**BILL ANALYSIS**

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| Senate Research Center | S.B. 2753 |
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**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Election Code has been compiled over time, pieced together to accommodate changing ballot styles, methods of voting, times for voting, and convenience. What began as a single day event involving paper and pencil has evolved into an extended event involving early voting, voting by mail, and in person voting with each method having its own set of processes and procedures. Our quest for convenience in the process has caused us to lose trust in the system.

S.B. 2753 would begin to unwind that complicated system in the following ways:

1. The bill would provide for only two methods of voting – by mail or in-person. (pg. 3)

In-Person (pg. 6-53).

The gap between early voting and Election Day would be removed to establish a single voting period that runs from the second Monday before Election Day through Election Day.

All procedures which apply on Election Day would apply throughout the voting period.

By Mail (pg. 54-120):

* The bill retains the procedures for voting by mail.
* To qualify for voting by mail, a voter must be:
* Absent from county of residence;
* Disabled or confined for childbirth;
* Confined in jail;
* Participating in address confidentiality program; or
* Civilly committed as a sexually violent predator.
* Note: The provision for able-bodied individuals 65 or older to vote by mail has been removed and will be replace with a committee amendment.
1. The bill would repeal the countywide polling program (pg. 248) and allow counties to create Voting Centers (pg. 4) to reduce the number of locations and workers needed.
* The county could assign one or more precincts to a Voting Center.
* Each Voting Center may serve up to 5,000 voters.
* Each voter would be assigned to a specific Voting Center.
* The Voting Center would be open for voting throughout the in-person voting period
* The repeal of countywide polling would remove the need to move or re-deploy machines between early voting and Election Day.
1. Miscellaneous changes to conform or adapt procedures:
	* Hours of operation for large counties and smaller counties (pg. 4);
	* Title 7 of the Election Code (Early Voting) has been deleted because in-person voting removes the need for it. However, voting by mail remains an option, so language, except for conforming changes, is moved rather than changed and appears as underlined in the bill.
	* The Early Voting Board is changed to the Mail Ballot Board and performs signature verification.
2. Article 2 of the bill is strictly conforming amendments. (pgs. 197-247)
3. Article 3 of the bill is statutes repealed. (pg. 248)

Though the bill looks intimidating, the changes are relatively minor. In order to make the changes,  Title 7 of the Election Code concerning Early Voting was deleted in its entirety and references to "early voting" were changed to "vote by mail" or "in person voting."  Chapters 65, 66, 67, and 68 were repealed and re-incorporated in a new section in the bill to accommodate the changes in procedures.

Instead of having two sets of processes for early voting and Election Day, the process used at the polls are the same from the time the voting period begins until the polls close on Election Day.

As proposed, S.B. 2753 amends current law relating to the time, place, and manner of voting, including abolishing early and absentee voting, providing for a voting period, and establishing voting centers, and reestablishes criminal offenses and authorizes certain fees.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 1.010 (Section 64.014, Election Code) and SECTION 1.011 (Sections 72.037, 73.013, 73.015, 74.007, 74.052, 74.108, 74.109, 92.027, 92.0431, 92.201, 92.206, and 93.004, Election Code) of this bill.

Rulemaking authority previously granted to the secretary of state is modified in SECTION 2.013 (Section 13.002, Election Code) and SECTION 2.023 (Section 31.014, Election Code) of this bill.

Rulemaking authority previously granted to the secretary of state is rescinded in SECTION 3.001 (Sections 66.004, 84.037, 86.013, 86.015, 87.028, 87.0431, 87.121, 87.126, 101.007, 101.052, 101.108, and 101.109, Election Code) of this bill.

**SECTION BY SECTION ANALYSIS**

ARTICLE 1. CONDUCT OF ELECTIONS

SECTION 1.001. Amends Chapter 31, Election Code, by adding Subchapter B-1, as follows:

SUBCHAPTER B-1. DEPUTY CLERK FOR VOTING BY MAIL

Sec. 31.061. DEPUTY CLERK GENERALLY. (a) Authorizes deputy clerks to be appointed as provided by this subchapter to assist the county clerk in administering voting by mail in the county.

(b) Provides that a deputy clerk under this subchapter is an officer of the election in which the deputy serves.

(c) Provides that a deputy clerk under this subchapter has the same authority as the county clerk in conducting voting by mail, subject to the county clerk's supervision.

