

By: Bucy

H.B. No. 277

A BILL TO BE ENTITLED

AN ACT

relating to early voting by mail by any qualified voter and to the repeal of certain criminal offenses concerning the solicitation and distribution of an application to vote by mail.

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

SECTION 1. Section 13.002(e), Election Code, is amended to read as follows:

(e) Notwithstanding Section 82.005, a [A] person who is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B, Chapter 58, Code of Criminal Procedure, is not eligible for early voting by mail ~~[under Section 82.007]~~ unless the person submits an application under this section by personal delivery. The secretary of state may adopt rules to implement this subsection.

SECTION 2. Section 82.005, Election Code, is amended to read as follows:

Sec. 82.005. ELIGIBILITY FOR EARLY VOTING ~~[BY PERSONAL APPEARANCE]~~. Any qualified voter is eligible for early voting by mail or personal appearance.

SECTION 3. Section 82.007, Election Code, is amended to read as follows:

Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Notwithstanding Section 82.005, a [A] qualified voter who, ~~[is eligible for early voting by mail if:~~

1 ~~[(1) the voter submitted a registration application by~~
2 ~~personal delivery as required by Section 13.002(e), and~~

3 ~~[(2)]~~ at the time the voter's early voting ballot
4 application is submitted, ~~[the voter]~~ is certified for
5 participation in the address confidentiality program administered
6 by the attorney general under Subchapter B, Chapter 58, Code of
7 Criminal Procedure, is eligible for early voting by mail only if the
8 voter submitted a registration application by personal delivery as
9 required by Section 13.002(e).

10 SECTION 4. Section 84.001(a), Election Code, is amended to
11 read as follows:

12 (a) To be entitled to vote an early voting ballot by mail, a
13 person ~~[who is eligible for early voting]~~ must make an application
14 for an early voting ballot to be voted by mail as provided by this
15 title.

16 SECTION 5. Section 84.002(a), Election Code, is amended to
17 read as follows:

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

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

21 (1-a) the following information:

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

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

1 (C) a statement by the applicant that the
2 applicant has not been issued a number described by Paragraph (A) or
3 (B);

4 (2) for an application for a ballot to be voted by mail
5 by an applicant who will be absent from the applicant's ~~[on the~~
6 ~~ground of absence from the]~~ county of residence on election day, the
7 address outside the applicant's county of residence to which the
8 ballot is to be mailed;

9 (3) for an application for a ballot to be voted by mail
10 by an applicant who is 65 years of age or older on election day or
11 has a sickness or physical condition that requires the applicant to
12 reside in a hospital or nursing home or other long-term care
13 facility, in a retirement center, or with a relative ~~[on the ground~~
14 ~~of age or disability]~~, the address of the hospital, nursing home or
15 other long-term care facility, or retirement center, or of a person
16 related to the applicant within the second degree by affinity or the
17 third degree by consanguinity, as determined under Chapter 573,
18 Government Code, if the applicant is living at that address and that
19 address is different from the address at which the applicant is
20 registered to vote;

21 (4) for an application for a ballot to be voted by mail
22 by an applicant who is confined ~~[on the ground of confinement]~~ in
23 jail as described by Section 84.009(a), the address of the jail or
24 of a person related to the applicant within the degree described by
25 Subdivision (3);

26 (5) ~~[for an application for a ballot to be voted by~~
27 ~~mail on any ground,~~] an indication of each election for which the

1 applicant is applying for a ballot; and

2 (6) ~~[an indication of the ground of eligibility for~~
3 ~~early voting; and~~

4 ~~[(7)]~~ for an application for a ballot to be voted by
5 mail by an applicant who is civilly committed as a sexually violent
6 predator under Chapter 841, Health and Safety Code, and ordered as
7 a condition of civil commitment to reside in a facility operated by
8 or under contract with the Texas Civil Commitment Office ~~[on the~~
9 ~~ground of involuntary civil commitment]~~, the address of the
10 facility operated by or under contract with the Texas Civil
11 Commitment Office or of a person related to the applicant within the
12 degree of consanguinity described by Subdivision (3).

