

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Bonnen of Galveston, Faircloth,  
Laubenberg, Fallon, Guillen, et al.

H.B. No. 1927

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application to vote early by mail in more than one  
3 election.

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

5 SECTION 1. Subchapter B, Chapter 84, Election Code, is  
6 amended by adding Section 84.038 to read as follows:

7 Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION.

8 The cancellation of an application for a ballot to be voted by mail  
9 under Section 84.032(c), (d), or (e) is effective for a single  
10 ballot only and does not cancel the application with respect to a  
11 subsequent election, including a subsequent election to which the  
12 same application applies under Section 84.001(e) or 86.0015(b).

13 SECTION 2. Section 86.0015, Election Code, is amended to  
14 read as follows:

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

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

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

22 (b) An application described by Subsection (a) is  
23 considered to be an application for a ballot for each election,  
24 including any ensuing runoff [~~in which the county clerk serves as~~

1 ~~early voting clerk and~~]:

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

3 (2) that occurs before the earlier of:

4 (A) the end of:

5 (i) the calendar year in which the  
6 application was submitted, if the application was submitted in an  
7 even-numbered year; or

8 (ii) the subsequent even-numbered calendar  
9 year, if the application was submitted in an odd-numbered year; or

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

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

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

26 (e) An application described by Subsection (a) shall be  
27 preserved for the period for preserving the precinct election

1 records for the last election for which the application is  
2 effective.

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

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

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

14 SECTION 3. The changes in law made by this Act apply only to  
15 an election for which an application for a ballot to be voted by  
16 mail may not be submitted before January 1, 2016.

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

ADOPTED

MAY 26 2015

*Leroy Drew*  
Secretary of the Senate

By: Huffman

H..B. No. 1927

Substitute the following for H..B. No. 1927:

By: Brian Binkell

C.S.H..B. No. 1927

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the procedures for applying for a ballot to be voted by  
3 mail; creating a criminal offense.

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

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

7 (e) An applicant for a ballot to be voted by mail may apply  
8 for ballots for the main election and any resulting runoff election  
9 on the same application. ~~If an [The timeliness of the application~~  
10 ~~for both elections is determined in relation to the main election.~~  
11 ~~However, if the]~~ application for the main election and any  
12 resulting runoff is not timely for the main election, it will be  
13 considered timely for any resulting runoff if received not later  
14 than the deadline, determined using the date of the runoff  
15 election, for submitting a regular application for a ballot to be  
16 voted by mail [~~the timeliness of the application for the runoff~~  
17 ~~election is determined in relation to that election].~~

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

20 (a) A person commits an offense if:  
21 (1) [~~in the same election,~~] the person signs an  
22 [~~early voting ballot~~] application for a ballot to be voted by mail  
23 as a witness for more than one applicant in the same election; or  
24 (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.

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1927** by Bonnen, Greg (Relating to the procedures for applying for a ballot to be voted by mail; creating a criminal offense.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code relating to the procedures for applying for a ballot to be voted by mail. The bill would specify if an application for a ballot to be voted by mail is not submitted in time for the main election, the application would be considered timely for any resulting runoff if it is received by the deadline. The bill amends an offense under Chapter 84 to include certain actions of an individual witnessing the signing of an application to be voted by mail. The bill would permit an application to be submitted electronically, amend the deadline of submission, require the early voting clerk to designate an email address for the receipt of an application, and modify the contents of an application form. Under the provisions of the bill, the cancellation of a ballot to be voted by mail is effective for only a single ballot and does not apply to a subsequent election. The bill would amend procedures for submitting "annual ballots by mail". For certain elections held in a political subdivision, the county clerk would be required to provide the early voting clerk of a political subdivision a list of voters in the portion of the political subdivision who have applications for ballots to be voted by mail.

The Secretary of State would be required to provide a method that counties and political subdivisions would be able to exchange and update information relating to applications for ballots to be voted by mail. The voter registrar would be required to notify the county clerk of a change in registration information and the county clerk would be required to send the ballots to be voted by mail to the updated address or delete the voter from the list of voters who have ballot applications on file if the voter's residence has changed. The bill would permit the delivery of a marked ballot in person to the early voting clerk's office while the polls are open on election day.

