

By: Bucy

H.B. No. 221

A BILL TO BE ENTITLED

AN ACT

relating to accommodating voters with a disability.

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

SECTION 1. Section 63.0015, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (f) to read as follows:

(b) An election officer shall ~~may~~ accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person.

(c) Notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted:

(1) at ~~[one or more locations in]~~ each entrance to a polling place where it can be read by persons waiting to vote;

(2) on the Internet website of the secretary of state;
and

(3) on each Internet website relating to elections maintained by a county.

(d) The notice required by Subsection (c) must read:
"Pursuant to Section 63.0015, Election Code, an election officer shall ~~may~~ give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around. A person assisting an individual with a mobility

1 problem may also, at the individual's request, be given voting
2 order priority. Disabilities and conditions that may qualify you
3 for voting order priority include paralysis, lung disease, the use
4 of portable oxygen, cardiac deficiency, severe limitation in the
5 ability to walk due to arthritic, neurological, or orthopedic
6 condition, wheelchair confinement, arthritis, foot disorder, the
7 inability to walk 200 feet without stopping to rest, or use of a
8 brace, cane, crutch, or other assistive device."

9 (f) All procedures and accommodations related to voting
10 available for voters with disabilities, including voting under
11 Section 64.009, shall be posted in an accessible manner on the
12 county clerk's Internet website.

13 SECTION 2. Section 64.009, Election Code, is amended by
14 adding Subsection (e) to read as follows:

15 (e) At each polling place two parking spaces shall be
16 reserved for voting under this section. The spaces may not be
17 parking spaces designated specifically for persons with
18 disabilities. The parking spaces must be clearly marked for use by a
19 voter who is unable to enter the polling place with a sign. The sign
20 must have a telephone number that a voter may call or text to
21 request assistance from election officials at the polling place.

22 SECTION 3. Section 84.011(a), Election Code, as effective
23 September 1, 2021, is amended to read as follows:

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

26 (1) immediately preceding the signature space the
27 statement: "I certify that the information given in this

1 application is true, and I understand that giving false information
2 in this application is a crime.";

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

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

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

10 (A) a space for an applicant applying on the
11 ground of absence from the county of residence to indicate the date
12 on or after which the applicant can receive mail at the address
13 outside the county;

14 (B) a space for indicating the fact that an
15 applicant whose application is signed by a witness cannot make the
16 applicant's mark and a space for indicating the relationship or
17 lack of relationship of the witness to the applicant;

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

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

25 (E) a space or box for an applicant applying on
26 the ground of confinement in jail or involuntary civil commitment
27 to indicate that the address to which the ballot is to be mailed is

1 the address of a relative described by Section 84.002(a)(4) or (7),
2 if applicable;

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

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

8 (H) a statement informing the applicant of the
9 condition prescribed by Section 81.005; ~~and~~

10 (I) a statement informing the applicant of the
11 requirement prescribed by Section 86.003(c); and

12 (J) a space or box for an applicant applying on
13 the ground of disability to indicate that the voter would like to
14 receive a ballot under Section 86.0035.

15 SECTION 4. Subchapter A, Chapter 84, Election Code, is
16 amended by adding Section 84.0121 to read as follows:

17 Sec. 84.0121. CLERK TO POST APPLICATION FORM ONLINE. (a)
18 The early voting clerk shall post the official application form for
19 an early voting ballot on the clerk's Internet website in a format
20 that allows a person to easily complete the application directly on
21 the website before printing.

22 (b) The early voting clerk may use the application form
23 provided by the secretary of state under Section 84.013 or the early
24 voting clerk's own application form.

25 SECTION 5. Section 84.013, Election Code, is amended to
26 read as follows:

27 Sec. 84.013. APPLICATION FORMS FURNISHED BY SECRETARY OF

1 STATE. (a) The secretary of state shall maintain a supply of the
2 official application forms for ballots to be voted by mail and shall
3 furnish the forms in reasonable quantities without charge to
4 individuals or organizations requesting them for distribution to
5 voters.

6 (b) The secretary of state shall provide a printable
7 application for a ballot by mail in a format that complies with
8 Section 84.0121(a) to the early voting clerk for use under that
9 section.

10 SECTION 6. Section 86.003, Election Code, is amended by
11 amending Subsection (a) and adding Subsection (e) to read as
12 follows:

13 (a) Except as provided by Subsection (e), the [The]
14 balloting materials for voting by mail shall be provided to the
15 voter by mail. A ballot provided by any other method may not be
16 counted.

17 (e) If a voter is eligible for early voting by mail on the
18 ground of disability, the balloting materials may be provided in
19 accordance with Section 86.0035.

20 SECTION 7. Chapter 86, Election Code, is amended by adding
21 Section 86.0035 to read as follows:

22 Sec. 86.0035. DIGITAL REMOTE VOTING. (a) In this section,
23 "tactile marking" means a method of identifying certain materials
24 based on touch, and includes a hole punch, a cut corner, or a
25 tactile sticker.

26 (b) The secretary of state shall implement a program to
27 allow a voter eligible for early voting on the ground of disability

1 to remotely receive and mark an early voting ballot to be voted by
2 mail using assistive technology equipment.

3 (c) The program implemented under this section must allow a
4 voter to receive and mark an early voting ballot to be voted by mail
5 without assistance.

6 (d) Section 86.010 applies to a voter voting a ballot under
7 this section.

8 (e) Subject to Subsection (h), a voter receiving and marking
9 a ballot under this section shall print the marked ballot and return
10 it in a manner provided by Section 86.006.

11 (f) If a voter receives a ballot under this section, the
12 early voting clerk shall provide an official ballot envelope and
13 carrier envelope to the voter by mail. The ballot envelope and
14 carrier envelope must include tactile marking to help the voter
15 identify and distinguish between the envelopes.

16 (g) A ballot under this section may not be rejected under
17 Subchapter C, Chapter 87, on the sole basis that:

- 18 (1) the marked ballot is printed on regular paper; or
19 (2) the voter's signature is not in the correct
20 location on the carrier envelope, if the voter's signature is
21 clearly visible and determined to be the signature of the voter.

22 (h) The secretary of state shall adopt rules and procedures
23 to implement this section. Rules adopted under this subsection may
24 include rules providing for an additional secure method of
25 returning a ballot under this section.

26 SECTION 8. Section 104.004(e), Election Code, is amended to
27 read as follows:

1 (e) If the voter is physically unable to enter the early
2 voting polling place without personal assistance or a likelihood of
3 injuring the voter's health, the clerk shall deliver the balloting
4 materials to the voter at the polling place entrance or curb
5 following the procedures prescribed by Section 64.009.

6 SECTION 9. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect on the 91st day after the last day of the
11 legislative session.