

**House Bill 2691**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 32.002, Election Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) For purposes of this subsection, the county chair shall provide a list of names of persons eligible for appointment as election judges. Judges of countywide polling places established under Section 43.007 must be appointed from the list of names of persons submitted by the county chair in compliance with Subsection (c) except that in appointing a person from the list the commissioners court shall apportion the number of judges in direct proportion to the percentage of precincts located in each county commissioner's precinct won by each party in the last gubernatorial election, the commissioners court is not required to make the appointments based on specific polling locations or precincts, a presiding judge or alternate presiding judge is not required to serve in a polling place located in the precinct in which the judge resides, and more than one presiding judge or alternate presiding judge may be selected from the same precinct to serve in polling places not located in the precinct in which the judges reside. The county chairs may submit, and the commissioners court may preapprove, the appointment of more presiding judges or alternate presiding judges than necessary to fill available positions. The county clerk may select an individual whose appointment was preapproved by the commissioners court to fill a vacancy in a position that was held by an individual from the same political party. Other than a judge's party affiliation, nothing in this subsection precludes a county clerk from placing an election officer at a countywide polling place based on the need for services at that location.

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SECTION 1. Same as House version.

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SECTION 2. Section 32.006(a), Election Code, is amended to read as follows:

(a) The county chair of a political party holding a primary election shall appoint for each primary ~~[-with the approval of the county executive committee,]~~ the judges for each precinct in which the election will be held in the county and fill any vacancy that occurs in the position of presiding judge or alternate presiding judge.

SECTION 3. Section 32.009(d), Election Code, is amended to read as follows:

(d) A notice to a presiding judge must state the name, ~~[and]~~ address, and any available telephone number and e-mail address of the alternate, and a notice to an alternate must state the name, ~~[and]~~ address, and any available telephone number and e-mail address of the presiding judge.

SECTION 4. Subchapter A, Chapter 32, Election Code, is amended by adding Section 32.012 to read as follows:

Sec. 32.012. PROVISION OF INFORMATION RELATING TO ELECTION JUDGES APPOINTED BY COMMISSIONERS COURT. (a) After the commissioners court appoints a presiding election judge and an alternate presiding judge, the county clerk shall provide to the county chair of each political party a list of the individuals appointed by the commissioners court.

(b) The appointment list must be provided in writing.

SECTION 5. Subchapter A, Chapter 32, Election Code, is

SENATE VERSION (IE)

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

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amended by adding Section 32.013 to read as follows:

Sec. 32.013. ELECTION JUDGES FOR EARLY VOTING AT RESIDENTIAL CARE FACILITY; QUALIFICATIONS; OATH. (a) Additional election judges shall be selected to serve at a residential care facility under Chapter 107 in the same manner as election judges are selected to serve at a polling place for early voting by personal appearance under this chapter. The county chair of a political party shall indicate on the list of names of persons if a person is willing to serve as an election judge under Chapter 107.

(b) An election judge serving at a residential care facility may be a volunteer, an employee of the authority conducting the election, or compensated by the authority conducting the election in the same manner as an election judge for a polling place for early voting by personal appearance.

(c) A person may not serve as an election judge for a residential care facility if at any time during the two years preceding the election, the person has been employed at a residential care facility in the county where the person seeks to serve as an election judge.

(d) Before beginning the duties of an election judge under Chapter 107, each individual appointed to serve as an election judge at a residential care facility shall sign and date this oath: I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election.

I have read the statutes and training materials provided and will conduct this election accordingly.

I understand that failing to follow procedures exactly may result in invalidation of the voter's ballot.

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I will not unduly influence or pressure a person to participate or cast a ballot in the election.

I will not influence the choice of a voter to choose a particular primary ballot, vote in a particular race or election, or vote on a particular proposition.

Signed: \_\_\_\_\_

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(e) The secretary of state shall provide training for an election judge serving under Chapter 107.

SECTION 6. Section 32.114(e), Election Code, is amended to read as follows:

(e) An election judge, early voting clerk, or deputy early voting clerk in charge of an early voting polling place is entitled to compensation for attending the training program at an hourly rate fixed by the appropriate authority in an amount that is equal to or greater than the federal minimum wage [~~not to exceed \$7~~].

SECTION 7. Section 43.007, Election Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (m) and (n) to read as follows:

(a) The secretary of state shall implement a program to allow each commissioners court participating in the program to eliminate county election precinct polling places and establish countywide polling places for:

- (1) each general election for state and county officers;
- (2) each election held on the uniform election date in May and any resulting runoff;
- (3) each election on a proposed constitutional amendment;

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SECTION 6. Same as House version.

