

By: Bucy

H.B. No. 220

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.