

BILL ANALYSIS

C.S.H.B. 3920
By: Dean
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, a qualified voter is eligible to vote early by mail based on the grounds of disability or expected confinement for childbirth on election day. However, it has been noted with concern that the exact conditions under which a voter is not entitled to vote early by mail on these grounds are not clearly laid out. C.S.H.B. 3920 seeks to address this issue by clarifying the conditions under which a voter is not entitled to vote early by mail on the grounds of disability.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3920 amends the Election Code to establish that the following circumstances do not constitute sufficient cause to entitle a voter to vote early by mail on the grounds of disability:

- a lack of transportation;
- a sickness that does not otherwise prevent the voter from leaving the voter's residence;
or
- a requirement to appear at the voter's place of employment on election day.

The bill changes the eligibility criterion for early voting by mail because of confinement for childbirth from expected or likely confinement for childbirth on election day to if the voter is likely to be so confined.

C.S.H.B. 3920 requires an application for a ballot to be voted by mail on the ground of disability to require the applicant to affirmatively indicate that the applicant agrees with the statement "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health," and conditions the applicant's eligibility to vote by mail on the affirmative indication.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3920 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the voter eligible for early voting by mail because of confinement for childbirth from a voter who expects to be so confined, as in the original, to a voter who is likely to be so confined.

The original required an application for an early voting ballot by mail on the ground of disability to require the applicant to affirmatively indicate agreement with the statement "I am physically unable to enter a polling place on election day without needing personal assistance or injuring my health." The substitute changes that statement to "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health" and includes a provision absent from the original conditioning the applicant's eligibility to vote by mail on the affirmative indication.