SECTION 7. Section 43.007, Election Code, is amended by amending Subsections (a) and (c) and adding Subsections (m) and (n) to read as follows: [FA1(1)]

(a) The secretary of state shall implement a program to allow each commissioners court participating in the program to eliminate county election precinct polling places and establish countywide polling places for:

- (1) each general election for state and county officers;
- (2) each election held on the uniform election date in May and any resulting runoff;
- (3) each election on a proposed constitutional amendment;

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- (4) each primary election and runoff primary election if:
- (A) the county chair or county executive committee of each political party participating in a joint primary election under Section 172.126 agrees to the use of countywide polling places; or
  - (B) the county chair or county executive committee of each political party required to nominate candidates by primary election agrees to use the same countywide polling places; and
- (5) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (1), (2), (3), or (4).
- (c) In conducting the program, the secretary of state shall provide a training manual for election judges and clerks appointed to work at a countywide polling place and for an audit of the voting system [direct recording electronic voting] units used, including any type of voting system unit described by Subsection (d)(4), before and after the election, and during the election to the extent such an audit is practicable.
- (d) The secretary of state shall select to participate in the program each county that:
- (1) has held a public hearing under Subsection (b);
  - (2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;
  - (3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;
  - (4) uses either direct recording electronic voting machines or a voting system capable of printing all available ballot styles of that polling place; and
  - (5) is determined by the secretary of state to have the appropriate technological capabilities.

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- (4) each primary election and runoff primary election if:
- (A) the county chair or county executive committee of each political party participating in a joint primary election under Section 172.126 agrees to the use of countywide polling places; or
  - (B) the county chair or county executive committee of each political party required to nominate candidates by primary election agrees to use the same countywide polling places; and
- (5) each election of a political subdivision located in the county that is held jointly with an election described by Subdivision (1), (2), (3), or (4).
- (c) In conducting the program, the secretary of state shall provide a training manual for election judges and clerks appointed to work at a countywide polling place and for an audit of the direct recording electronic voting units before and after the election, and during the election to the extent such an audit is practicable. [FA1(2)]
- (d) [Deleted by FA1(3)]

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(m) In adopting a methodology under Subsection (f), the county must ensure that:

(1) each county commissioner's precinct contains at least one countywide polling place; and

(2) the total number of permanent branch and temporary branch polling places open for voting in a county commissioner's precinct does not exceed more than twice the number of permanent branch and temporary branch polling places in another county commissioner's precinct.

(n) To the greatest extent possible, countywide polling places shall be located in a precinct where the political party that received the greatest number of votes in the last gubernatorial election is the same political party with which the presiding judge is affiliated.

SECTION 8. Section 85.009(b), Election Code, is amended to read as follows:

(b) Before July of each year, the county chair of each political party holding a primary election in the county shall submit in writing to the county clerk a list of names of persons in order of preference for each early voting polling place who are eligible for selection as an election officer. The county chair may supplement the list of names of persons until the 30th day before early voting begins in case an appointed election officer becomes unable to serve. The county clerk shall appoint the first person meeting the applicable eligibility requirements from the list submitted in compliance with this subsection by the party with the highest number of votes in the county as the presiding judge ~~[election officer]~~ of that polling place and the first person meeting the applicable eligibility requirements from the list submitted in compliance

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(m) In adopting a methodology under Subsection (f), the county must ensure that:

(1) each county commissioner's precinct contains at least one countywide polling place; and

(2) the total number of permanent branch and temporary branch polling places open for voting in a county commissioner's precinct does not exceed more than twice the number of permanent branch and temporary branch polling places in another county commissioner's precinct.

(n) To the greatest extent possible, countywide polling places shall be located in a precinct where the political party that received the greatest number of votes in the last gubernatorial election is the same political party with which the presiding judge is affiliated.

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with this subsection by the party with the second highest number of votes in the county as the alternate presiding judge [~~election officer~~] of that polling place. The county clerk shall appoint additional election officers for each polling place in the manner described by Subsection (a). The county clerk may reject the list if the persons whose names are submitted on the list are determined not to meet the applicable eligibility requirements.

SECTION 9. Subchapter A, Chapter 85, Election Code, is amended by adding Section 85.0091 to read as follows:

Sec. 85.0091. EARLY VOTING ELECTION OFFICERS FOR PRIMARY ELECTIONS. (a) The early voting clerk shall select election officers for a primary election for the main early voting polling place and any branch polling place in a manner consistent with Section 85.009, except that the early voting clerk shall prescribe the deadline by which county chairs must submit names of persons eligible to serve as election officers during early voting.

