

By: Israel

H.B. No. 341

A BILL TO BE ENTITLED

AN ACT

relating to voting by mail and assistance provided to a voter.

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

SECTION 1. Section 64.0321, Election Code, is amended to read as follows:

Sec. 64.0321. DEFINITION. For purposes of this subchapter and Sections 85.035 and 86.010, assisting a voter includes the following conduct by a person other than the voter that occurs while the person is in the presence of the voter's ballot or carrier envelope:

(1) mechanical reading and marking of a ~~[the]~~ ballot ~~[to the voter]~~; and

(2) all other activities required of a voter at a polling place to meaningfully and effectively exercise the voter's right to vote ~~[directing the voter to read the ballot,~~

~~(3) marking the voter's ballot, or~~

~~(4) directing the voter to mark the ballot].~~

SECTION 2. 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

1 in this application is a crime.";

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

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

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

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

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

17 (C) a space for entering an applicant's telephone
18 number and e-mail address, with a statement informing the applicant
19 that failure to furnish that information does not invalidate the
20 application;

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

25 (E) a space or box for an applicant applying on
26 the ground of confinement in jail to indicate that the address to
27 which the ballot is to be mailed is the address of a relative

1 described by Section 84.002(a)(4), if applicable;

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

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

7 (H) a statement informing the applicant of the
8 condition prescribed by Section 81.005; and

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

11 SECTION 3. Section 86.001, Election Code, is amended by
12 adding Subsections (f) and (f-1) to read as follows:

13 (f) The early voting clerk, before rejecting an
14 application, shall make a reasonable effort to contact the
15 applicant by e-mail at any e-mail address provided on the
16 application, to ask questions about the application. The applicant
17 may make clerical corrections to the application by e-mail,
18 including correcting the applicant's date of birth, correcting
19 spelling of the applicant's name, or providing additional
20 information to make corrections to an address or county of
21 residence. If an applicant has submitted an address that is not an
22 acceptable mailing address, the applicant may submit to the early
23 voting clerk a mailing address by e-mail. If the early voting clerk
24 does not receive a response before the fourth day after the date the
25 clerk sent an e-mail to the e-mail address provided on the
26 application, the clerk may reject the application. The early
27 voting clerk shall attach to and maintain with the original

1 application submissions and corrections provided by e-mail under
2 this subsection.

3 (f-1) An applicant may not change the address or county of
4 residence submitted on the original application to a different
5 address or county of residence by e-mail.

6 SECTION 4. Sections 86.0015(b) and (b-2), Election Code,
7 are amended to read as follows:

8 (b) An application described by Subsection (a) is
9 considered to be an application for a ballot for each election,
10 including any ensuing runoff:

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),
14 January 1 of the first odd-numbered year after ~~[end of]~~ the calendar
15 year in which the application was submitted;

16 (B) the date the county clerk receives notice
17 from the voter registrar under Subsection (f) that the voter has
18 changed residence to another county; or

19 (C) the date the voter's registration is
20 canceled.

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

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

25 (2) the application is submitted in the last 60 days of
26 an even-numbered ~~[a]~~ calendar year but not earlier than the 60th day
27 before the date of the January or February election.

1 SECTION 5. Section 86.013, Election Code, is amended by
2 amending Subsections (c), (d), and (g) and adding Subsection (h) to
3 read as follows:

4 (c) A certificate in substantially the following form must
5 be printed on the reverse side of the official carrier envelope in a
6 manner that requires the voter to sign across the flap of the
7 envelope:

8 "I certify that the enclosed ballot expresses my wishes
9 independent of any dictation or undue persuasion by any person.

10 _____
11 Signature of voter
12 By: _____
13 Signature of person assisting
14 voter, if applicable (see Ballot
15 Envelope and separate sheet
16 accompanying Carrier Envelope for
17 restrictions and penalties)
18 _____
19 Printed name of person assisting
20 voter, if applicable
21 _____
22 Residence address of person
23 assisting voter, if applicable"

24 The space provided for the voter's signature must be located in a
25 box that is at least one inch by three inches, and "Signature of
26 Voter" and "Sign Over the Sealed Flap" must be printed in bold type.

