



*Lina Ortega*

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

1 Amend C.S.S.B. 1 (house committee printing) by adding the  
2 following appropriately numbered ARTICLE to the bill and  
3 renumbering subsequent ARTICLES of the bill:

4 ARTICLE \_\_\_\_ . UNIVERSAL VOTING BY MAIL

5 SECTION \_\_\_\_ .01. Section 13.002(e), Election Code, is  
6 amended to read as follows:

7 (e) Notwithstanding Section 82.005, a [A] person who is  
8 certified for participation in the address confidentiality program  
9 administered by the attorney general under Subchapter B, Chapter  
10 58, Code of Criminal Procedure, is not eligible for early voting by  
11 mail [~~under Section 82.007~~] unless the person submits an  
12 application under this section by personal delivery. The secretary  
13 of state may adopt rules to implement this subsection.

14 SECTION \_\_\_\_ .02. Section 82.005, Election Code, is amended  
15 to read as follows:

16 Sec. 82.005. ELIGIBILITY FOR EARLY VOTING [~~BY PERSONAL~~  
17 ~~APPEARANCE~~]. Any qualified voter is eligible for early voting by  
18 mail or personal appearance.

19 SECTION \_\_\_\_ .03. Section 82.007, Election Code, is amended  
20 to read as follows:

21 Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY  
22 PROGRAM. Notwithstanding Section 82.005, a [A] qualified voter  
23 who, [~~is eligible for early voting by mail if:~~

24 [~~(1) the voter submitted a registration application by~~  
25 ~~personal delivery as required by Section 13.002(e), and~~

26 [~~(2)~~] at the time the voter's early voting ballot  
27 application is submitted, [~~the voter~~] is certified for  
28 participation in the address confidentiality program administered  
29 by the attorney general under Subchapter B, Chapter 58, Code of

1 Criminal Procedure, is eligible for early voting by mail only if the  
2 voter submitted a registration application by personal delivery as  
3 required by Section 13.002(e).

4 SECTION \_\_\_\_ .04. Section 84.001(a), Election Code, is  
5 amended to read as follows:

6 (a) To be entitled to vote an early voting ballot by mail, a  
7 person [~~who is eligible for early voting~~] must make an application  
8 for an early voting ballot to be voted by mail as provided by this  
9 title.

10 SECTION \_\_\_\_ .05. Section 84.002(a), Election Code, as  
11 effective September 1, 2021, is amended to read as follows:

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

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

15 (2) for an application for a ballot to be voted by mail  
16 by an applicant who will be absent from the applicant's [~~on the~~  
17 ~~ground of absence from the~~] county of residence on election day, the  
18 address outside the applicant's county of residence to which the  
19 ballot is to be mailed;

20 (3) for an application for a ballot to be voted by mail  
21 by an applicant who is 65 years of age or older on election day or  
22 has a sickness or physical condition that requires the applicant to  
23 reside in a hospital or nursing home or other long-term care  
24 facility, or with a relative [~~on the ground of age or disability~~],  
25 the address of the hospital, nursing home or other long-term care  
26 facility, or retirement center, or of a person related to the  
27 applicant within the second degree by affinity or the third degree  
28 by consanguinity, as determined under Chapter 573, Government Code,  
29 if the applicant is living at that address and that address is  
30 different from the address at which the applicant is registered to  
31 vote;

1 (4) for an application for a ballot to be voted by mail  
2 by an applicant who is confined [~~on the ground of confinement~~] in  
3 jail as described by Section 84.009(a), the address of the jail or  
4 of a person related to the applicant within the degree described by  
5 Subdivision (3);

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

9 (6) [~~an indication of the ground of eligibility for~~  
10 ~~early voting,~~ and

11 [~~(7)~~] for an application for a ballot to be voted by  
12 mail by an applicant who is civilly committed as a sexually violent  
13 predator under Chapter 841, Health and Safety Code, and is ordered  
14 as a condition of civil commitment to reside in a facility operated  
15 by or under contract with the Texas Civil Commitment Office [~~on the~~  
16 ~~ground of involuntary civil commitment~~], the address of the  
17 facility operated by or under contract with the Texas Civil  
18 Commitment Office or of a person related to the applicant within the  
19 degree of consanguinity described by Subdivision (3).