Sec. 31.062. DEPUTY FOR COUNTY CLERK OR CITY SECRETARY. (a) Authorizes a county clerk or city secretary, in an election in which the county clerk or city secretary is performing the functions of a county clerk with regard to voting by mail, by written order to appoint one or more of that officer's permanent deputies as deputy clerks under this subchapter. Authorizes the clerk or secretary to appoint temporary deputies to serve as deputy clerks under this subchapter in accordance with the law applicable to the appointment of deputies generally.

(b) Requires a temporary deputy, for the temporary deputy to be eligible for appointment as a deputy clerk under this section, to meet the requirements for eligibility for service as a presiding election judge, except that:

(1) an appointee is not required to be a qualified voter of any particular territory other than the county, in the case of an appointment by a county clerk, or the city, in the case of an appointment by a city secretary;

(2) in an election in which the county clerk is a candidate, an appointee's status as an employee of the clerk does not make the appointee ineligible for appointment as a deputy clerk; and

(3) an appointee who is a permanent employee of the county or city, as applicable, and a qualified voter of any territory is not required to be a qualified voter of the county or city, as applicable.

Sec. 31.063. DEPUTY FOR OTHER CLERKS. (a) Authorizes the authority appointing the clerk, by written order, in an election in which a person other than a county clerk or a city secretary is performing the functions of a county clerk with regard to voting by mail, to appoint one or more deputy clerks under this subchapter.

(b) Requires a person, to be eligible for appointment as a deputy clerk under this section, to the requirements for eligibility for appointment as the county clerk.

Sec. 31.064. EMPLOYEE OF POLITICAL SUBDIVISION SERVING AS DEPUTY. Authorizes an employee of a political subdivision to serve as a deputy clerk under this subchapter in an election affecting the political subdivision if the political subdivision's governing body approves the appointment.

SECTION 1.002. Amends Section 32.003, Election Code, as follows:

Sec. 32.003. New heading: JUDGES FOR VOTING CENTER. Requires the commissioners court, if election precincts are assigned to a voting center, to appoint election judges to serve in each voting center from among the judges appointed for the precincts assigned to the voting center. Deletes existing text requiring the commissioners court, if election precincts are consolidated in a special election in which the regular county election precincts are required to be used, to appoint the election judges to serve in each consolidated precinct from among the judges appointed for the precincts comprising the consolidated precinct.

SECTION 1.003. Amends Subchapter A, Chapter 41, Election Code, by adding Sections 41.009 and 41.010, as follows:

Sec. 41.009. METHOD OF VOTING. Provides that a voter in this state is authorized only to cast a ballot in person on election day or during the voting period or by mail in the time and manner provided by the Election Code.

Sec. 41.010. VOTING PERIOD. Provides that the voting period begins on the eighth day before election day and continues through the day before election day, including Saturdays, Sundays, and holidays.

SECTION 1.004. Amends Section 41.031, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that the polls, on election day, be opened at 7 a.m. for voting and closed at 7 p.m., except as provided by Section 41.033 (Early Closing of Certain Polls). Makes a nonsubstantive change.

(a-1) Requires that the polls, on each day of the voting period, be open for voting:

(1) in a county with a population of 50,000 or more, for the same hours as on election day; and

(2) in a county with a population of less than 50,000, for not fewer than eight consecutive hours between 6 a.m. and 7 p.m., provided the polls are required to be open for voting for the same hours each day of the voting period.

SECTION 1.005. Amends Section 42.002(b), Election Code, as follows:

(b) Prohibits county election precincts, except as provided by Section 42.0052, rather than by Sections 42.008 (Consolidating Precincts in Special Election) and 42.009 (Consolidating Precincts in Primary Election), from being combined or consolidated for an election.

SECTION 1.006. Amends Subchapter A, Chapter 42, Election Code, by adding Section 42.0052, as follows:

Sec. 42.0052. VOTING CENTERS. (a) Authorizes the commissioners court to create one or more voting centers in the county. Provides that, except as provided by this section, a voting center is a polling place and is subject to all laws applicable to a polling place.

(b) Authorizes the commissioners court to assign one or more election precincts to a voting center. Prohibits a precinct that is assigned to a voting center from operating a separate polling place for the precinct.

