87R2411 BRG-D

By:  González of Dallas H.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to the use of an applicant's e-mail address on a vote by mail application.

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

SECTION 1.  Section 84.011(a), Election Code, is amended to read as follows:

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

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

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

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

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

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

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

(C)  a space for entering an applicant's telephone number and e-mail address, with a statement informing the applicant that failure to furnish that information does not invalidate the application;

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

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

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

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

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

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

SECTION 2.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.015 to read as follows:

Sec. 84.015.  CONFIDENTIALITY AND USE OF E-MAIL ADDRESS. (a) An e-mail address provided under this subchapter for the purpose of applying for an early voting ballot is confidential and does not constitute public information for purposes of Chapter 552, Government Code. The early voting clerk shall ensure that a voter's e-mail address provided under this subchapter is excluded from public disclosure.

(b)  The early voting clerk may only use an e-mail address provided under this subchapter for the purposes of Section 86.001.

SECTION 3.  Section 86.001, Election Code, is amended by amending Subsection (c) and adding Subsections (f), (f-1), (f-2), and (f-3) to read as follows:

(c)  Except as provided by Section 86.008, if the applicant is not entitled to vote by mail, the clerk shall reject the application, enter on the application "rejected" and the reason for and date of rejection, [~~and~~] deliver written notice of the reason for the rejection to the applicant at both the residence address and mailing address on the application, and, if applicable, provide notice of the reason for the rejection to the applicant at an e-mail address provided on the application. A ballot may not be provided to an applicant whose application is rejected.

(f)  If an applicant provides an e-mail address on the application, the early voting clerk may reject the application on the basis of an error that may be corrected by e-mail under Subsection (f-1), only if the clerk:

(1)  makes a reasonable effort to contact the applicant by e-mail at an e-mail address provided on the application; and

(2)  does not receive a response before the seventh day after the date the clerk sent the e-mail or receives a response that does not correct the error.

(f-1)  If an applicant provides an e-mail address on the application, the applicant by e-mail may:

(1)  make clerical corrections to the application, including correcting the applicant's date of birth, correcting spelling of the applicant's name, or providing additional information to make corrections to an address or county of residence; or

(2)  submit to the early voting clerk a mailing address, if the applicant has submitted an address that is not an acceptable mailing address.

(f-2)  An applicant may not change the address or county of residence submitted on the original application to a different address or county of residence by e-mail.

(f-3)  The early voting clerk shall attach to and maintain with the original application submissions and corrections provided by e-mail under Subsection (f-1).

SECTION 4.  Section 86.008, Election Code, is amended by adding Subsection (e) to read as follows:

(e)  The clerk is not required to mail or otherwise deliver an official application or notice under Subsection (a) or (c) if an applicant corrects the application by e-mail under Section 86.001(f-1).

SECTION 5.  This Act takes effect September 1, 2021.