(b) This section does not apply to a joint primary governed by Section 172.126.

No equivalent provision.

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SECTION 9. Same as House version.

SECTION 10. Subchapter C, Chapter 85, Election Code, is amended by adding Section 85.0651 to read as follows:

Sec. 85.0651. TEMPORARY BRANCH POLLING PLACE OPERATION. (a) Notwithstanding Sections 85.064 and 85.065, early voting by personal appearance at a temporary branch polling place established under Section 85.062 shall be conducted for at least eight hours on each day voting is conducted. [FA3(1)-(2)]

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(b) The location of a temporary branch polling place may be changed only after the polling place has been open for at least two days of voting at its current location. [FA3(3)]  
(c) This section does not apply to a general election for state and county officers. [FA4]

SECTION 10. Section 86.003, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a) The balloting materials for voting by mail shall be provided to the voter by mail, unless the ballot is delivered to a voter for early voting under Chapter 107. A ballot provided by any other method may not be counted.

(b) Subject to Subsection (c), the balloting materials shall be addressed to the applicable address specified in the voter's application. The election officer providing the ballot may not knowingly deliver [mail] the materials to an address other than that prescribed by this section.

(e) A voter who makes an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, is required to vote as provided by that chapter if five or more applications for ballots to be voted by mail are made by residents of the same facility who request that the ballots be sent to that facility.

SECTION 11. Same as House version.

SECTION 11. Section 86.004, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), the balloting

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materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if that mailing date is earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 38th day before election day.

(c) An application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, shall be held until the earlier of:

(1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or

(2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter.

SECTION 12. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. EARLY VOTING AT A RESIDENTIAL CARE FACILITY

Sec. 107.001. PURPOSE. This chapter is enacted to facilitate voting in a nursing home, other long-term care facility, or retirement center in which a significant number of occupants, patients, or residents lack adequate transportation to an appropriate polling place, need assistance in voting, are 65 years of age or older or are disabled, or are indefinitely confined.

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SECTION 13. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. EARLY VOTING AT A RESIDENTIAL CARE FACILITY

Sec. 107.001. PURPOSE. This chapter is enacted to facilitate voting in a nursing home, other long-term care facility, or retirement center in which a significant number of occupants, patients, or residents lack adequate transportation to an appropriate polling place, need assistance in voting, are 65 years of age or older or are disabled, or are indefinitely confined.

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Sec. 107.002. DEFINITION. In this chapter, "residential care facility" means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

Sec. 107.003. APPLICABILITY OF EARLY VOTING BY PERSONAL APPEARANCE PROVISIONS. To the extent applicable and not in conflict with this chapter, Chapter 85 applies to voting at a residential care facility under this chapter.

Sec. 107.004. EARLY VOTING AT RESIDENTIAL CARE FACILITY REQUIRED. (a) A voter residing in a residential care facility who has applied to vote early by mail on the grounds of age or disability and who requested that the ballot be sent to the address of the facility must vote as provided by this chapter if five or more applications for ballots to be voted by mail were made by residents of the same facility who requested that the ballots be sent to the facility.

(b) If a residential care facility has fewer than five residents qualified to vote under this chapter on January 1 of each calendar year, the secretary of state may exempt a residential care facility from the requirements of this chapter. For this exemption to apply, the Department of State Health Services and the facility director must provide written confirmation that the exemption applies to the residential care facility. The secretary of state shall adopt rules to implement this subsection.

Sec. 107.005. VOTING LOCATION. (a) The administrator of the residential care facility shall make available an area located in a common area of the facility for the purposes of voting under this chapter. The area shall allow a voter to cast a secret ballot.

(b) The facility administrator shall allow posting of required notices during the period that voting is conducted under this

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Sec. 107.002. DEFINITION. In this chapter, "residential care facility" means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

Sec. 107.003. APPLICABILITY OF EARLY VOTING BY PERSONAL APPEARANCE PROVISIONS. To the extent applicable and not in conflict with this chapter, Chapter 85 applies to voting at a residential care facility under this chapter.

Sec. 107.004. EARLY VOTING AT RESIDENTIAL CARE FACILITY REQUIRED. (a) A voter residing in a residential care facility who has applied to vote early by mail on the grounds of age or disability and who requested that the ballot be sent to the address of the facility must vote as provided by this chapter if five or more applications for ballots to be voted by mail were made by residents of the same facility who requested that the ballots be sent to the facility.

