

By: Cole

H.B. No. 1762

A BILL TO BE ENTITLED

AN ACT

relating to the facilitation of voting by persons confined in certain jails.

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. ENFRANCHISEMENT OF PERSONS CONFINED IN COUNTY JAIL

Sec. 108.001. DEFINITION. In this chapter, "jail administrator" means a sheriff or other person assigned to a position overseeing a county jail.

Sec. 108.002. PLACEMENT OF SECURE VOTING BOX. (a) An early voting clerk may request that one or more secure voting boxes be placed in the county jail for the deposit of early voting ballots by mail.

(b) A secure voting box may only be placed in the jail with the consent of the jail administrator.

(c) A secure voting box that is placed in accordance with this section must be placed in the jail not later than the 30th day before election day.

(d) The secure voting boxes placed in accordance with this section must be placed in one or more locations as necessary to facilitate voting under this chapter without impediment by persons confined in every building of a multiple-building jail.

Sec. 108.003. SECURITY OF SECURE VOTING BOX. (a) The jail

1 administrator shall ensure that a secure voting box placed in the  
2 county jail is, at all times:

3 (1) locked to prevent tampering; and

4 (2) either:

5 (A) being guarded by an employee of the jail; or

6 (B) inside a locked room with no persons present.

7 (b) With the consent of the jail administrator, the early  
8 voting clerk may collect ballots placed in a secure voting box  
9 throughout the early voting period. This may include collecting  
10 and replacing a secure voting box.

11 Sec. 108.004. VOTING BY PERSON CONFINED IN COUNTY JAIL. (a)  
12 A person confined in a county jail who is a qualified voter and is in  
13 possession of the person's early voting ballot to be voted by mail  
14 may:

15 (1) mail the completed ballot; or

16 (2) place the ballot in a secure voting box placed in  
17 the jail in accordance with this chapter.

18 (b) The jail administrator may:

19 (1) permit a person confined in jail to place the  
20 person's ballot directly in the secure voting box; or

21 (2) require a person confined in jail to deliver the  
22 completed ballot to an employee of the jail, who must then place the  
23 ballot in the secure voting box.

24 (c) A person who places a ballot in the secure voting box on  
25 behalf of the voter under Subsection (b)(2) is an assistant for  
26 purposes of Section 86.0051(b), and Section 86.006(f) does not  
27 apply to that person.

1       Sec. 108.005. DELIVERY OF SECURE VOTING BOX TO EARLY VOTING  
2 CLERK. The jail administrator shall ensure that all ballots placed  
3 in a secure voting box under this chapter have been delivered to the  
4 registrar not later than the deadline described by Section  
5 86.007(a)(2).

6       Sec. 108.006. PERSON CONFINED IN JAIL IN COUNTY OTHER THAN  
7 COUNTY OF RESIDENCE. (a) A person who is confined in a jail that is  
8 located in a county where the person does not reside may cast a  
9 ballot by placing the ballot in a secure voting box under this  
10 chapter.

11       (b) A ballot to which this section applies shall be  
12 forwarded by the early voting clerk to the proper early voting clerk  
13 as soon as practicable.

14       (c) A ballot forwarded under this section is considered  
15 timely received by the proper early voting clerk if it is received  
16 by the early voting clerk of the county where the jail is located  
17 not later than the deadline described by Section 86.007(a)(2).

18       SECTION 2. Chapter 108, Election Code, as added by this Act,  
19 applies only to an election ordered on or after the effective date  
20 of this Act. An election ordered before the effective date of this  
21 Act is governed by the law in effect when the election was ordered,  
22 and the former law is continued in effect for that purpose.

23       SECTION 3. This Act takes effect September 1, 2019.