20 SECTION \_\_.06. Section 84.009, Election Code, is amended  
21 by amending Subsection (a) and adding Subsection (b) to read as  
22 follows:

23 (a) This section applies only to an applicant who, at the  
24 time the application for a ballot to be voted by mail is submitted,  
25 is confined in jail:

26 (1) serving a misdemeanor sentence for a term that  
27 ends on or after election day;

28 (2) pending trial after denial of bail;

29 (3) without bail pending an appeal of a felony  
30 conviction; or

31 (4) pending trial or appeal on a bailable offense for

1 which release on bail before election day is unlikely.

2 (b) On request of the applicant, an application for a ballot  
3 to be voted by mail [~~on the ground of confinement in jail~~] may be  
4 submitted to the early voting clerk, at the discretion of the  
5 authority in charge of the jail, by personal delivery by the jail  
6 authority or by a designated subordinate of the authority.

7 SECTION \_\_\_\_ .07. Section 84.011(a), Election Code, as  
8 effective September 1, 2021, is amended to read as follows:

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

11 (1) immediately preceding the signature space the  
12 statement: "I certify that the information given in this  
13 application is true, and I understand that giving false information  
14 in this application is a crime.";

15 (2) a statement informing the applicant of the  
16 offenses prescribed by Sections 84.003 and 84.004;

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

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

22 (A) a space for an applicant [~~applying on the~~  
23 ~~ground of absence from the county of residence~~] to indicate whether  
24 the applicant will be absent from the applicant's county of  
25 residence on election day and, if applicable, the date on or after  
26 which the applicant can receive mail at the address outside the  
27 county;

28 (B) a space for indicating the fact that an  
29 applicant whose application is signed by a witness cannot make the  
30 applicant's mark and a space for indicating the relationship or  
31 lack of relationship of the witness to the applicant;

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

4 (D) a space or box for an applicant who is 65  
5 years of age or older on election day or has a sickness or physical  
6 condition that requires the applicant to reside in a hospital or  
7 nursing home or other long-term care facility, or with a relative,  
8 ~~[applying on the ground of age or disability]~~ to indicate that the  
9 address to which the ballot is to be mailed is the address of a  
10 facility or relative described by Section 84.002(a)(3), if  
11 applicable;

12 (E) a space or box for an applicant who is  
13 confined ~~[applying on the ground of confinement]~~ in jail as  
14 described by Section 84.009(a) or who is civilly committed as a  
15 sexually violent predator under Chapter 841, Health and Safety  
16 Code, and ordered as a condition of civil commitment to reside in a  
17 facility operated by or under contract with the Texas Civil  
18 Commitment Office, ~~[involuntary civil commitment]~~ to indicate that  
19 the address to which the ballot is to be mailed is the address of a  
20 relative described by Section 84.002(a)(4) or (6) ~~[(7)]~~, if  
21 applicable;

22 (F) a space for an applicant ~~[applying on the~~  
23 ~~ground of age or disability]~~ to indicate if the application is an  
24 application under Section 86.0015;

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

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

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

31 SECTION \_\_\_\_ .08. Sections 86.001(b) and (c), Election Code,

1 are amended to read as follows:

2 (b) If the application complies with the applicable  
3 requirements prescribed by this title [~~applicant is entitled to~~  
4 ~~vote an early voting ballot by mail~~], the clerk shall provide an  
5 official ballot to the applicant as provided by this chapter.

6 (c) Except as provided by Section 86.008, if the applicant  
7 is not entitled to vote in the election [~~by mail~~], the clerk shall  
8 reject the application, enter on the application "rejected" and the  
9 reason for and date of rejection, and deliver written notice of the  
10 reason for the rejection to the applicant at both the residence  
11 address and mailing address on the application. A ballot may not be  
12 provided to an applicant whose application is rejected.

13 SECTION \_\_.09. Section 86.0015(a), Election Code, is  
14 amended to read as follows:

15 (a) This section applies only to an application for a ballot  
16 to be voted by mail that[+

17 [~~(1) indicates the ground of eligibility is age or~~  
18 ~~disability, and~~

19 [~~(2)] does not specify the election for which a ballot~~

20 is requested or has been marked by the applicant as an application

21 for more than one election.