(b) If a residential care facility has fewer than five residents qualified to vote under this chapter on January 1 of each calendar year, the secretary of state may exempt a residential care facility from the requirements of this chapter. For this exemption to apply, the Department of State Health Services and the facility director must provide written confirmation that the exemption applies to the residential care facility. The secretary of state shall adopt rules to implement this subsection.

Sec. 107.005. VOTING LOCATION. (a) The administrator of the residential care facility shall make available an area located in a common area of the facility for the purposes of voting under this chapter. The area shall allow a voter to cast a secret ballot.

(b) The facility administrator shall allow posting of required notices during the period that voting is conducted under this

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chapter.

(c) An election judge may enter the private room of a voter who requests that balloting materials be brought to the voter.

Sec. 107.006. NOTICE OF ELECTION IN RESIDENTIAL CARE FACILITY; DETERMINATION OF TIME FOR VOTING. (a) If early voting at a residential care facility is required under this chapter, the early voting clerk shall give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting under this chapter.

(b) Not later than 5 p.m. on the sixth business day before election day, the election judges shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29th day before election day and not later than the fourth day preceding election day.

(c) Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the appropriate county's Internet website as soon as practicable after determining the time and not later than the fifth day before the first day on which voting will be conducted at the facility.

(d) The secretary of state with the assistance of the Department of State Health Services shall create a list of all residential care facilities eligible under this chapter on January 1 of each calendar year in an early voting clerk's jurisdiction. The secretary of state shall provide the list to the early voting clerk.

(e) The early voting clerk shall maintain a public list of all residential care facilities in the clerk's jurisdiction at which voting is conducted under this chapter. The list must be available on the Internet website of the authority conducting

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(c) An election judge may enter the private room of a voter who requests that balloting materials be brought to the voter.

Sec. 107.006. NOTICE OF ELECTION IN RESIDENTIAL CARE FACILITY; DETERMINATION OF TIME FOR VOTING. (a) If early voting at a residential care facility is required under this chapter, the early voting clerk shall give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting under this chapter.

(b) Not later than 5 p.m. on the sixth business day before election day, the election judges shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29th day before election day and not later than the fourth day preceding election day.

(c) Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the appropriate county's Internet website as soon as practicable after determining the time and not later than the fifth day before the first day on which voting will be conducted at the facility.

(d) The secretary of state with the assistance of the Department of State Health Services shall create a list of all residential care facilities eligible under this chapter on January 1 of each calendar year in an early voting clerk's jurisdiction. The secretary of state shall provide the list to the early voting clerk.

(e) The early voting clerk shall maintain a public list of all residential care facilities in the clerk's jurisdiction at which voting is conducted under this chapter. The list must be available on the Internet website of the authority conducting

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the election or posted at the location where public notices are posted in the county courthouse or authority's public building, as applicable, and for each facility state:

(1) the name of the facility;

(2) the address of the facility;

(3) the dates and times for voting at the facility; and

(4) the names of the election judges for the facility.

(f) At any time during the year and regardless of whether five or more voters at a residential care facility have requested ballots to be voted by mail, the early voting clerk may post notice of the dates on which voting will be conducted at the facility under this chapter for each election. If the early voting clerk posts notice under this subsection, the names of the election judges and the hours during which voting will be conducted must be posted at least 48 hours before voting is conducted at the facility, notwithstanding Subsection (c).

Sec. 107.007. CONDUCT OF ELECTION. (a) In an election conducted under this chapter, the early voting clerk shall deliver to the election judges for a residential care facility the balloting materials for any qualified voters who have requested a mail ballot for an election that would have been otherwise mailed to the voter at the facility under Chapter 86.

(b) The election judges for a residential care facility shall deliver the balloting materials to the voter at the facility.

(c) The voter shall mark and seal the ballot in the same manner as a voter voting under Chapter 86.

(d) Both election judges for the residential care facility shall sign the carrier envelope as witnesses. In the space for the address of the witness, each election judge shall write in "Residential Care Facility Election Judge."

(e) The election judges shall accept the carrier envelope and

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the election or posted at the location where public notices are posted in the county courthouse or authority's public building, as applicable, and for each facility state:

(1) the name of the facility;

(2) the address of the facility;

(3) the dates and times for voting at the facility; and

(4) the names of the election judges for the facility.

