

By: Bucy

H.B. No. 365

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 (1-a) the following information:

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

15 (B) if the applicant has not been issued a number
16 described by Paragraph (A), the last four digits of the applicant's
17 social security number; or

18 (C) a statement by the applicant that the
19 applicant has not been issued a number described by Paragraph (A) or
20 (B);

21 (2) for an application for a ballot to be voted by mail
22 on the ground of absence from the county of residence, the address
23 outside the applicant's county of residence to which the ballot is
24 to be mailed or an e-mail address for the applicant to which the

1 ballot is sent by electronic transmission;

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;

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

19 (7) for an application for a ballot to be voted by mail
20 on the ground of involuntary civil commitment, the address of the
21 facility operated by or under contract with the Texas Civil
22 Commitment Office or of a person related to the applicant within the
23 degree of consanguinity described by Subdivision (3).

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

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

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

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

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

11 (3-a) a space for entering the information required
12 under Section 84.002(a)(1-a); and

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

14 (A) a space for an applicant applying on the
15 ground of absence from the county of residence to indicate:

16 (i) the date on or after which the applicant
17 can receive mail at the address outside the county; or

18 (ii) that the applicant wishes to receive
19 the balloting materials by electronic transmission and provide an
20 e-mail address;

21 (B) a space for indicating the fact that an
22 applicant whose application is signed by a witness cannot make the
23 applicant's mark and a space for indicating the relationship or
24 lack of relationship of the witness to the applicant;

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

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

5 (E) a space or box for an applicant applying on
6 the ground of confinement in jail or involuntary civil commitment
7 to indicate that the address to which the ballot is to be mailed is
8 the address of a relative described by Section 84.002(a)(4) or (7),
9 if applicable;

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

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

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

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

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

21 (a) Except as provided by Section 86.0031, the ~~[The]~~
22 balloting materials for voting by mail shall be provided to the
23 voter by mail. A ballot provided by any other method may not be
24 counted.

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

27 Sec. 86.0031. ELECTRONIC METHOD OF PROVIDING

1 BALLOT. (a) A voter voting by mail on the ground of absence from
2 the voter's county of residence may elect to receive the balloting
3 materials by electronic transmission on the voter's application for
4 an early voting ballot to be voted by mail.

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

7 (1) the appropriate ballot;

8 (2) ballot instructions, including instructions that
9 inform a voter that the ballot must be returned by mail to be
10 counted;

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

14 (4) a list of certified write-in candidates, if
15 applicable.

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

18 (1) in a portable document format or similar file type
19 or through a scanned format; or

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

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

27 (e) The secretary of state shall prescribe procedures to

1 implement this section.

2 SECTION 5. Section 86.006, Election Code, is amended by
3 amending Subsection (a) and adding Subsection (a-3) to read as
4 follows:

5 (a) Except as provided by Subsection (a-3), a [A] marked
6 ballot voted under this chapter must be returned to the early voting
7 clerk in the official carrier envelope. The carrier envelope may
8 be delivered in another envelope and must be transported and
9 delivered only by:

10 (1) mail;

11 (2) common or contract carrier; or

12 (3) subject to Subsections (a-1) and (a-2), in-person
13 delivery by the voter who voted the ballot.

14 (a-3) A marked ballot received through electronic
15 transmission as provided by Section 86.0031 shall be returned to
16 the early voting clerk by mail or common or contract carrier through
17 the procedures prescribed by the secretary of state.

18 SECTION 6. This Act takes effect September 1, 2023.