

By: Calanni

H.B. No. 3199

A BILL TO BE ENTITLED

AN ACT

relating to the cancellation of a ballot to be voted early by mail by voting by personal appearance at a polling place that uses an electronic signature roster.

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

SECTION 1. Section 63.011(a-1), Election Code, is amended to read as follows:

(a-1) Except as provided by Section 84.032(d-2), a [A] person to whom the early voting clerk was required to provide an early voting ballot by mail under Section 86.001 and who did not vote early by mail may cast a provisional ballot on election day if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) did not vote early by mail.

SECTION 2. Section 84.032, Election Code, is amended by amending Subsection (b) and adding Subsections (d-1) and (d-2) to read as follows:

(b) A request must:

(1) be in writing and signed by the applicant;

(2) specify the election for which the application was made; and

(3) except as provided by Subsection (c), (d), (d-1), or (e), be received by the early voting clerk:

(A) not later than the third day before election day; and

(B) if an early voting ballot sent to the applicant is returned to the clerk as a marked ballot, before the marked ballot's arrival at the address on the carrier envelope.

(d-1) An applicant may also submit a request by voting early by personal appearance or by appearing in person to vote on election day if:

(1) the polling place at which the applicant seeks to vote by personal appearance uses a signature roster in the form of an electronic device that:

(A) is capable of accurately indicating whether the applicant has returned a ballot to be voted by mail; and

(B) provides information to the early voting clerk to ensure that any ballot canceled under this subsection and subsequently received will not be counted; and

(2) the early voting clerk, deputy early voting clerk, or presiding election judge, as applicable, determines from the signature roster that the applicant has not returned the applicant's ballot to be voted by mail.

(d-2) A person who cancels an application for a ballot to be voted early by mail under Subsection (d-1) and is accepted for voting is not required to vote a provisional ballot under Section 63.011(a-1).

SECTION 3. Section 84.038, Election Code, is amended to read as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION.

1 The cancellation of an application for a ballot to be voted by mail
2 under Section 84.032(c), (d), (d-1), or (e) is effective for a
3 single ballot only and does not cancel the application with respect
4 to a subsequent election, including a subsequent election to which
5 the same application applies under Section 84.001(e) or 86.0015(b).

6 SECTION 4. This Act takes effect September 1, 2019.