

By: Bucy

H.B. No. 2776

A BILL TO BE ENTITLED

AN ACT

relating to early voting by mail.

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

SECTION 1. Chapter 81, Election Code, is amended by adding Section 81.006 to read as follows:

Sec. 81.006. ACCESSIBLE ABSENTEE BALLOT SYSTEM. (a) A person eligible for early voting by mail under Section 82.002 or Section 101.001 as a person described by Section 101.001(2)(A) may cast a ballot using an accessible absentee mail system, notwithstanding any other provision of this title.

(b) An accessible absentee mail system must be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter's ballot and print and submit the ballot in the manner required by law for a ballot marked by the voter.

(c) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

SECTION 2. 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

1 of balloting materials under this chapter.

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

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

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

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

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

12 Sec. 101A.002. CONFIDENTIALITY OF E-MAIL ADDRESS. An  
13 e-mail address used under this chapter to request balloting  
14 materials is confidential and does not constitute public  
15 information for purposes of Chapter 552, Government Code. An early  
16 voting clerk shall ensure that a voter's e-mail address provided  
17 under this chapter is excluded from public disclosure.

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

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

24 (1) the appropriate ballot;

25 (2) ballot instructions, including instructions that  
26 inform a voter that the ballot must be returned by mail to be  
27 counted;

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

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

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

11           (b) The secretary of state shall prescribe procedures for  
12 the retransmission of balloting materials following an  
13 unsuccessful transmission of the materials to a voter.

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

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

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

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

27           SECTION 3. Section 87.0223(a), Election Code, is amended to

1 read as follows:

2 (a) If the early voting clerk has provided a voter a ballot  
3 to be voted by mail by both regular mail and e-mail under Chapter  
4 101A or Subchapter C, Chapter 101, the clerk may not deliver a  
5 jacket envelope containing the early voting ballot voted by mail by  
6 the voter to the board until:

7 (1) both ballots are returned; or

8 (2) the deadline for returning marked ballots under  
9 Section 86.007 has passed.

10 SECTION 4. Section 87.0431(a), Election Code, is amended to  
11 read as follows:

12 (a) Not later than the 10th day after election day, the  
13 presiding judge of the early voting ballot board shall deliver  
14 written notice of the reason for the rejection of a ballot to the  
15 voter at the residence address on the ballot application. If the  
16 ballot was transmitted to the voter by e-mail under Chapter 101A or  
17 Subchapter C, Chapter 101, the presiding judge shall also provide  
18 the notice to the e-mail address to which the ballot was sent.

19 SECTION 5. The changes in law made by this Act apply only to  
20 an election ordered on or after the effective date of this Act.

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