

By: Calanni

H.B. No. 3200

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the submission by telephonic facsimile machine or
3 electronic transmission of an application for a ballot to be voted
4 by mail.

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

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

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

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

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

22 Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN
23 APPLICATIONS. (a) If an applicant provides a date of birth,
24 driver's license number, or social security number on the

1 applicant's application for an early voting ballot to be voted by
2 mail that is different from or in addition to the information
3 maintained by the voter registrar in accordance with Title 2, the
4 early voting clerk shall notify the voter registrar. The voter
5 registrar shall update the voter's record with the information
6 provided by the applicant.

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

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

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

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

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

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

24 (b) A ballot may be accepted only if:

25 (1) the carrier envelope certificate is properly
26 executed;

27 (2) neither the voter's signature on the ballot

1 application nor the signature on the carrier envelope certificate
2 is determined to have been executed by a person other than the
3 voter, unless signed by a witness;

4 (3) the voter's ballot application states a legal
5 ground for early voting by mail;

6 (4) the voter is registered to vote, if registration
7 is required by law;

8 (5) the address to which the ballot was mailed to the
9 voter, as indicated by the application, was outside the voter's
10 county of residence, if the ground for early voting is absence from
11 the county of residence;

12 (6) for a voter to whom a statement of residence form
13 was required to be sent under Section 86.002(a), the statement of
14 residence is returned in the carrier envelope and indicates that
15 the voter satisfies the residence requirements prescribed by
16 Section 63.0011; ~~and~~

17 (7) the address to which the ballot was mailed to the
18 voter is an address that is otherwise required by Sections 84.002
19 and 86.003; and

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

24 SECTION 5. The change in law made by this Act applies only
25 to an application for a ballot to be voted by mail submitted on or
26 after the effective date of this Act. An application for a ballot
27 to be voted by mail submitted before the effective date of this Act

H.B. No. 3200

1 is governed by the law in effect when the application was submitted,
2 and the former law is continued in effect for that purpose.

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