voted early by mail, as required by Section  
21 [84.011\(a\)](#), Election Code, as modified by this Act.

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

24 SECTION 9. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section [39](#), Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.