87R10740 MLH-D

By:  Bucy H.B. No. 4019

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

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

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

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

SECTION 3.  Subchapter A, Chapter 84, Election Code, is amended by adding Section 84.0121 to read as follows:

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

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

SECTION 4.  Section 84.013, Election Code, is amended to read as follows:

Sec. 84.013.  APPLICATION FORMS FURNISHED BY SECRETARY OF STATE. (a) The secretary of state shall maintain a supply of the official application forms for ballots to be voted by mail and shall furnish the forms in reasonable quantities without charge to individuals or organizations requesting them for distribution to voters.

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

SECTION 5.  Section 86.003, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

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

(e)  If a voter is eligible for early voting by mail on the ground of disability, the balloting materials may be provided by e-mail in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing. The secretary of state shall adopt procedures to implement this subsection.

SECTION 6.  Section 104.004(e), Election Code, is amended to read as follows:

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

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.