

By: Bucy

H.B. No. 235

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the electronic transmission of a ballot to a voter
3 voting early by mail on the ground of absence from the county of
4 residence.

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

6 SECTION 1. Section 84.002(a), Election Code, as effective
7 September 1, 2021, is amended to read as follows:

8 (a) An early voting ballot application must include:

9 (1) the applicant's name and the address at which the
10 applicant is registered to vote;

11 (2) for an application for a ballot to be voted by mail
12 on the ground of absence from the county of residence, the address
13 outside the applicant's county of residence to which the ballot is
14 to be mailed or an e-mail address for the applicant to which the
15 ballot is sent by electronic transmission;

16 (3) for an application for a ballot to be voted by mail
17 on the ground of age or disability, the address of the hospital,
18 nursing home or other long-term care facility, or retirement
19 center, or of a person related to the applicant within the second
20 degree by affinity or the third degree by consanguinity, as
21 determined under Chapter 573, Government Code, if the applicant is
22 living at that address and that address is different from the
23 address at which the applicant is registered to vote;

24 (4) for an application for a ballot to be voted by mail

1 on the ground of confinement in jail, the address of the jail or of a
2 person related to the applicant within the degree described by
3 Subdivision (3);

4 (5) for an application for a ballot to be voted by mail
5 on any ground, an indication of each election for which the
6 applicant is applying for a ballot;

7 (6) an indication of the ground of eligibility for
8 early voting; and

9 (7) for an application for a ballot to be voted by mail
10 on the ground of involuntary civil commitment, the address of the
11 facility operated by or under contract with the Texas Civil
12 Commitment Office or of a person related to the applicant within the
13 degree of consanguinity described by Subdivision (3).

14 SECTION 2. Section [84.011\(a\)](#), Election Code, as effective
15 September 1, 2021, is amended to read as follows:

16 (a) The officially prescribed application form for an early
17 voting ballot must include:

18 (1) immediately preceding the signature space the
19 statement: "I certify that the information given in this
20 application is true, and I understand that giving false information
21 in this application is a crime.";

22 (2) a statement informing the applicant of the
23 offenses prescribed by Sections [84.003](#) and [84.004](#);

24 (3) spaces for entering an applicant's voter
25 registration number and county election precinct of registration,
26 with a statement informing the applicant that failure to furnish
27 that information does not invalidate the application; and

1 (4) on an application for a ballot to be voted by mail:

2 (A) a space for an applicant applying on the
3 ground of absence from the county of residence to:

4 (i) indicate the date on or after which the
5 applicant can receive mail at the address outside the county; or

6 (ii) indicate that the applicant wishes to
7 receive the balloting materials by electronic transmission and
8 provide an e-mail address;

9 (B) a space for indicating the fact that an
10 applicant whose application is signed by a witness cannot make the
11 applicant's mark and a space for indicating the relationship or
12 lack of relationship of the witness to the applicant;

13 (C) a space for entering an applicant's telephone
14 number, with a statement informing the applicant that failure to
15 furnish that information does not invalidate the application;

16 (D) a space or box for an applicant applying on
17 the ground of age or disability to indicate that the address to
18 which the ballot is to be mailed is the address of a facility or
19 relative described by Section 84.002(a)(3), if applicable;

20 (E) a space or box for an applicant applying on
21 the ground of confinement in jail or involuntary civil commitment
22 to indicate that the address to which the ballot is to be mailed is
23 the address of a relative described by Section 84.002(a)(4) or (7),
24 if applicable;

25 (F) a space for an applicant applying on the
26 ground of age or disability to indicate if the application is an
27 application under Section 86.0015;

1 (G) spaces for entering the signature, printed
2 name, and residence address of any person assisting the applicant;

3 (H) a statement informing the applicant of the
4 condition prescribed by Section 81.005; and

5 (I) a statement informing the applicant of the
6 requirement prescribed by Section 86.003(c).

7 SECTION 3. Section 86.003(a), Election Code, is amended to
8 read as follows:

9 (a) Except as provided by Section 86.0031, the [The]
10 balloting materials for voting by mail shall be provided to the
11 voter by mail. A ballot provided by any other method may not be
12 counted.

13 SECTION 4. Chapter 86, Election Code, is amended by adding
14 Section 86.0031 to read as follows:

15 Sec. 86.0031. ELECTRONIC METHOD OF PROVIDING
16 BALLOT. (a) A voter voting by mail based on the ground of absence
17 from the county of residence may elect to receive the balloting
18 materials by electronic transmission on the voter's application for
19 an early voting ballot to be voted by mail.

20 (b) Balloting materials to be sent by electronic
21 transmission under this section include:

22 (1) the appropriate ballot;

23 (2) ballot instructions, including instructions that
24 inform a voter that the ballot must be returned by mail to be
25 counted;

26 (3) instructions prescribed by the secretary of state
27 on how to create a ballot envelope and carrier envelope or signature

1 sheet for the ballot; and

2 (4) a list of certified write-in candidates, if
3 applicable.

4 (c) The balloting materials may be provided by e-mail to the
5 voter:

6 (1) in a portable document format or similar file type
7 or through a scanned format; or

8 (2) by any other method of electronic transmission
9 authorized by the secretary of state in writing.

10 (d) An e-mail address used under this section to request
11 balloting materials is confidential and does not constitute public
12 information for purposes of Chapter 552, Government Code. An early
13 voting clerk shall ensure that a voter's e-mail address provided
14 under this section is excluded from public disclosure.

15 (e) The secretary of state shall prescribe procedures to
16 implement this section.

17 SECTION 5. Section 86.006, Election Code, is amended by
18 amending Subsection (a) and adding Subsection (a-2) to read as
19 follows:

20 (a) Except as provided by Subsection (a-2), a [A] marked
21 ballot voted under this chapter must be returned to the early voting
22 clerk in the official carrier envelope. The carrier envelope may be
23 delivered in another envelope and must be transported and delivered
24 only by:

25 (1) mail;

26 (2) common or contract carrier; or

27 (3) subject to Subsection (a-1), in-person delivery by

1 the voter who voted the ballot.

2 (a-2) A marked ballot received through electronic
3 transmission as provided by Section 86.0031 shall be returned to
4 the early voting clerk by mail or common or contract carrier through
5 the procedures prescribed by the secretary of state.

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