

By: West

S.B. No. 378

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the electronic transmission of a ballot to a voter
3 voting early by mail on the ground of absence from the county of
4 residence.

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

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

8 (a) An early voting ballot application must include:

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

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

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

24 (4) for an application for a ballot to be voted by mail

1 on the ground of confinement in jail, the address of the jail or of a
2 person related to the applicant within the degree described by
3 Subdivision (3);

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

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

9 SECTION 2. Section 84.011(a), Election Code, is amended to
10 read as follows:

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

13 (1) immediately preceding the signature space the
14 statement: "I certify that the information given in this
15 application is true, and I understand that giving false information
16 in this application is a crime.";

17 (2) a statement informing the applicant of the
18 offenses prescribed by Sections 84.003 and 84.004;

19 (3) spaces for entering an applicant's voter
20 registration number and county election precinct of registration,
21 with a statement informing the applicant that failure to furnish
22 that information does not invalidate the application; and

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

24 (A) a space for an applicant applying on the
25 ground of absence from the county of residence to:

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

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

4 (B) a space for indicating the fact that an
5 applicant whose application is signed by a witness cannot make the
6 applicant's mark and a space for indicating the relationship or
7 lack of relationship of the witness to the applicant;

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

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

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

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

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

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

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

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

3 (a) Except as provided by Section 86.0031, the [The]
4 balloting materials for voting by mail shall be provided to the
5 voter by mail. A ballot provided by any other method may not be
6 counted.

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

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

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

16 (1) the appropriate ballot;

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

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

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

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

27 (1) in a portable document format or similar file type

1 or through a scanned format; or

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

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

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

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

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

19 (1) mail;

20 (2) common or contract carrier; or

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

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

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