(f) At any time during the year and regardless of whether five or more voters at a residential care facility have requested ballots to be voted by mail, the early voting clerk may post notice of the dates on which voting will be conducted at the facility under this chapter for each election. If the early voting clerk posts notice under this subsection, the names of the election judges and the hours during which voting will be conducted must be posted at least 48 hours before voting is conducted at the facility, notwithstanding Subsection (c).

Sec. 107.007. CONDUCT OF ELECTION. (a) In an election conducted under this chapter, the early voting clerk shall deliver to the election judges for a residential care facility the balloting materials for any qualified voters who have requested a mail ballot for an election that would have been otherwise mailed to the voter at the facility under Chapter 86.

(b) The election judges for a residential care facility shall deliver the balloting materials to the voter at the facility.

(c) The voter shall mark and seal the ballot in the same manner as a voter voting under Chapter 86.

(d) Both election judges for the residential care facility shall sign the carrier envelope as witnesses. In the space for the address of the witness, each election judge shall write in "Residential Care Facility Election Judge."

(e) The election judges shall accept the carrier envelope and

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place the envelope in a secure bag or ballot container for transport to the early voting clerk's office.

(f) Ballots voted at a residential care facility shall be processed for counting in the manner provided by Chapter 86 for a ballot voted by mail.

Sec. 107.008. VOTING BY ADDITIONAL QUALIFIED VOTERS. (a) The early voting clerk shall produce a list of all additional qualified voters who reside at a residential care facility where voting is conducted under this chapter.

(b) The clerk shall supply the election judges for the residential care facility with sufficient additional ballots and voting materials to allow any additional qualified voter who resides at the facility to vote under this chapter. During the voting period, any registered voter who resides at the facility may complete an application to request a mail ballot as if they were voting by mail. An election judge for the facility shall serve as a witness for any person who is unable to sign the person's name and may witness multiple applications.

(c) An election judge for the residential care facility must accept a properly completed application for a ballot made under this section, and shall provide a ballot to the voter. The election judge shall make a notation on an application that it was made under this section.

(d) A voter who applies for a ballot under this section shall vote in the manner provided by Section 107.007, except that the voter's ballot must be stored with the voter's application, and the voter's ballot may not be counted if the voter was not a qualified voter for the election as demonstrated from the information contained in the voter's application.

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place the envelope in a secure bag or ballot container for transport to the early voting clerk's office.

(f) Ballots voted at a residential care facility shall be processed for counting in the manner provided by Chapter 86 for a ballot voted by mail.

Sec. 107.008. VOTING BY ADDITIONAL QUALIFIED VOTERS. (a) The early voting clerk shall produce a list of all additional qualified voters who reside at, and are registered to vote at, a residential care facility where voting is conducted under this chapter.

(b) The clerk shall supply the election judges for the residential care facility with sufficient additional ballots and voting materials to allow any additional qualified voter who resides at the facility to vote under this chapter. During the voting period, any registered voter who resides at the facility may complete an application to request a mail ballot as if they were voting by mail. An election judge for the facility shall serve as a witness for any person who is unable to sign the person's name and may witness multiple applications.

(c) An election judge for the residential care facility must accept a properly completed application for a ballot made under this section, and shall provide a ballot to the voter. The election judge shall make a notation on an application that it was made under this section.

(d) A voter who applies for a ballot under this section shall vote in the manner provided by Section 107.007, except that the voter's ballot must be stored with the voter's application, and the voter's ballot may not be counted if the voter was not a qualified voter for the election as demonstrated from the information contained in the voter's application.

(e) An election judge at the residential care facility may assist and witness a ballot received by a voter who resides at the

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Sec. 107.009. RETENTION OF RECORDS. (a) The election judges for the residential care facility shall record the number of ballots voted. Both of the election judges for each facility and the early voting clerk shall sign and attest to the number of ballots issued.

(b) On completion of voting under this chapter, the election judges must record the number of:

(1) completed ballots;

(2) spoiled ballots; and

(3) unused returned ballots.

Sec. 107.010. PROOF OF IDENTIFICATION PRESENTED AT RESIDENTIAL CARE FACILITY. (a) Notwithstanding Section 63.0101 or any other law, a voter voting under this chapter may submit a statement as proof of identification signed by both election judges for the residential care facility that:

(1) contains the name and address of the voter; and

(2) verifies that the voter is a resident of the facility and appears on the list of registered voters.

(b) The election judges shall enclose the statement in the carrier envelope.