(c) Prohibits election precincts assigned to a voting center from serving a total of more than 5,000 registered voters.

(d) Prohibits the number of voters served by the smallest voting center in the county, if the commissioners court creates more than one voting center, from being less than 95 percent of the number of voters served by the largest voting center in the county.

SECTION 1.007. Amends Section 43.002(b), Election Code, to require the commissioners court, if county election precincts are assigned to a voting center under Section 42.0052, rather than consolidated, to designate the location of the voting center, rather than requiring the commissioners court, if county election precincts are consolidated, to designate the location of the polling place for the consolidated precinct.

SECTION 1.008. Amends Section 43.003, Election Code, as follows:

Sec. 43.003. DESIGNATION OF LOCATION: PRIMARY ELECTION. Requires the county chair of a political party holding a primary election to designate the polling location of the polling place for each election precinct in the primary unless the precinct is one that is assigned to a voting center under Section 42.0052, rather than unless the precinct is consolidated. Requires the county executive committee, in that case, to designate the location of the voting center.

SECTION 1.009. Amends Title 6, Election Code by adding Subtitle A, and adding a heading to that subtitle, to read as follows:

SUBTITLE A. VOTING IN PERSON

SECTION 1.010. Transfers Chapters 61, 62, 63, and 64, Election Code, to Subtitle A, Title 6, Election Code, as added by this Act, reenacts them, and amends them, as follows:

CHAPTER 61. New heading: CONDUCT OF VOTING IN PERSON GENERALLY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. (a) Prohibits person, except as permitted by this code and as described by Subsection (b) (relating to authorizing certain persons to be lawfully present in a polling place during the time described by Subsection (a)), rather than Subsection (a-1), from being in a polling place from the time the presiding judge arrives there on the first day of the voting period, rather than on election day, to make the preliminary arrangements until the precinct returns have been certified and the election records have been assembled for distribution following the election.

(b)-(e) Makes nonsubstantive changes to these subsections.

Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING. (a) Requires the presiding election judge or alternate election judge, immediately before opening the polls for voting on the first day of the voting period, rather than on the first day of early voting and on election day, to confirm that each voting machine has any public counter reset to zero and print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE. (a) Provides that a person commits an offense if, while the polls are open for voting, rather than during the voting period, and within 100 feet of an outside door through which a voter is authorized to enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

(b) Redesignates existing Subsection (a-1) as Subsection (b). Makes a conforming change.

(c) Redesignates existing Subsection (b) as Subsection (c). Deletes existing text defining "voting period."

(d) Redesignates existing Subsection (c) as Subsection (d). Makes no further changes.

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK. (a) Makes a conforming change to this subsection.

(b) Makes no changes to this subsection.

(c) Redesignates existing Subsection (d) as Subsection (c). Deletes existing text defining "voting period."

Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, AND ENVELOPES. (a) Makes no changes to this subsection.

(b) Requires that the ballots, ballot boxes, and envelopes used for provisional ballots at a polling place, from the time the polls open for voting on the first day of the voting period until the precinct returns have been certified, be in plain view of at least one election officer while polls are open or secured in the manner prescribed by the secretary of state (SOS) while polls are closed. Makes a nonsubstantive change.

(c) Makes no changes to this subsection.

Sec. 61.006. UNLAWFULLY DIVULGING VOTE. Makes no changes to this section.

Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE. (a)-(b) Makes no changes to these subsections.

(c) Requires the presiding judge, on each day of the voting period and on election day, beginning at 9:30 a.m. and at each subsequent two-hour interval through 5:30 p.m., to post written notice of the total number of voters who have voted in the precinct. Provides that the presiding judge in a county described by Section 41.031(a-1)(2) is not required to post the notice if, at a time for posting the notice during the voting period, polls are not open for voting.

Sec. 61.008. UNLAWFULLY INFLUENCING VOTER. Makes no changes to this section.

Sec. 61.009. INSTRUCTING VOTER ON CASTING BALLOT. Makes no changes to this section.

Sec. 61.010. WEARING NAME TAG OR BADGE IN POLLING PLACE. Makes no changes to this section.

Sec. 61.011. REMOVING WRITTEN COMMUNICATIONS FOUND IN POLLING PLACE. Makes no changes to this section.