13 SECTION 6. Section 84.009, Election Code, is amended by
14 amending Subsection (a) and adding Subsection (b) to read as
15 follows:

16 (a) This section applies only to an applicant who, at the
17 time the application for a ballot to be voted by mail is submitted,
18 is confined in jail:

19 (1) serving a misdemeanor sentence for a term that
20 ends on or after election day;

21 (2) pending trial after denial of bail;

22 (3) without bail pending an appeal of a felony
23 conviction; or

24 (4) pending trial or appeal on a bailable offense for
25 which release on bail before election day is unlikely.

26 (b) On request of the applicant, an application for a ballot
27 to be voted by mail ~~[on the ground of confinement in jail]~~ may be

submitted to the early voting clerk, at the discretion of the authority in charge of the jail, by personal delivery by the jail authority or by a designated subordinate of the authority.

SECTION 7. Section 84.011(a), Election Code, is amended to read as follows:

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

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

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

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

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

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

(A) a space for an applicant ~~[applying on the ground of absence from the county of residence]~~ to indicate whether the applicant will be absent from the applicant's county of residence on election day and, if applicable, the date on or after which the applicant can receive mail at the address outside the county;

(B) a space for indicating the fact that an

applicant whose application is signed by a witness cannot make the applicant's mark and a space for indicating the relationship or lack of relationship of the witness to the applicant;

(C) a space for entering an applicant's telephone number, with:

(i) a statement informing the applicant that failure to furnish that information does not invalidate the application; and

(ii) a statement prescribed by the secretary of state explaining the benefits of furnishing that information, including how that information assists the early voting clerk;

(D) a space or box for an applicant who is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, in a retirement center, or with a relative, ~~[applying on the ground of age or disability]~~ to indicate that the address to which the ballot is to be mailed is the address of a facility or relative described by Section 84.002(a)(3), if applicable;

(E) a space or box for an applicant who is confined ~~[applying on the ground of confinement]~~ in jail as described by Section 84.009(a) or who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office, ~~[involuntary civil commitment]~~ to indicate that

1 the address to which the ballot is to be mailed is the address of a
2 relative described by Section 84.002(a)(4) or (6) [~~(7)~~], if
3 applicable;

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

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

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

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

13 SECTION 8. Sections 86.001(b) and (c), Election Code, are
14 amended to read as follows:

15 (b) If the application complies with the applicable
16 requirements prescribed by this title [~~applicant is entitled to~~
17 ~~vote an early voting ballot by mail~~], the clerk shall provide an
18 official ballot to the applicant as provided by this chapter.

19 (c) Except as provided by Section 86.008, if the applicant
20 is not entitled to vote in the election [~~by mail~~], the clerk shall
21 reject the application, enter on the application "rejected" and the
22 reason for and date of rejection, and deliver written notice of the
23 reason for the rejection to the applicant at both the residence
24 address and mailing address on the application. A ballot may not be
25 provided to an applicant whose application is rejected.

26 SECTION 9. Section 86.0015(a), Election Code, is amended to
27 read as follows:

(a) This section applies only to an application for a ballot to be voted by mail that[+]

~~[(1) indicates the ground of eligibility is age or disability, and~~

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

SECTION 10. Section 86.003(c), Election Code, is amended to read as follows:

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the application to vote early by mail indicates that the voter ~~[ground for voting by mail is]~~:

(1) will be absent from the voter's ~~[absence from the]~~ county of residence on election day, in which case the address must be an address outside the voter's county of residence;

(2) is confined ~~[confinement]~~ in jail as described by Section 84.009(a), in which case the address must be the address of the jail or of a relative described by Section 84.002(a)(4);

(3) is 65 years of age or older on election day or has a sickness or physical condition that requires the applicant to reside in a hospital or nursing home or other long-term care facility, in a retirement center, or with a relative, ~~[age or disability]~~ and ~~[the voter]~~ is living at a hospital, nursing home or other long-term care facility, or retirement center, or with a relative described by Section 84.002(a)(3), in which case the

1 address must be the address of that facility or relative; or

2 (4) is civilly committed as a sexually violent
3 predator under Chapter 841, Health and Safety Code, and ordered as a
4 condition of civil commitment to reside in a facility operated by or
5 under contract with the Texas Civil Commitment Office [~~involuntary~~
6 ~~civil commitment~~], in which case the address must be the address of
7 the facility or of a relative described by Section 84.002(a)(6)
8 [~~84.002(a)(7)~~].