Sec. 107.011. ASSISTING VOTER; NOTICE. (a) On written request to the early voting clerk by a relative of a registered voter in a residential care facility, the clerk may notify the relative of the time or times at which election judges will conduct voting at the facility. The relative may be present at the facility while voting is conducted.

(b) A voter may receive assistance in the same manner as

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facility and is not registered to vote at the facility while the election judge is present at the facility.

(f) The secretary of state may prescribe an application for a voter to request a ballot under Subsection (b).

Sec. 107.009. RETENTION OF RECORDS. (a) The election judges for the residential care facility shall record the number of ballots voted. Both of the election judges for each facility and the early voting clerk shall sign and attest to the number of ballots issued.

(b) On completion of voting under this chapter, the election judges must record the number of:

(1) completed ballots;

(2) spoiled ballots; and

(3) unused returned ballots.

Sec. 107.010. PROOF OF IDENTIFICATION PRESENTED AT RESIDENTIAL CARE FACILITY. (a) Notwithstanding Section 63.0101 or any other law, a voter voting under this chapter may submit a statement as proof of identification signed by both election judges for the residential care facility that:

(1) contains the name and address of the voter; and

(2) verifies that the voter is a resident of the facility and appears on the list of registered voters.

(b) The election judges shall enclose the statement in the carrier envelope.

Sec. 107.011. ASSISTING VOTER; NOTICE. (a) On written request to the early voting clerk by a relative of a registered voter in a residential care facility, the clerk may notify the relative of the time or times at which election judges will conduct voting at the facility. The relative may be present at the facility while voting is conducted.

(b) A voter may receive assistance in the same manner as

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provided by Subchapter B, Chapter 64.

(c) An election judge shall seal a ballot if the voter receives assistance from a person who is not an election judge.

Sec. 107.012. SECURITY OF BALLOTS AND MATERIALS. (a) On completion of the voting each day on which voting is conducted at a residential care facility under this chapter, the election judges for the facility shall seal the ballot envelopes and any absentee ballot applications inside a secure envelope and shall seal the envelope and sign the seal. The election judges shall place the envelope inside a ballot bag or container.

(b) As soon as possible after conducting voting at a residential care facility, but not later than 18 hours after leaving the facility, the election judges shall deliver the ballot bag or container to the early voting clerk.

Sec. 107.013. PROVISION OF MAIL BALLOT TO CERTAIN VOTERS. (a) If a qualified voter residing at a residential care facility and seeking to vote at the facility under this chapter is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter not later than the fourth day before election day.

(b) Any registered voter who did not cast a ballot at the residential care facility may cast a ballot by:

(1) voting in person on election day; or

(2) voting by mail.

(c) An election judge shall leave a ballot package for a voter who:

(1) requested a ballot to be voted by mail and was not present during the scheduled time for early voting at the residential

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provided by Subchapter B, Chapter 64.

(c) An election judge shall seal a ballot if the voter receives assistance from a person who is not an election judge.

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(2) voting by mail.

(c) An election judge shall leave a ballot package for a voter who:

(1) requested a ballot to be voted by mail and was not present during the scheduled time for early voting at the residential

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care facility; and

(2) is expected to return to the residential care facility before the deadline for returning a ballot by mail.

(d) If a voter who requested a ballot to be voted by mail under this chapter is temporarily located at another location, including by hospitalization:

(1) the early voting clerk may mail the ballot to the voter's temporary address, if known; or

(2) the early voting judge may personally deliver the ballot package to the voter's temporary address, if known.

(e) If an election judge personally delivers a ballot package under Subsection (d), the election judge may:

(1) allow the ballot to be returned by mail; or

(2) accept the marked ballot personally.

Sec. 107.014. WATCHERS. (a) In an election held under this chapter, a watcher may observe the process of ballot distribution in the common areas of a residential care facility in a manner consistent with Chapter 33.

(b) A political party entitled to have the names of its nominees placed on the general election ballot may appoint a watcher to accompany the election judges to a residential care facility.

(c) A political party seeking to appoint a watcher to serve at a residential care facility shall submit the name of the watcher to the county election officer of the county in which the facility is located not later than the close of business on the last business day before the date the watcher seeks to observe the conduct of the election under this chapter.

(d) A watcher must present the watcher's certificate of appointment to an election judge for the residential care facility on arrival at the facility.

(e) A watcher has access to the same areas of the residential

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care facility; and

(2) is expected to return to the residential care facility before the deadline for returning a ballot by mail.

