

By: Zaffirini

S.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

relating a voter unable to enter a polling place.

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

SECTION 1. Chapter 62, Election Code, is amended by adding Section 62.017 to read as follows:

Sec. 62.017. NOTICE OF CURBSIDE VOTING. (a) An election officer shall post notice regarding assistance available to voters unable to enter the polling place without assistance or likelihood of injuring the voter's health, as defined in Section 64.009 of this title.

(b) Notice under this section shall:

(1) Be printed in:

(1) English;

(2) Spanish; and

(3) Any other language in which a political subdivision is required to provide assistance under the Voting Rights Act (52 U.S.C. Section 10301 et seq.); and

(2) Include instructions regarding eligibility requirements for voting under Section 64.009.

(c) The secretary of state shall prescribe the form and content of the notice poster in accordance with this section. If it is not practical to fit all of the information required by this section on a single poster, the secretary of state may provide for the use of two or more posters to convey the information.

1 SECTION 2. Section 64.009, Election Code, is amended as
2 follows:

3 Sec. 64.009. VOTER UNABLE TO ENTER POLLING PLACE. (a) [~~If a~~]
4 In this section a voter is physically unable to enter the polling
5 place if the voter cannot do so without:

- 6 (1) personal assistance;
7 (B) likelihood of injuring the voter's health; or
8 (C) likelihood of injuring another voter's health,
9 including by infecting them with a disease with which the voter was
10 diagnosed that is capable of person-to-person transmission while
11 voting or waiting to a polling place.

12 (a-1) On the [voter's] request of a voter physically
13 unable unable to enter the polling place, an election officer shall
14 deliver a ballot at the polling place entrance or curb to:

- 15 (1) the voter; and
16 (2) a person accompanying the voter, other than the
17 driver of a vehicle hired to transport the voter to or from
18 the polls for compensation other than reimbursement for
19 milage [at the polling place entrance or curb].

20 (b) The regular voting procedures may be modified by the
21 election officer to the extent necessary to conduct voting under
22 this section.

23 (c) After the voter is accepted for voting, the voter shall
24 mark the ballot and give it to the election officer who shall
25 deposit it in the ballot box.

26 (d) On the voter's request, a person accompanying the voter
27 shall be permitted to select the voter's ballot and deposit the

1 ballot in the ballot box.

2 SECTION 3. This Act takes effect immediately if it receives a
3 vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.