

By: Dutton

H.B. No. 704

A BILL TO BE ENTITLED

AN ACT

relating to registering to vote and voting while in custody at certain county jails and related procedures.

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

SECTION 1. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.008 to read as follows:

Sec. 43.008. COUNTY JAIL AS POLLING PLACE. (a) The county jail in a county with a population of 3.3 million or more shall serve as a polling place for any election in that county.

(b) Only a resident of the county who is in custody at the county jail and who has not been finally convicted of the offense for which the resident is in custody is eligible to vote at a polling place established under this section.

(c) A polling place established under this section must allow a voter to vote in the same elections in which the voter would be entitled to vote where the voter resides.

(d) A county jail serving as a polling place under this section must provide a voter registration application to any person in custody who requests an application and is eligible to vote at the jail as provided by this section.

SECTION 2. Chapter 63, Election Code, is amended by adding Section 63.0091 to read as follows:

Sec. 63.0091. REGISTRATION AT COUNTY JAIL POLLING PLACE; VOTING PROCEDURES. (a) This section applies to the conduct of

1 voting and to the registration of voters notwithstanding and in  
2 addition to other applicable provisions of this code.

3 (b) A person who would be eligible to vote in an election  
4 under Section 11.001, but for the requirement to be a registered  
5 voter, shall be accepted for voting at a county jail described by  
6 Section 43.008 if, on the day the person offers to vote, the person:

7 (1) is in custody at the jail and has not been finally  
8 convicted of the offense for which the person is in custody;

9 (2) submits a voter registration application that  
10 complies with Section 13.002; and

11 (3) either:

12 (A) presents proof of identification in a form  
13 described by Section 63.0101 that also establishes the person's  
14 residence in the county where the county jail is located; or

15 (B) establishes the person's identification and  
16 residence through records maintained by the county jail.

17 (c) Persons voting under this section shall be processed  
18 separately at the polling place from persons who are voting under  
19 regular procedures.

20 (d) The secretary of state shall prescribe the procedures  
21 necessary to implement this section and to ensure the proper and  
22 orderly conduct of elections.

23 SECTION 3. This Act takes effect September 1, 2021.