(d) If a voter who requested a ballot to be voted by mail under this chapter is temporarily located at another location, including by hospitalization:

(1) the early voting clerk may mail the ballot to the voter's temporary address, if known; or

(2) the early voting judge may personally deliver the ballot package to the voter's temporary address, if known.

(e) If an election judge personally delivers a ballot package under Subsection (d), the election judge may:

(1) allow the ballot to be returned by mail; or

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care facility as an election judge.

Sec. 107.015. LIMITATIONS ON APPLICABILITY OF CHAPTER. (a) The early voting clerk is not required to send election judges to conduct an election at a residential care facility unless there are at least five registered voters who are residents of the facility.

(b) This chapter does not prevent a registered voter from:

(1) voting early by personal appearance;

(2) voting on election day; or

(3) voting by mail from an address other than the residential care facility, including from the address of a family member designated under Section 84.002.

Sec. 107.016. RULES. The secretary of state may adopt rules and prescribe procedures for voting at a residential care facility in accordance with this chapter.

SECTION 13. Subchapter A, Chapter 242, Health and Safety Code, is amended by adding Section 242.0181 to read as follows:

Sec. 242.0181. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING EARLY VOTING. An institution must comply with Chapter 107, Election Code.

SECTION 14. Subchapter A, Chapter 247, Health and Safety Code, is amended by adding Section 247.008 to read as follows:

Sec. 247.008. COMPLIANCE WITH CERTAIN REQUIREMENTS REGARDING EARLY VOTING. An assisted living facility must comply with Chapter 107, Election Code.

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care facility as an election judge.

Sec. 107.015. LIMITATIONS ON APPLICABILITY OF CHAPTER. (a) The early voting clerk is not required to send election judges to conduct an election at a residential care facility unless there are at least five registered voters who are residents of the facility.

(b) This chapter does not prevent a registered voter from:

(1) voting early by personal appearance;

(2) voting on election day; or

(3) voting by mail from an address other than the residential care facility, including from the address of a family member designated under Section 84.002.

Sec. 107.016. RULES. The secretary of state may adopt rules and prescribe procedures for voting at a residential care facility in accordance with this chapter.

SECTION 14. Same as House version.

SECTION 15. Same as House version.

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SECTION 15. Sections 32.006(b), 32.010, and 43.007(i), Election Code, are repealed.

SECTION 16. Sections 242.0181 and 247.008, Health and Safety Code, as added by this Act, apply only to a license issued or renewed on or after the effective date of this Act. A license issued or renewed before that date is governed by the law in effect on the date the license was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 17. This Act takes effect September 1, 2017.

No equivalent provision.

SECTION 16. Sections 32.006(b), 32.010, 42.002(c), and 43.007(i), Election Code, are repealed.

SECTION 17. Same as House version.

SECTION 18. Same as House version.

SECTION \_\_. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. MOBILE LOCATIONS FOR OBTAINING IDENTIFICATION. (a) The secretary of state shall establish a program using mobile units to provide election identification certificates to voters for the purpose of satisfying the requirements of Section 63.001(b). A mobile unit may be used at special events or at the request of a constituent group. (b) In establishing the program, the secretary of state shall consult with the Department of Public Safety on the creation of the program, security relating to the issuance of an election identification certificate, best practices in issuing an election identification certificate, and equipment required to issue an election identification certificate. (c) The secretary of state may not charge a fee to a group that

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requests a mobile unit established under this section.

(d) If the secretary of state cannot ensure the required security or other necessary elements of the program, the secretary of state may deny a request for a mobile unit established under this section.

(e) The secretary of state shall adopt rules necessary for the implementation of this section. [FA5]

No equivalent provision.

SECTION \_\_. Section 63.001, Election Code, is amended by amending Subsections (b), (d), and (e) and adding Subsection (i) to read as follows:

(b) Except as provided by Subsection (h), on offering to vote, a voter must present to an election officer at the polling place:

(1) one form of photo identification listed in [described by] Section 63.0101(a); or

(2) one form of identification listed in Section 63.0101(b) accompanied by the declaration described by Subsection (i) [63.0104].

(d) If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting. An election officer may not question the reasonableness of an impediment sworn to by a voter in a declaration described by Subsection (i).

(e) On accepting a voter, an election officer shall indicate beside the voter's name on the list of registered voters that the voter is accepted for voting. If the voter executes a declaration of reasonable impediment to meet the requirement for identification under Subsection (b), the election officer must affix the voter's voter registration number to the

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declaration either in numeric or bar code form.

