

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

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

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

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

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

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

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

1 the website before printing.

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

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

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

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

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

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

24 (e) If a voter is eligible for early voting by mail on the
25 ground of disability, the balloting materials may be provided by
26 e-mail in PDF format, through a scanned format, or by any other
27 method of electronic transmission authorized by the secretary of

1 state in writing. The secretary of state shall adopt procedures to
2 implement this subsection.

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

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

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