The bill would repeal Section 84.009(b), Election Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

According to the Texas Association of Counties, Webb County reported no fiscal impact is anticipated and Galveston County reported no significant fiscal impact is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, SD, EK, CM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1927** by Bonnen, Greg (Relating to the procedures for applying for a ballot to be voted by mail; creating a criminal offense.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Election Code relating to the procedures for applying for a ballot to be voted by mail. The bill would specify if an application for a ballot to be voted by mail is not submitted in time for the main election, the application would be considered timely for any resulting runoff if it is received by the deadline. The bill amends an offense under Chapter 84 to include certain actions of an individual witnessing the signing of an application to be voted by mail. The bill would permit an application to be submitted electronically, amend the deadline of submission, require the early voting clerk to designate an email address for the receipt of an application, and modify the contents of an application form. Under the provisions of the bill, the cancellation of a ballot to be voted by mail is effective for only a single ballot and does not apply to a subsequent election. The bill would amend procedures for submitting "annual ballots by mail". For certain elections held in a political subdivision, the county clerk would be required to provide the early voting clerk of a political subdivision a list of voters in the portion of the political subdivision who have applications for ballots to be voted by mail.

The Secretary of State would be required to provide a method that counties and political subdivisions would be able to exchange and update information relating to applications for ballots to be voted by mail. The voter registrar would be required to notify the county clerk of a change in registration information and the county clerk would be required to send the ballots to be voted by mail to the updated address or delete the voter from the list of voters who have ballot applications on file if the voter's residence has changed. The bill would permit the delivery of a marked ballot in person to the early voting clerk's office while the polls are open on election day.

The bill would repeal Section 84.009(b), Election Code.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

According to the Texas Association of Counties, Webb County reported no fiscal impact is anticipated and Galveston County reported no significant fiscal impact is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, SD, EK, CM

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 11, 2015

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1927** by Bonnen, Greg (Relating to the application to vote early by mail in more than one election.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code to permit an application for a ballot to be voted early by mail to apply to more than one election. Under the provisions of the bill, a cancellation of an application for a ballot to be voted by mail would be only eligible for a single ballot and would not cancel the application for a subsequent election. For certain elections held in a political subdivision, the county clerk would be required to provide the early voting clerk of a political subdivision a list of voters in the portion of the political subdivision who have applications for ballots to be voted by mail. The Secretary of State would be required to provide a method that counties and political subdivisions would be able to exchange and update information relating to applications for ballots to be voted by mail. The voter registrar would be required to notify the county clerk of a change in registration information and the county clerk would be required to send the ballots to be voted by mail to the updated address or delete the voter from the list of voters who have ballot applications on file if the voter's residence has changed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, SD, EK, CM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 19, 2015**

**TO:** Honorable Jodie Laubenberg, Chair, House Committee on Elections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB1927** by Bonnen, Greg (Relating to the application to vote early by mail in more than one election.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Election Code to permit an application for a ballot to be voted early by mail to apply to more than one election. For certain elections held in a political subdivision, the county clerk would be required to provide the early voting clerk of a political subdivision a list of voters in the portion of the political subdivision who have applications for ballots to be voted by mail. The Secretary of State would be required to provide a method that counties and political subdivisions would be able to exchange and update information relating to applications for ballots to be voted by mail. The voter registrar would be required to update information and send ballots to the voter at the voter's updated address or delete the voter from the list if the voter's county of residence has changed.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, SD, EK, CM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 12, 2015**

**TO:** Honorable Jodie Laubenberg, Chair, House Committee on Elections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB1927** by Bonnen, Greg (Relating to the application to vote early by mail in more than one election.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code to permit an application to be voted early by mail to apply to more than one election. The bill would require a county clerk to maintain a registry for certain applications for ballots to be voted by mail. Under the provisions of the bill, the Secretary of State would be required to create a form and procedures to implement the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** UP, AG, SD, EK, CM