

By: Parker

H.B. No. 3488

A BILL TO BE ENTITLED

AN ACT

relating to identification requirements for early voting by mail.

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

SECTION 1. Section 84.001(c), Election Code, is amended to read as follows:

(c) An applicant must [~~is not required to~~] use an official application form described by Section 84.011.

SECTION 2. 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;

(1-a) the following information:

(A) the number of the applicant's election identification certificate or unexpired driver's license or personal identification card issued by the Department of Public Safety;

(B) the applicant's voter registration number;

(C) the number of the applicant's unexpired United States passport; or

(D) the applicant's social security number;

(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

1 to be mailed;

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

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

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

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

19 SECTION 3. Section 84.011(a), Election Code, is amended to
20 read as follows:

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

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

27 (2) a statement informing the applicant of the

1 offenses prescribed by Sections 84.003 and 84.004;

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

6 (3-a) a space for entering the information required
7 under Section 84.002(a)(1-a); and

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

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

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

17 (C) a space for entering an applicant's telephone
18 number, with a statement informing the applicant that failure to
19 furnish that information does not invalidate the application;

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

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

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

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

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

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

10 SECTION 4. Section 86.001, Election Code, is amended by
11 adding Subsection (f) to read as follows:

12 (f) If the application does not include the information
13 required under Section 84.002(a)(1-a), the clerk shall reject the
14 application.

15 SECTION 5. Section 86.002, Election Code, is amended by
16 adding Subsections (g) and (h) to read as follows:

17 (g) The ballot envelope must include a space for the voter
18 to enter the following information:

19 (1) the number of the voter's election identification
20 certificate or unexpired driver's license or personal
21 identification card issued by the Department of Public Safety;

22 (2) the voter's voter registration number;

23 (3) the number of the voter's unexpired United States
24 passport; or

25 (4) the voter's social security number.

26 (h) No record associating an individual voter with a ballot
27 may be created.

1 SECTION 6. Section 87.041(b), Election Code, is amended to
2 read as follows:

3 (b) A ballot may be accepted only if:

4 (1) the carrier envelope certificate is properly
5 executed;

6 (2) neither the voter's signature on the ballot
7 application nor the signature on the carrier envelope certificate
8 is determined to have been executed by a person other than the
9 voter, unless signed by a witness;

10 (3) the voter's ballot application states a legal
11 ground for early voting by mail;

12 (4) the voter is registered to vote, if registration
13 is required by law;

14 (5) the address to which the ballot was mailed to the
15 voter, as indicated by the application, was outside the voter's
16 county of residence, if the ground for early voting is absence from
17 the county of residence;

18 (6) for a voter to whom a statement of residence form
19 was required to be sent under Section 86.002(a), the statement of
20 residence is returned in the carrier envelope and indicates that
21 the voter satisfies the residence requirements prescribed by
22 Section 63.0011; ~~and~~

23 (7) the address to which the ballot was mailed to the
24 voter is an address that is otherwise required by Sections 84.002
25 and 86.003; and

26 (8) the voter has provided the information required
27 under Section 86.002(g).

1 SECTION 7. The changes in law made by this Act apply only to
2 an application to vote an early voting ballot by mail submitted on
3 or after the effective date of this Act. An application to vote an
4 early voting ballot by mail submitted before the effective date of
5 this Act is governed by the law in effect when the application was
6 submitted, and the former law is continued in effect for that
7 purpose.

8 SECTION 8. This Act takes effect September 1, 2021.