86R8595 GRM-F

By:  Calanni H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

relating to the submission by telephonic facsimile machine or electronic transmission of an application for a ballot to be voted by mail.

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

SECTION 1.  Sections 84.007(b-1) and (d), Election Code, are amended to read as follows:

(b-1)  For an application for ballot by mail submitted by telephonic facsimile machine or electronic transmission to be effective, the application also must be submitted by mail and be received by the early voting clerk not later than the deadline for ballots to be returned under Section 86.007. This subsection may not be construed to delay the time for providing a ballot to a voter under Section 86.004 [~~fourth business day after the transmission by telephonic facsimile machine or electronic transmission is received~~].

(d)  An application, including an application submitted by telephonic facsimile machine or electronic transmission, is considered to be submitted at the time of its receipt by the clerk.

SECTION 2.  Section 84.014, Election Code, is amended to read as follows:

Sec. 84.014.  ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. (a) If an applicant provides a date of birth, driver's license number, or social security number on the applicant's application for an early voting ballot to be voted by mail that is different from or in addition to the information maintained by the voter registrar in accordance with Title 2, the early voting clerk shall notify the voter registrar. The voter registrar shall update the voter's record with the information provided by the applicant.

(b)  For an application submitted by telephonic facsimile machine or electronic transmission, the early voting clerk shall immediately respond in the format in which the application was submitted to:

(1)  confirm receipt of the transmission of the application; and

(2)  issue a statement that the applicant is required to submit the application by mail or common or contract carrier to the address of the early voting clerk by the deadline for returning a marked ballot under Section 86.007.

SECTION 3.  Section 86.001(a), Election Code, is amended to read as follows:

(a)  The early voting clerk shall review each application for a ballot to be voted by mail, including an application submitted by telephonic facsimile machine or electronic transmission.

SECTION 4.  Section 87.041(b), Election Code, is amended to read as follows:

(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;

(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~~]

(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; and

(8)  for a voter who submitted an application for a ballot to be voted by mail by telephonic facsimile machine or electronic transmission, the application is effective under Section 84.007(b-1).

SECTION 5.  The change in law made by this Act applies only to an application for a ballot to be voted by mail submitted on or after the effective date of this Act. An application for a ballot to be voted by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

SECTION 6.  This Act takes effect September 1, 2019.