22 SECTION \_\_.10. Section 86.003(c), Election Code, as  
23 effective September 1, 2021, is amended to read as follows:

24 (c) The address to which the balloting materials must be  
25 addressed is the address at which the voter is registered to vote,  
26 or the registered mailing address if different, unless the  
27 application to vote early by mail indicates that the voter [~~ground~~  
28 ~~for voting by mail is~~]:

29 (1) will be absent from the voter's [~~absence from the~~  
30 county of residence on election day, in which case the address must  
31 be an address outside the voter's county of residence;

1           (2) is confined [~~confinement~~] in jail as described by  
2 Section 84.009(a), in which case the address must be the address of  
3 the jail or of a relative described by Section 84.002(a)(4);

4           (3) is 65 years of age or older on election day or has a  
5 sickness or physical condition that requires the applicant to  
6 reside in a hospital or nursing home or other long-term care  
7 facility, or with a relative, [age or disability] and [the voter] is  
8 living at a hospital, nursing home or other long-term care  
9 facility, or retirement center, or with a relative described by  
10 Section 84.002(a)(3), in which case the address must be the address  
11 of that facility or relative; or

12           (4) is civilly committed as a sexually violent  
13 predator under Chapter 841, Health and Safety Code, and ordered as a  
14 condition of civil commitment to reside in a facility operated by or  
15 under contract with the Texas Civil Commitment Office [involuntary  
16 civil commitment], in which case the address must be the address of  
17 the facility or of a relative described by Section 84.002(a)(6)  
18 [~~84.002(a)(7)~~].

19           SECTION \_\_\_\_ .11. Section 86.004(b), Election Code, is  
20 amended to read as follows:

21           (b) For an election to which Section 101.104 applies, the  
22 balloting materials for a voter who indicates on the application  
23 for a ballot to be voted by mail or the federal postcard application  
24 that the voter seeks [~~is eligible~~] to vote early by mail as a  
25 consequence of the voter's being outside the United States shall be  
26 mailed on or before the later of the 45th day before election day or  
27 the seventh calendar day after the date the clerk receives the  
28 application. However, if it is not possible to mail the ballots by  
29 the deadline of the 45th day before election day, the clerk shall  
30 notify the secretary of state within 24 hours of knowing that the  
31 deadline will not be met. The secretary of state shall monitor the

1 situation and advise the clerk, who shall mail the ballots as soon  
2 as possible in accordance with the secretary of state's guidelines.

3 SECTION \_\_.12. Section 87.041(b), Election Code, is  
4 amended to read as follows:

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

6 (1) the carrier envelope certificate is properly  
7 executed;

8 (2) neither the voter's signature on the ballot  
9 application nor the signature on the carrier envelope certificate  
10 is determined to have been executed by a person other than the  
11 voter, unless signed by a witness;

12 (3) ~~the voter's ballot application states a legal~~  
13 ~~ground for early voting by mail;~~

14 ~~(4)~~ the voter is registered to vote, if registration  
15 is required by law;

16 (4) ~~(5) the address to which the ballot was mailed~~  
17 ~~to the voter, as indicated by the application, was outside the~~  
18 ~~voter's county of residence, if the ground for early voting is~~  
19 ~~absence from the county of residence;~~

20 ~~(6)~~ for a voter to whom a statement of residence form  
21 was required to be sent under Section 86.002(a), the statement of  
22 residence is returned in the carrier envelope and indicates that  
23 the voter satisfies the residence requirements prescribed by  
24 Section 63.0011; and

25 (5) ~~(7)~~ the address to which the ballot was mailed  
26 to the voter is an address ~~[that is otherwise]~~ required by Sections  
27 84.002 and 86.003.

28 SECTION \_\_.13. Section 102.001(a), Election Code, is  
29 amended to read as follows:

30 (a) A qualified voter is eligible to vote a late ballot as  
31 provided by this chapter if the voter has a sickness or physical



1 condition [~~described by Section 82.002~~] that prevents the voter  
2 from appearing at the polling place on election day without a  
3 likelihood of needing personal assistance or of injuring the  
4 voter's health and originates on or after the day before the last  
5 day for submitting an application for a ballot to be voted by mail..

6 SECTION \_\_.14. The following provisions of the Election  
7 Code are repealed:

- 8 (1) Section 82.001;
- 9 (2) Section 82.002;
- 10 (3) Section 82.003;
- 11 (4) Section 82.004;
- 12 (5) Section 82.008, as effective September 1, 2021;
- 13 (6) Section 84.002(b);
- 14 (7) Section 84.002(c), as effective September 1, 2021;
- 15 and
- 16 (8) Section 112.002(b).