Sec. 61.012. ACCESS BY PERSONS WITH DISABILITIES. (a) Requires that each polling place, except as provided by Section 61.013, provide at least one voting station that complies with certain provisions, including the requirements for accessibility under 52 U.S.C. Section 21081(a)(3), rather than 42 U.S.C. Section 15481(a)(3), and its subsequent amendments and provide practical and effective means for voters with physical disabilities to cast a secret ballot.

Sec. 61.013. ACCESS BY PERSON WITH DISABILITIES: ELECTIONS OF CERTAIN POLITICAL SUBDIVISIONS. (a) Provides that, for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, the political subdivision is not required to meet the requirements of Section 61.012(a)(1)(C) (relating to requiring that a polling place comply with 52 U.S.C. Section 21081(a)(3)) if the political subdivision:

(1) makes no changes to this subdivision;

(2) makes a conforming change to this subsection;

(3) is a county with a population of 5,000 or more but less than 10,000, and the county provides at least one voting station that meets the requirements for accessibility under 52 U.S.C. Section 21081(a)(3), rather than 42 U.S.C. Section 15481(a)(3), on election day and during the voting period, rather than during the period for early voting by personal appearance;

(4) makes conforming changes to this subdivision; or

(5) makes no changes to this subdivision.

(b) Requires a voter with a disability who desires a reasonable accommodation to vote in an election of a county described by Subsection (a)(1) (relating to a county with a population of less than 2,000) or a political subdivision located in that county to make a request for the accommodation with the county, rather than early voting, clerk of the county or political subdivision not later than the 21st day before the date of the election. Makes a conforming change.

(c) Makes no changes to this subsection.

(d) Makes conforming changes to this subsection.

(e)-(f) Makes no changes to these subsections.

Sec. 61.014. USE OF CERTAIN DEVICES. Makes no changes to this section.

SUBCHAPTER B. INTERPRETER

Makes no changes to this subchapter.

SUBCHAPTER C. VOTING BY DISABLED VOTER FROM
VOTING SYSTEM PRECINCT

Sec. 61.041. ELIGIBILITY. Provides that a qualified voter in whose precinct polling place voting is conducted by voting machine is eligible to vote by the mail ballot procedure provided by this subchapter if the voter has a sickness or physical condition that prevents the voter from voting in the regular manner without personal assistance or a likelihood of injuring the voter's health.

Sec. 61.042. FORM AND CONTENTS OF APPLICATION. Requires that an application to vote by mail under this subchapter be in the form of an affidavit and include, in addition to the information required by the applicable provisions of Section 72.002, a statement that the applicant has not previously voted in the election.

Sec. 61.043. TIME AND PLACE FOR VOTING. Requires that voting under this subchapter be conducted on election day, beginning at 7 a.m. and concluding at 7 p.m., at the county clerk's office. Authorizes the county clerk, however, if the mail ballots are processed at a location other than the county clerk's office, to require the voting to be conducted at that location.

Sec. 61.044. VOTING PROCEDURE. (a) Requires the county clerk, on submission of an application to the county clerk, to review the application and verify the applicant's registration status in accordance with the procedure applicable to voting by mail.

(b) Requires that the voting be conducted with the balloting materials for voting by mail.

(c) Requires the voter to mark and seal the ballot in the same manner as if voting by mail except that the certificate on the carrier envelope need not be completed.

(d) Requires the voter, on sealing the carrier envelope, to give it to the clerk, who is required to note on the envelope that the ballot is voted under this subchapter.

(e) Requires the clerk, if the voter is physically unable to enter the county clerk's office without personal assistance or a likelihood of injuring the voter's health, to deliver the balloting materials to the voter at the office's entrance or curb following the procedures prescribed by Section 64.009 (Voter Unable to Enter Polling Place).

Sec. 61.045. PROCESSING RESULTS. Requires that the results of voting under this subchapter be processed in accordance with the procedures applicable to processing mail ballots.

Sec. 61.046. ENTRY ON SIGNATURE ROSTER. Requires that the signature roster include the name of each person voting under this subchapter with a notation indicating that the person voted under this subchapter.

CHAPTER 62. PRELIMINARY ARRANGEMENTS

Sec. 62.001. OFFICERS TO ASSEMBLE. (a) Requires the presiding judge and the election clerks the judge assigns to assist with preparing the polling place, on each day of the voting period and on election day, to meet at the polling place in time to prepare it to receive the voters.

