

By: Hall

S.B. No. 1338

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of certain persons to vote early by
3 mail.

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

5 SECTION 1. Section 82.003, Election Code, is repealed.

6 SECTION 2. 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;

1 (3) for an application for a ballot to be voted by mail
2 on the ground of [~~age or~~] disability, the address of the hospital,
3 nursing home or other long-term care facility, or retirement
4 center, or of a person related to the applicant within the second
5 degree by affinity or the third degree by consanguinity, as
6 determined under Chapter 573, Government Code, if the applicant is
7 living at that address and that address is different from the
8 address at which the applicant is registered to vote;

9 (4) for an application for a ballot to be voted by mail
10 on the ground of confinement in jail, the address of the jail or of a
11 person related to the applicant within the degree described by
12 Subdivision (3);

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

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

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

23 SECTION 3. Section 84.011(a), Election Code, is amended to
24 read as follows:

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

27 (1) immediately preceding the signature space the

1 statement: "I certify that the information given in this
2 application is true, and I understand that giving false information
3 in this application is a crime.";

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

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

10 (3-a) a space for entering the information required
11 under Section 84.002(a)(1-a); and

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

13 (A) a space for an applicant applying on the
14 ground of absence from the county of residence to indicate the date
15 on or after which the applicant can receive mail at the address
16 outside the county;

17 (B) a space for indicating the fact that an
18 applicant whose application is signed by a witness cannot make the
19 applicant's mark and a space for indicating the relationship or
20 lack of relationship of the witness to the applicant;

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

24 (D) a space or box for an applicant applying on
25 the ground of [~~age or~~] disability to indicate that the address to
26 which the ballot is to be mailed is the address of a facility or
27 relative described by Section 84.002(a)(3), if applicable;

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

6 (F) a space for an applicant applying on the
7 ground of [~~age or~~] disability to indicate if the application is an
8 application under Section 86.0015;

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

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

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

15 SECTION 4. Section 86.0015(a), Election Code, is amended to
16 read as follows:

17 (a) This section applies only to an application for a ballot
18 to be voted by mail that:

19 (1) indicates the ground of eligibility is [~~age or~~]
20 disability; and

21 (2) does not specify the election for which a ballot is
22 requested or has been marked by the applicant as an application for
23 more than one election.

24 SECTION 5. Section 86.003(c), Election Code, is amended to
25 read as follows:

26 (c) The address to which the balloting materials must be
27 addressed is the address at which the voter is registered to vote,

1 or the registered mailing address if different, unless the ground
2 for voting by mail is:

3 (1) absence from the county of residence, in which
4 case the address must be an address outside the voter's county of
5 residence;

6 (2) confinement in jail, in which case the address
7 must be the address of the jail or of a relative described by
8 Section 84.002(a)(4);

9 (3) ~~age or~~ disability and the voter is living at a
10 hospital, nursing home or other long-term care facility, or
11 retirement center, or with a relative described by Section
12 84.002(a)(3), in which case the address must be the address of that
13 facility or relative; or

14 (4) involuntary civil commitment, in which case the
15 address must be the address of the facility or of a relative
16 described by Section 84.002(a)(7).

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