

By: Thompson of Brazoria

H.B. No. 2045

A BILL TO BE ENTITLED

AN ACT

relating to early voting by certain persons who have an employment hardship.

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

SECTION 1. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. EARLY VOTING BY PERSON IN SPECIAL CIRCUMSTANCE

Sec. 107.001. APPLICABILITY. This chapter applies only to a voter:

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

(2) whose occupation causes a hardship for the voter to appear at the polling place on election day because the voter is employed:

(A) in an occupation that causes the voter to be working periodically offshore;

(B) as a truck driver whose routes routinely take the voter more than 200 miles from the voter's residence;

(C) in an occupation that may require the voter to be overseas on election day but for which voting under Chapter 101 is not applicable; or

(D) as the permanent caretaker of a person who has a disability and the voter's presence is necessary to protect the life or safety of the person who has a disability and will prevent the caretaker from appearing at the polling place on

1 election day.

2 Sec. 107.002. FORM AND CONTENTS OF APPLICATION. (a) The
3 secretary of state shall prescribe a unique application for a
4 ballot to be voted under this chapter that must include, in addition
5 to the information required by the applicable provisions of Section
6 84.002:

7 (1) for an applicant to whom this chapter applies
8 under Section 107.001(2)(A), (B), or (C), an affidavit certifying
9 the applicant is employed in an occupation that causes a hardship
10 for voting, signed by the applicant and the applicant's employer or
11 contracting entity, and the address of the applicant's employer or
12 of a person related to the applicant within the second degree by
13 affinity or the third degree by consanguinity, as determined under
14 Chapter 573, Government Code, if that address is different from the
15 address at which the applicant is registered to vote; or

16 (2) for an applicant to whom this chapter applies
17 under Section 107.001(2)(D), an affidavit and a certificate of a
18 licensed physician, licensed chiropractor, or accredited Christian
19 Science practitioner in substantially the following form:

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

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

1 _____
2 (Signature of physician, chiropractor, or practitioner)"

3 (b) The application must be submitted to the early voting
4 clerk not later than the 60th day before election day for the
5 applicant to be eligible to vote a ballot under this chapter.

6 Sec. 107.003. VOTING PROCEDURE; PROCESSING RESULTS. (a)
7 On submission of an application under this chapter to the early
8 voting clerk, the clerk shall review the application and verify the
9 applicant's registration status in accordance with the procedure
10 applicable to early voting by mail.

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

13 (c) The address to which the balloting materials must be
14 addressed is the address at which the voter is registered to vote or
15 the address of the applicant's employer or of a person related to
16 the applicant within the second degree by affinity or the third
17 degree by consanguinity, as determined under Chapter 573,
18 Government Code.

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

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

24 (f) Section 86.0015 applies to an application for a ballot
25 to be voted under this chapter, notwithstanding Section 86.0015(a).

26 Sec. 107.004. RULES. The secretary of state shall adopt
27 rules to implement this chapter.

1 SECTION 2. This Act takes effect September 1, 2019.