

By: Hinojosa

H.B. No. 89

A BILL TO BE ENTITLED

AN ACT

relating to early voting by certain persons who are caretakers of persons with certain disabilities.

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

SECTION 1. Subtitle B, Title 7, Election Code, is amended by adding Chapter 108 to read as follows:

CHAPTER 108. EARLY VOTING BY PERSON IN SPECIAL CIRCUMSTANCE

Sec. 108.001. APPLICABILITY. This chapter applies only to a person:

(1) who is eligible to vote in this state;

(2) who is the permanent caretaker of a person who has a disability; and

(3) whose presence:

(A) is necessary to protect the life or safety of the person who has a disability; and

(B) will prevent the caretaker from appearing at the polling place on election day.

Sec. 108.002. FORM AND CONTENTS OF APPLICATION. The secretary of state shall prescribe a unique application for a ballot to be voted under this chapter that must:

(1) be in the form of an affidavit; and

(2) include, in addition to the information required by the applicable provisions of Section 84.002, a certificate of a licensed physician, licensed chiropractor, or accredited Christian

Science practitioner in substantially the following form:

"This is to certify that I know that (insert name of voter) is the caretaker of a person with a sickness or physical condition that requires the caretaker's presence to protect the life or safety of the person and that this duty will prevent (insert name of voter) from appearing at the polling place for an election held on (insert date of election).

"Witness my hand at _____, Texas, this ____ day of _____, 20__.

(Signature of physician, chiropractor, or practitioner)"

Sec. 108.003. VOTING PROCEDURE; PROCESSING RESULTS. (a) On submission of an application under this chapter to the early voting clerk, the clerk shall review the application and verify the applicant's registration status in accordance with the procedure applicable to early voting by mail.

(b) The voting shall be conducted with the balloting materials for early voting by mail.

(c) The voter must mark and seal the ballot in the same manner as if early voting by mail.

(d) The results shall be processed in accordance with the procedures applicable to processing early voting ballots voted by mail.

Sec. 108.004. RULES. The secretary of state shall adopt rules to implement this chapter.

SECTION 2. This Act takes effect December 1, 2017.