9 SECTION 11. Section 86.004(b), Election Code, is amended to
10 read as follows:

11 (b) For an election to which Section 101.104 applies, the
12 balloting materials for a voter who indicates on the application
13 for a ballot to be voted by mail or the federal postcard application
14 that the voter seeks [~~is eligible~~] to vote early by mail as a
15 consequence of the voter's being outside the United States shall be
16 mailed on or before the later of the 45th day before election day or
17 the seventh calendar day after the date the clerk receives the
18 application. However, if it is not possible to mail the ballots by
19 the deadline of the 45th day before election day, the clerk shall
20 notify the secretary of state within 24 hours of knowing that the
21 deadline will not be met. The secretary of state shall monitor the
22 situation and advise the clerk, who shall mail the ballots as soon
23 as possible in accordance with the secretary of state's guidelines.

24 SECTION 12. Section 87.041(b), Election Code, is amended to
25 read as follows:

26 (b) A ballot may be accepted only if:

27 (1) the carrier envelope certificate is properly

1 executed;

2 (2) neither the voter's signature on the ballot
3 application nor the signature on the carrier envelope certificate
4 is determined to have been executed by a person other than the
5 voter, unless signed by a witness;

6 (3) ~~the voter's ballot application states a legal~~
7 ~~ground for early voting by mail;~~

8 ~~[(4)]~~ the voter is registered to vote, if registration
9 is required by law;

10 (4) ~~[(5)] the address to which the ballot was mailed to~~
11 ~~the voter, as indicated by the application, was outside the voter's~~
12 ~~county of residence, if the ground for early voting is absence from~~
13 ~~the county of residence;~~

14 ~~[(6)]~~ for a voter to whom a statement of residence form
15 was required to be sent under Section 86.002(a), the statement of
16 residence is returned in the carrier envelope and indicates that
17 the voter satisfies the residence requirements prescribed by
18 Section 63.0011;

19 (5) ~~[(7)]~~ the address to which the ballot was mailed
20 to the voter is an address ~~[that is otherwise]~~ required by Sections
21 84.002 and 86.003; and

22 (6) ~~[(8)]~~ the information required under Section
23 86.002(g) provided by the voter identifies the same voter
24 identified on the voter's application for voter registration under
25 Section 13.002(c)(8).

26 SECTION 13. Section 102.001(a), Election Code, is amended
27 to read as follows:

1 (a) A qualified voter is eligible to vote a late ballot as
2 provided by this chapter if the voter has a sickness or physical
3 condition [~~described by Section 82.002~~] that prevents the voter
4 from appearing at the polling place on election day without a
5 likelihood of needing personal assistance or of injuring the
6 voter's health and originates on or after the day before the last
7 day for submitting an application for a ballot to be voted by mail.

8 SECTION 14. The following provisions of the Election Code
9 are repealed:

- 10 (1) Section 82.001;
- 11 (2) Section 82.002;
- 12 (3) Section 82.003;
- 13 (4) Section 82.004;
- 14 (5) Section 82.008;
- 15 (6) Sections 84.002(b) and (c);
- 16 (7) Section 84.0111;
- 17 (8) Section 112.002(b);
- 18 (9) Section 276.016; and
- 19 (10) Section 276.017.

20 SECTION 15. The changes in law made by this Act apply only
21 to an election ordered on or after November 1, 2025.

22 SECTION 16. This Act takes effect on the 91st day after the
23 last day of the legislative session.