Amend **SB 5** (senate committee printing) as follows:

(1) In SECTION 9 of the bill, in the recital (page 4, line 39), strike "Section 87.041(e), Election Code, is" and substitute "Sections 87.041(b) and (e), Election Code, are".

(2) In SECTION 9 of the bill, immediately before amended Section 87.041(e), Election Code (page 4, between lines 40 and 41), insert the following:

(b) A ballot may be accepted only if:

(1) the carrier envelope certificate is properly executed;

(2) neither the voter's signature on the ballot application nor the signature on the carrier envelope certificate is determined to have been executed by a person other than the voter, unless signed by a witness;

(3) [the voter's ballot application states a legal ground for early voting by mail;

[(4)] the voter is registered to vote, if registration is required by law;

(4) [(5) the address to which the ballot was mailed to the voter, as indicated by the application, was outside the voter's county of residence, if the ground for early voting is absence from the county of residence;

[(6)] for a voter to whom a statement of residence form was required to be sent under Section 86.002(a), the statement of residence is returned in the carrier envelope and indicates that the voter satisfies the residence requirements prescribed by Section 63.0011; and

(5) [(7)] the address to which the ballot was mailed to the voter is an address [that is otherwise] required by Sections 84.002 and 86.003.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION ____. Section 13.002(e), Election Code, is amended to read as follows:

(e) Notwithstanding Section 82.005, a [A] person who is certified for participation in the address confidentiality program administered by the attorney general under Subchapter C, Chapter

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56, Code of Criminal Procedure, is not eligible for early voting by mail [under Section 82.007] unless the person submits an application under this section by personal delivery. The secretary of state may adopt rules to implement this subsection.

SECTION ____. Section 82.005, Election Code, is amended to read as follows:

Sec. 82.005. ELIGIBILITY FOR EARLY VOTING [BY PERSONAL APPEARANCE]. Any qualified voter is eligible for early voting by mail or personal appearance.

SECTION ____. Section 82.007, Election Code, is amended to read as follows:

Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Notwithstanding Section 82.005, a [A] qualified voter who, [is eligible for early voting by mail if:

[(1) the voter submitted a registration application by personal delivery as required by Section 13.002(e); and

[(2)] at the time the voter's early voting ballot application is submitted, [the voter] is certified for participation in the address confidentiality program administered by the attorney general under Subchapter C, Chapter 56, Code of Criminal Procedure, is eligible for early voting by mail only if the voter submitted a registration application by personal delivery as required by Section 13.002(e).

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

(a) To be entitled to vote an early voting ballot by mail, a person [who is eligible for early voting] must make an application for an early voting ballot to be voted by mail as provided by this title.

SECTION ____. Section 84.002(a), Election Code, is amended to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(2) for an application for a ballot to be voted by mail by an applicant who will be absent from the applicant's [on the ground of absence from the] county of residence on election day, the

address outside the applicant's county of residence to which the ballot is to be mailed;

   (3) for an application for a ballot to be voted by mail by an applicant who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative [on the ground of age or disability], the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

   (4) for an application for a ballot to be voted by mail by an applicant who is confined [on the ground of confinement] in jail as described by Section 84.009(a), the address of the jail or of a person related to the applicant within the degree described by Subdivision (3); and

   (5) [for an application for a ballot to be voted by mail on any ground,] an indication of each election for which the applicant is applying for a ballot[, and

   [(6) an indication of the ground of eligibility for early voting].

  SECTION ___. Section 84.009, Election Code, is amended by amending Subsection (a) and adding Subsection (b) to read as follows:

  (a) This section applies only to an applicant who, at the time the application for a ballot to be voted by mail is submitted, is confined in jail:

   (1) serving a misdemeanor sentence for a term that ends on or after election day;

   (2) pending trial after denial of bail;

   (3) without bail pending an appeal of a felony conviction; or

   (4) pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

(b) On request of the applicant, an application for a ballot to be voted by mail [on the ground of confinement in jail] may be submitted to the early voting clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.

SECTION ___. 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 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 whether the applicant will be absent from the applicant's county of residence on election day and, if applicable, 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 who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative,

[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 confined [applying on the ground of confinement] in jail as described by Section 84.009(a) 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) a statement informing the applicant of the condition prescribed by Section 81.005; and

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

SECTION ____. Sections 86.001(b) and (c), Election Code, are amended to read as follows:

(b) If the application complies with the applicable requirements prescribed by this title [applicant is entitled to vote an early voting ballot by mail], the clerk shall provide an official ballot to the applicant as provided by this chapter.

(c) Except as provided by Section 86.008, if the applicant is not entitled to vote in the election [by mail], the clerk shall reject the application, enter on the application "rejected" and the reason for and date of rejection, and deliver written notice of the reason for the rejection to the applicant at both the residence address and mailing address on the application. A ballot may not be provided to an applicant whose application is rejected.

SECTION ____. Section 86.003(c), Election Code, is amended to read as follows:

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the application to vote early by mail indicates that the voter [ground

for ~~voting by mail is~~]:

        (1) <u>will be absent from the voter's</u> [~~absence from the~~] county of residence <u>on election day</u>, in which case the address must be an address outside the voter's county of residence;

        (2) <u>is confined</u> [~~confinement~~] in jail <u>as described by Section 84.009(a)</u>, in which case the address must be the address of the jail or of a relative described by Section 84.002(a)(4); or

        (3) <u>is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, or with a relative,</u> [~~age or disability~~] and [~~the voter~~] is living at a hospital, nursing home or other long-term care facility, or retirement center, or with a relative described by Section 84.002(a)(3), in which case the address must be the address of that facility or relative.

    SECTION ____. Section 86.004(b), Election Code, is amended to read as follows:

    (b) For an election to which Section 101.104 applies, the balloting materials for a voter who indicates on the application for a ballot to be voted by mail or the federal postcard application that the voter <u>seeks</u> [~~is eligible~~] to vote early by mail as a consequence of the voter's being outside the United States shall be mailed on or before the later of the 45th day before election day or the seventh calendar day after the date the clerk receives the application. However, if it is not possible to mail the ballots by the deadline of the 45th day before election day, the clerk shall notify the secretary of state within 24 hours of knowing that the deadline will not be met. The secretary of state shall monitor the situation and advise the clerk, who shall mail the ballots as soon as possible in accordance with the secretary of state's guidelines.

    SECTION ____. Section 102.001(a), Election Code, is amended to read as follows:

    (a) A qualified voter is eligible to vote a late ballot as provided by this chapter if the voter has a sickness or physical condition [~~described by Section 82.002~~] that <u>prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the</u>

voter's health and originates on or after the day before the last day for submitting an application for a ballot to be voted by mail.

SECTION ___. Sections 82.001, 82.002, 82.003, 82.004, 84.002(b), and 112.002(b), Election Code, are repealed.