87R3626 SGM-D

By:  West S.B. No. 378

A BILL TO BE ENTITLED

AN ACT

relating to the electronic transmission of a ballot to a voter voting early by mail on the ground of absence from the county of residence.

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

SECTION 1.  Section 84.002(a), Election Code, is amended to read as follows:

(a)  An early voting ballot application must include:

(1)  the applicant's name and the address at which the applicant is registered to vote;

(2)  for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed or an e-mail address for the applicant to which the ballot is sent by electronic transmission;

(3)  for an application for a ballot to be voted by mail on the ground of age or disability, the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

(4)  for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5)  for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and

(6)  an indication of the ground of eligibility for early voting.

SECTION 2.  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:

(i)  indicate the date on or after which the applicant can receive mail at the address outside the county; or

(ii)  indicate that the applicant wishes to receive the balloting materials by electronic transmission and provide an e-mail address;

(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, 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 3.  Section 86.003(a), Election Code, is amended to read as follows:

(a)  Except as provided by Section 86.0031, 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.

SECTION 4.  Chapter 86, Election Code, is amended by adding Section 86.0031 to read as follows:

Sec. 86.0031.  ELECTRONIC METHOD OF PROVIDING BALLOT.  (a)  A voter voting by mail based on the ground of absence from the county of residence may elect to receive the balloting materials by electronic transmission on the voter's application for an early voting ballot to be voted by mail.

(b)  Balloting materials to be sent by electronic transmission under this section include:

(1)  the appropriate ballot;

(2)  ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted;

(3)  instructions prescribed by the secretary of state on how to create a ballot envelope and carrier envelope or signature sheet for the ballot; and

(4)  a list of certified write-in candidates, if applicable.

(c)  The balloting materials may be provided by e-mail to the voter:

(1)  in a portable document format or similar file type or through a scanned format; or

(2)  by any other method of electronic transmission authorized by the secretary of state in writing.

(d)  An e-mail address used under this section to request balloting materials is confidential and does not constitute public information for purposes of Chapter 552, Government Code. An early voting clerk shall ensure that a voter's e-mail address provided under this section is excluded from public disclosure.

(e)  The secretary of state shall prescribe procedures to implement this section.

SECTION 5.  Section 86.006, Election Code, is amended by amending Subsection (a) and adding Subsection (a-2) to read as follows:

(a)  Except as provided by Subsection (a-2), a [~~A~~] marked ballot voted under this chapter must be returned to the early voting clerk in the official carrier envelope. The carrier envelope may be delivered in another envelope and must be transported and delivered only by:

(1)  mail;

(2)  common or contract carrier; or

(3)  subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.

(a-2)  A marked ballot received through electronic transmission as provided by Section 86.0031 shall be returned to the early voting clerk by mail or common or contract carrier through the procedures prescribed by the secretary of state.

SECTION 6.  This Act takes effect September 1, 2021.