(i) If the requirement for identification prescribed by Subsection (b)(1) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter meets the requirement for identification prescribed by Subsection (b)(2) and executes a declaration declaring the voter has a reasonable impediment to meeting the requirement for identification prescribed by Subsection (b)(1). A person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration. The secretary of state shall prescribe the form of the declaration. The form shall include:

(1) a notice that a person is subject to prosecution for perjury under Chapter 37, Penal Code, or Section 63.0013 for a false statement or false information on the declaration;

(2) a statement that the voter swears or affirms that the information contained in the declaration is true, that the person described in the declaration is the same person appearing at the polling place to sign the declaration, and that the voter faces a reasonable impediment to procuring the identification prescribed by Subsection (b)(1);

(3) a place for the voter to indicate one of the following impediments:

(A) lack of transportation;

(B) lack of birth certificate or other documents needed to obtain the identification prescribed by Subsection (b)(1);

(C) work schedule;

(D) lost or stolen identification;

(E) disability or illness;

(F) family responsibilities; and

(G) the identification prescribed by Subsection (b)(1) has been applied for but not received;

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- (4) a place for the voter to sign and date the declaration;
- (5) a place for the election judge to sign and date the declaration;
- (6) a place to note the polling place at which the declaration is signed; and
- (7) a place for the election judge to note which form of identification prescribed by Subsection (b)(2) the voter presented. [FA5]

No equivalent provision.

SECTION \_\_. Chapter 63, Election Code, is amended by adding Section 63.0013 to read as follows:  
Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE IMPEDIMENT. (a) A person commits an offense if the person intentionally makes a false statement or provides false information on a declaration executed under Section 63.001(i).  
(b) An offense under this section is a felony of the third degree. [FA5]

No equivalent provision.

SECTION \_\_. Section 63.004(a), Election Code, is amended to read as follows:  
(a) The secretary of state may prescribe forms that combine the poll list, the signature roster, or any other form used in connection with the acceptance of voters at polling places with each other or with the list of registered voters. The secretary shall prescribe any special instructions necessary for using the combination forms. The combination forms must include space for an election officer to indicate whether a voter executed a declaration of reasonable impediment under Section 63.001(i). [FA5]

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No equivalent provision.

SECTION \_\_. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. (a) The following documentation is an acceptable form of photo identification under this chapter:

(1) a driver's license, election identification certificate, or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than two years [~~60 days~~] before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than two years [~~60 days~~] before the date of presentation;

(3) a United States citizenship certificate issued to the person that contains the person's photograph;

(4) a United States passport issued to the person that has not expired or that expired no earlier than two years [~~60 days~~] before the date of presentation; or

(5) a license to carry a handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than two years [~~60 days~~] before the date of presentation.

(b) The following documentation is acceptable as proof of identification under this chapter:

(1) a government document that shows the name and address of the voter, including the voter's voter registration certificate;

(2) one of the following documents that shows the name and address of the voter:

(A) a copy of a current utility bill;

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(B) a bank statement;  
(C) a government check; or  
(D) a paycheck; or  
(3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity.  
(c) A person 70 years of age or older may use a form of identification listed in Subsection (a) that has expired for the purposes of voting if the identification is otherwise valid.  
[FA5]

No equivalent provision.

SECTION \_\_. Section 272.011(b), Election Code, is amended to read as follows:  
(b) The secretary of state shall prepare the translation for election materials required to be provided in a language other than English or Spanish for the following state prescribed voter forms:  
(1) voter registration application form required by Section 13.002;  
(2) the confirmation form required by Section 15.051;  
(3) the voting instruction poster required by Section 62.011;  
(4) the reasonable impediment declaration required by Section 63.001(b);  
(5) the statement of residence form required by Section 63.0011;  
(6) [~~5~~] the provisional ballot affidavit required by Section 63.011;  
(7) [~~6~~] the application for a ballot by mail required by Section 84.011;  
(8) [~~7~~] the carrier envelope and voting instructions required by Section 86.013; and

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(9) [~~(8)~~] any other voter forms that the secretary of state identifies as frequently used and for which state resources are otherwise available. [FA5]

No equivalent provision.

SECTION \_\_. Section 521A.001(a), Transportation Code, is amended to read as follows:

(a) The department shall issue an election identification certificate to a person who states that the person is obtaining the certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101(a) [~~63.0101~~], Election Code, and:

- (1) who is a registered voter in this state and presents a valid voter registration certificate; or
- (2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department. [FA5]