(b) Makes no changes to this subsection.

Sec. 62.002. TIME FOR COMPLETING ARRANGEMENTS. Makes no changes to this section.

Sec. 62.003. ELECTION OFFICERS: OATH AND IDENTIFICATION. Makes no changes to this section.

Sec. 62.004. ARRANGING VOTING STATIONS. Makes no changes to this section.

Sec. 62.005. EXAMINING BALLOT BOXES. Makes no changes to this section.

Sec. 62.006. PLACING BOX FOR DEPOSIT OF MARKED BALLOTS. Makes no changes to this section.

Sec. 62.007. EXAMINING BALLOTS. Makes no changes to this section.

Sec. 62.008. PRESIDING JUDGE TO SIGN BALLOTS. Makes no changes to this section.

Sec. 62.009. DISARRANGING BALLOTS FOR VOTERS' SELECTION. Makes no changes to this section.

Sec. 62.010. DISTANCE MARKER. Makes no changes to this section.

Sec. 62.011. INSTRUCTION POSTER. Makes no changes to this section.

Sec. 62.0111. NOTICE OF PROHIBITION OF CERTAIN DEVICES. Makes no changes to this section.

Sec. 62.0112. NOTICE OF VOTER COMPLAINT INFORMATION. Makes a nonsubstantive change to this section.

Sec. 62.0115. PUBLIC NOTICE OF VOTERS' RIGHTS. (a) Makes no changes to this subsection.

(b) Requires that the notice of voters' rights, except as revised by SOS under Subsection (d) (relating to requiring SOS to prescribe the form and content of the notice), state that a voter has certain rights, including the right to vote during the voting period in an election held at county expense, a primary election, or a special election ordered by the governor.

Deletes existing text requiring that the notice, except as provided by Section 85.066(b) (relating to authorizing the commissioners court to limit voting at a temporary branch polling place to the voters of particular state representative districts), Election Code, vote at any early voting location in the county in which the voter resides in an election held at county expense, a primary election, or a special election ordered by the governor, at a location in which the voter would be eligible to vote on election day.

Sec. 62.012. POSTING SAMPLE BALLOT. Makes no changes to this section.

Sec. 62.013. UNAUTHORIZED POSTING OF SIGNS PROHIBITED. Makes no changes to this section.

Sec. 62.014. MODIFICATION OF LIST OF REGISTERED VOTERS. Makes no changes to this section.

Sec. 62.015. PLACING INDELIBLE MARKING INSTRUMENT IN STATION. Makes no changes to this section.

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Makes no changes to this section.

CHAPTER 63. ACCEPTING VOTER

Sec. 63.001. REGULAR PROCEDURE FOR ACCEPTING VOTER. (a)-(f) Makes no changes to these subsections.

(g) Requires an election officer, for a voter who not accepted for voting under this section, to provide the voter with written information, in a form prescribed by SOS, that includes certain information, including states the procedure for presenting identification under Section 92.1541, rather than Section 65.0541 (Presentation of Identification for Certain Provisional Ballots).

(h)-(i) Makes no changes to these subsections.

Sec. 63.0011. STATEMENT OF RESIDENCE REQUIRED. Makes nonsubstantive changes to this section.

Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE IMPEDIMENT. Makes no changes to this section.

Sec. 63.0015. ACCEPTING VOTERS WITH CERTAIN DISABILITIES. Makes no changes to this section.

Sec. 63.002. SIGNATURE ROSTER. Makes a conforming change to this section.

Sec. 63.003. POLL LIST. Makes a conforming change to this section.

Sec. 63.004. COMBINATION FORM. Makes no changes to this section.

Sec. 63.005. REGISTRATION OMISSIONS LIST. Makes no changes to this section.

Sec. 63.0051. CONFIRMING REGISTRATION STATUS. Makes no changes to this section.

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT ON LIST. Makes no changes to this section.

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. Makes no changes to this section.

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. Makes no changes to this section.

Sec. 63.0102. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. Makes no changes to this section.

Sec. 63.011. PROVISIONAL VOTING. (a) Makes no changes to this subsection.

(b) Redesignates existing Subsection (a-1) as Subsection (b). Authorizes a person to whom the county clerk was required to provide a mail ballot under Section 73.001, rather than an early voting ballot by mail under Section 86.001, and who did not vote by mail, rather than only by mail, to cast a provisional ballot on election day if the person executes an affidavit stating that the person is a registered voter in the precinct in which the person seeks to vote and did not vote by mail. Makes conforming changes.