27 (d) The following textual material, as prescribed by the

1 secretary of state, must be printed [~~on the reverse side of the~~
2 ~~official carrier envelope or~~] on a separate sheet accompanying the
3 carrier envelope [~~when it is provided~~]:

4 (1) the prohibition prescribed by Section 86.006(b);

5 (2) the conditions for delivery by common or contract
6 carrier prescribed by Sections 81.005 and 86.006;

7 (3) the requirements for the legal execution and
8 delivery of the carrier envelope, including the prohibition on
9 compensation for depositing carrier envelopes containing ballots
10 voted by other persons under Section 86.0052;

11 (4) the prohibition prescribed by Section 86.006(e);

12 [~~and~~]

13 (5) the offenses prescribed by Sections 86.006(f) and
14 86.010(f);

15 (6) the renewal application prescribed by Section
16 86.0131; and

17 (7) any additional information required to instruct
18 the voter.

19 (g) The secretary of state by rule shall require that a
20 notice informing voters of the telephone number established under
21 Section 31.0055 and the purpose of the telephone number be printed
22 on[+]

23 [~~(1) the official carrier envelope, or~~

24 [~~(2)~~] an insert enclosed with the balloting materials
25 for voting by mail sent to the voter.

26 (h) The secretary of state shall adopt guidelines for the
27 textual material required under Subsection (d) and the format of

1 the carrier envelope in consultation with plain language experts
2 and after determining the best practices for drafting the textual
3 material and designing the carrier envelope. The secretary of
4 state may inform the counties of any best practices determined
5 under this subsection to be used in developing election materials.

6 SECTION 6. Chapter 86, Election Code, is amended by adding
7 Section 86.0131 to read as follows:

8 Sec. 86.0131. RENEWAL APPLICATION FOR BALLOTS BY MAIL ON
9 CARRIER ENVELOPE. (a) The carrier envelope shall also contain the
10 following renewal application preceded by a box for the voter to
11 indicate by a check mark their desire to receive all ballots until
12 December 31 of the next even-numbered year:

13 "I request all future ballots for the remainder of this
14 voting cycle until December 31 of the next even-numbered year.

15 "If applicable, I wish to vote in the: (check one)

16 ___ Democratic Primary

17 ___ Republican Primary

18 ___ I do not wish to vote in a party primary."

19 (b) The renewal application must state the period for which
20 the renewal application is effective, and must provide spaces to
21 mark the voter's signature, the date, and the voter's telephone
22 number and e-mail address.

23 (c) If the voter, or a witness as provided by Section
24 84.003, does not sign the renewal application, the renewal
25 application is invalid.

26 (d) If for any reason the ballot is rejected for the
27 specific election, the application for future ballots shall be

1 valid if it is signed and the appropriate box is checked.

2 (e) If the voter does not mark a specific primary or the box
3 stating the voter does not wish to vote in a primary, the clerk
4 shall treat the application as if the voter indicated "I do not wish
5 to vote in a party primary."

6 (f) A renewal application under this section shall be
7 processed in the same manner as an original application for a ballot
8 by mail under this code.

9 (g) Notwithstanding any other provision of this code, a
10 renewal application submitted under this section serves as an
11 application for a ballot to be voted by mail for every election
12 until December 31 of the next even-numbered year following the date
13 of the election for which the ballot containing the renewal
14 application was returned.

15 (h) The secretary of state shall prescribe rules and
16 procedures as necessary to implement this section.

17 SECTION 7. Section 87.041, Election Code, is amended by
18 adding Subsection (g) to read as follows:

19 (g) The board may not reject a ballot solely on the grounds
20 that a signature on the carrier envelope certificate is not located
21 entirely in the space provided for the signature.

22 SECTION 8. Section 87.044, Election Code, is amended by
23 adding Subsection (c) to read as follows:

24 (c) The early voting ballot board shall deliver to the early
25 voting clerk any early voting applications included as provided by
26 Section 86.0131 on a carrier envelope with a ballot voted in an
27 election held on the November uniform election date regardless of

1 whether the ballot is accepted.

2 SECTION 9. The change in law made by this Act in amending
3 Section 86.0015, Election Code, applies only to an application for
4 a ballot to be voted by mail received on or after January 1, 2017.

5 SECTION 10. This Act takes effect December 1, 2017.