

House Bill 1927
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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CONFERENCE

No equivalent provision.

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 [The timeliness of the application for both elections is determined in relation to the main election. However, if the]~~ 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].

No equivalent provision.

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

No equivalent provision.

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

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

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- (1) mail;
 - (2) common or contract carrier; ~~[or]~~
 - (3) telephonic facsimile machine, if a machine is available in the clerk's office; or
 - (4) electronic transmission of a scanned application containing an original signature.
- (c) Except as provided by Section 86.0015(b), an [An] application may [must] be submitted at any time in the year of the election for which a ballot is requested, but not later than [on or after the 60th day before election day and before] the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th [ninth] 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.
- (e) The early voting clerk shall designate an e-mail address for receipt of an application under Subsection (b)(4). The secretary of state shall include the e-mail addresses on the secretary of state's website.

No equivalent provision.

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

- (a) The officially prescribed application form for an early voting ballot must include:
 - (1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";
 - (2) a statement informing the applicant of the offenses prescribed by Sections 84.003 and 84.004;
 - (3) spaces for entering an applicant's voter registration

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number and county election precinct of registration, with a statement informing the applicant that failure to furnish that information does not invalidate the application; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) indicates [is submitted to the county clerk indicating] the ground of eligibility is age or disability; and
- (2) does not specify the election for which a ballot is requested.

(b) An application described by Subsection (a) is considered to be an application for a ballot for each election, including any ensuing runoff [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) the end of;
 - (i) the calendar year in which the application was submitted,

SECTION 5. Same as House version.

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

Sec. 86.0015. ANNUAL BALLOTS BY MAIL [APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION]. (a) This section applies only to an application for a ballot to be voted by mail that:

- (1) indicates [is submitted to the county clerk indicating] the ground of eligibility is age or disability; and
- (2) does not specify the election for which a ballot is requested or has been marked by the applicant as an application for more than one election.

(b) An application described by Subsection (a) is considered to be an application for a ballot for each election, including any ensuing runoff [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-2), the end of the calendar year in which the application was submitted; ~~[or]~~

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if the application was submitted in an even-numbered year; or
(ii) the subsequent even-numbered calendar year, if the
application was submitted in an odd-numbered year; or
(B) the date the county clerk receives notice from the voter registrar under Subsection (f) ~~[(d)]~~ that the voter has changed residence to another county ~~[submitted a change in registration information]~~.

(c) In an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, the county clerk shall provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section. The early voting clerk shall provide a ballot to be voted by mail to each voter on the list.
(d) The secretary of state shall provide a method by which counties and political subdivisions located in the county can exchange and update information on applications received

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

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

(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.

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

(d) The secretary of state shall provide a method by which counties and political subdivisions located in the county can exchange and update information on applications received

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under this section.

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

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

The county clerk shall:

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

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

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

No equivalent provision.

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under this section.

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

(f) ~~(d)~~ The voter registrar shall notify the county clerk when a voter's voter registration has been canceled or a voter's address or name has changed ~~[following the receipt of a notice of a change in registration information under Section 15.021].~~ The county clerk must update any list of voters who have ballot applications on file under this section based on the information received from the voter registrar. A voter's ballot application on file under this section may not be canceled if a correction in registration information for the voter is a change of address within the county in which the voter is registered or a change of the voter's name.

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

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

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

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(1) mail;
(2) [~~or by~~] common or contract carrier; or
(3) subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.
(a-1) The voter may deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. A voter who delivers a marked ballot in person must present an acceptable form of identification described by Section 63.0101.

No equivalent provision.

SECTION 8. Section 84.009(b), Election Code, is repealed.

No equivalent provision.

SECTION 9. 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 amended by this Act.

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

SECTION 11. Same as House version.