

By: Bucy

H.B. No. 3874

A BILL TO BE ENTITLED

AN ACT

relating to the transmission of balloting materials to certain disabled voters.

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

SECTION 1. Subtitle B, Title 7, Election Code, is amended by adding Chapter 101A to read as follows:

CHAPTER 101A. E-MAIL TRANSMISSION OF EARLY VOTING BALLOTING

MATERIALS TO DISABLED VOTERS

Sec. 101A.001. ELIGIBILITY; REQUEST FOR BALLOTING MATERIALS. (a) A person eligible to vote under Section 82.002 may request from the appropriate early voting clerk e-mail transmission of balloting materials under this chapter.

(b) The early voting clerk shall grant a request made under this section for the e-mail transmission of balloting materials if:

(1) the requestor has submitted a valid application for a ballot to be voted by mail on the ground of disability;

(2) the requestor provides an e-mail address with the request;

(3) the request is submitted on or before the seventh day before the date of the election; and

(4) a marked ballot for the election from the requestor has not been received by the early voting clerk.

Sec. 101A.002. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail address used under this chapter to request balloting

1 materials is confidential and does not constitute public
2 information for purposes of Chapter 552, Government Code. An early
3 voting clerk shall ensure that a voter's e-mail address provided
4 under this chapter is excluded from public disclosure.

5 Sec. 101A.003. ELECTIONS COVERED. Balloting materials may
6 be sent by e-mail under this chapter for any election in which the
7 voter who registers under this chapter is eligible to vote.

8 Sec. 101A.004. BALLOTING MATERIALS TO BE SENT BY E-MAIL.
9 Balloting materials to be sent by e-mail under this chapter
10 include:

11 (1) the appropriate ballot;
12 (2) ballot instructions, including instructions that
13 inform a voter that the ballot must be returned by mail to be
14 counted;

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

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

20 Sec. 101A.005. METHODS OF TRANSMISSION TO VOTER. (a) The
21 balloting materials may be provided by e-mail to the voter in PDF
22 format, through a scanned format, or by any other method of
23 electronic transmission authorized by the secretary of state in
24 writing.

25 (b) The secretary of state shall prescribe procedures for
26 the retransmission of balloting materials following an
27 unsuccessful transmission of the materials to a voter.

1 Sec. 101A.006. RETURN OF BALLOT. (a) A voter who receives
2 a ballot under this chapter must return the ballot in the same
3 manner as required under Section 101.057 except that a voter who
4 completes a signature sheet is not required to complete a carrier
5 envelope. Except as provided by Chapter 105, the voter may not
6 return the ballot by electronic transmission.

7 (b) A ballot that is not returned as required by Subsection
8 (a) is considered a ballot not timely returned and is not sent to
9 the early voting ballot board for processing.

10 (c) The deadline for the return of a ballot under this
11 section is the same deadline as provided in Section 86.007.

12 Sec. 101A.007. RULES. The secretary of state may adopt
13 rules as necessary to implement this chapter.

14 SECTION 2. Section 87.0223(a), Election Code, is amended to
15 read as follows:

16 (a) If the early voting clerk has provided a voter a ballot
17 to be voted by mail by both regular mail and e-mail under Chapter
18 101A or Subchapter C, Chapter 101, the clerk may not deliver a
19 jacket envelope containing the early voting ballot voted by mail by
20 the voter to the board until:

21 (1) both ballots are returned; or

22 (2) the deadline for returning marked ballots under
23 Section 86.007 has passed.

24 SECTION 3. Section 87.0431(a), Election Code, is amended to
25 read as follows:

26 (a) Not later than the 10th day after election day, the
27 presiding judge of the early voting ballot board shall deliver

1 written notice of the reason for the rejection of a ballot to the
2 voter at the residence address on the ballot application. If the
3 ballot was transmitted to the voter by e-mail under Chapter 101A or
4 Subchapter C, Chapter 101, the presiding judge shall also provide
5 the notice to the e-mail address to which the ballot was sent.

6 SECTION 4. The changes in law made by this Act apply only to
7 an election ordered on or after the effective date of this Act.

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