

By: Bucy

H.B. No. 168

A BILL TO BE ENTITLED

AN ACT

relating to election practices and procedures.

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

SECTION 1. Section 32.094, Election Code, is amended by amending Subsections (a) and (e) and adding Subsection (f) to read as follows:

(a) After each election, each presiding judge serving in the election shall prepare and sign~~[r]~~ in duplicate, or electronically submit, a statement containing the following information:

(1) the name and address of the presiding judge and each clerk who served under the judge;

(2) the number of hours that each election officer worked at the polling place or at another location under Section 62.014(c), excluding time for which payment may not be made; and

(3) the name of the election officer who delivered the election records, keys, and unused supplies, and, if more than one officer, the name of and the amount of compensation allocated to each officer.

(e) The original compensation statement shall be used for making payment for the services. The general custodian of election records shall preserve the duplicate or electronic file for the period for preserving the precinct election records. If the presiding judge delivers the statement to an authority other than the general custodian of election records, the authority receiving

1 the statement shall deliver the duplicate or electronic file to the
2 general custodian not later than the third day after the date of its
3 receipt.

4 (f) The secretary of state, or a county, may develop and
5 implement an electronic system for a presiding judge to submit the
6 information required under this section to the appropriate
7 authority. The secretary of state may prescribe rules regarding
8 the development and implementation of a system under this
9 subsection to ensure compatibility with any other system developed
10 and implemented under this section.

11 SECTION 2. Section 63.0011, Election Code, is amended by
12 adding Subsection (g) to read as follows:

13 (g) The statement under Subsection (c) may be executed
14 electronically on a device provided to the voter.

15 SECTION 3. Section 63.011, Election Code, is amended by
16 amending Subsections (a-1), (b), and (b-1) and adding Subsections
17 (b-2) and (f) to read as follows:

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

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

25 (2) did not vote early by mail.

26 (b) A form for an affidavit required by this section must be
27 in a form prescribed by the secretary of state that includes

1 ~~[printed on an envelope in which the provisional ballot voted by the~~
2 ~~person may be placed and must include]:~~

3 (1) a space for entering the identification number of
4 the provisional ballot voted by the person; ~~[and]~~

5 (2) a space for an election officer to indicate
6 whether the person presented a form of identification described by
7 Section [63.0101](#); and

8 (3) a space for the person to indicate the reason for
9 casting a provisional ballot by choosing from a standardized list.

10 (b-1) The affidavit form shall ~~[may]~~ include space for
11 disclosure of any necessary information to enable the person to
12 register to vote under Chapter [13](#). Any update to a voter's
13 registration information provided by the voter under this section
14 is immediately effective ~~[The secretary of state shall prescribe~~
15 ~~the form of the affidavit under this section].~~

16 (b-2) A form for an affidavit required by this section must
17 provide for the affidavit to be associated with the envelope in
18 which the provisional ballot voted by a person is placed while
19 allowing a voter to cast a secret ballot.

20 (f) A county may use an electronic affidavit, in a form
21 prescribed by the secretary of state, for a provisional ballot
22 under this section. Data collected via the electronic affidavit
23 shall be retained in a single statewide database maintained by the
24 secretary of state.

25 SECTION 4. Section [84.032](#), Election Code, is amended by
26 amending Subsection (b) and adding Subsections (d-1), (d-2), and
27 (e-1) to read as follows:

1 (b) A request must:

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

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

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

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

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

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

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

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

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

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

27 (d-2) A person who cancels an application for a ballot to be

1 voted early by mail under Subsection (d-1) and is accepted for
2 voting is not required to vote a provisional ballot under Section
3 63.011(a-1).

4 (e-1) An applicant may submit a request for cancellation to
5 a deputy early voting clerk at a branch early voting polling place
6 or a presiding judge on election day at the applicant's precinct
7 polling place if:

8 (1) the applicant submits a written request, signed by
9 the applicant, that specifies the election for which the
10 cancellation request is made; and

11 (2) the deputy early voting clerk or presiding judge
12 has received confirmation that the voter's marked ballot has not
13 been received by the early voting clerk.

14 SECTION 5. Section 84.038, Election Code, is amended to
15 read as follows:

16 Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION.
17 The cancellation of an application for a ballot to be voted by mail
18 under Section 84.032(c), (d), (d-1), or (e) is effective for a
19 single ballot only and does not cancel the application with respect
20 to a subsequent election, including a subsequent election to which
21 the same application applies under Section 84.001(e) or 86.0015(b).

22 SECTION 6. This Act takes effect on the 91st day after the
23 last day of the legislative session.