(c)-(g) Makes nonsubstantive changes to these subsections.

Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. Makes no changes to this section.

Sec. 63.012. UNLAWFULLY ACCEPTING OR REFUSING TO ACCEPT VOTER. Makes no changes to this section.

CHAPTER 64. VOTING PROCEDURES

SUBCHAPTER A. VOTING GENERALLY

Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT. Makes no changes to this section.

Sec. 64.002. OCCUPANCY OF VOTING STATION. Makes no changes to this section.

Sec. 64.003. MARKING THE BALLOT FOR CANDIDATE ON BALLOT. Makes no changes to this section.

Sec. 64.005. MARKING THE BALLOT FOR WRITE-IN CANDIDATE. Makes no changes to this section.

Sec. 64.006. MARKING THE BALLOT FOR MEASURE. Makes no changes to this section.

Sec. 64.007. SPOILED BALLOT. Makes no changes to this section.

Sec. 64.008. DEPOSITING BALLOT. Makes a conforming change to this section.

Sec. 64.009. VOTER UNABLE TO ENTER POLLING PLACE. Makes conforming and nonsubstantive changes to this section.

Sec. 64.010. UNLAWFULLY PERMITTING OR PREVENTING DEPOSIT OF BALLOT. Makes no changes to this section.

Sec. 64.011. UNLAWFULLY DEPOSITING BALLOT. Makes no changes to this section.

Sec. 64.012. ILLEGAL VOTING. Makes no changes to this section.

Sec. 64.013. SECURITY OF VOTING MACHINE. Requires the presiding judge at each polling place, at the close of each day of voting during the voting period, including the last day, to secure each voting machine in the manner prescribed by SOS to prevent its unauthorized operation. Requires the presiding judge to unsecure the machine before the beginning of voting the following day.

Sec. 64.014. PUBLICATION OF VOTING INFORMATION. (a) Requires that information on the poll list for a person who votes a ballot during the voting period be made available for public inspection as provided by Subsection (b) not later than 11 a.m. on the day after the date the information is entered on the poll list.

(b) Requires that the information under Subsection (a) be made available on the publicly accessible Internet website of the county or if the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court.

(c) Requires the county clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the information described by Subsection (a) not later than 11 a.m. on the day after the date the information is entered on the poll list.

(d) Requires SOS to post the information described by Subsection (c) on SOS's Internet website in a downloadable format not later than 11 a.m. on the day following the day of receipt of the information.

(e) Requires SOS to create a system for a county clerk for a primary election or the general election for state and county officers to provide the information to SOS for posting on SOS's Internet website under Subsection (c).

(f) Authorizes a person registered to vote in the county to submit a complaint to SOS stating that a county clerk has not complied with this section.

(g) Requires SOS by rule to create and maintain a system for receiving and recording complaints made under this section.

(h) Requires SOS to maintain a record indicating county clerks who have failed to comply with the requirements of this section.

SUBCHAPTER B. ASSISTING VOTER

Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. Makes no changes to this section.

Sec. 64.032. PERSONS PROVIDING ASSISTANCE. Makes no changes to this section.

Sec. 64.0321. DEFINITION. Provides that, for purposes of this subchapter and Section 73.010, rather than this subchapter and Sections 85.035 (Assisting Voter) and 86.010 (Unlawfully Assisting Voter Voting Ballot by Mail), assisting a voter includes certain conduct by a person other than the voter that occurs while the person is in the presence of the voter's ballot or carrier envelope.

Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. Makes conforming changes to this section.

Sec. 64.033. READING BALLOT TO VOTER. Makes no changes to this section.

Sec. 64.034. OATH. Makes no changes to this section.

Sec. 64.035. DEPOSITING BALLOT. Makes no changes to this section.

Sec. 64.036. UNLAWFUL ASSISTANCE. Makes no changes to this section.

Sec. 64.037. UNAUTHORIZED ASSISTANCE VOIDS BALLOT. Makes no changes to this section.

SECTION 1.011. Amends Title 6, Election Code, by adding Subtitles B, C, and D, as follows:

SUBTITLE B. VOTING BY MAIL

CHAPTER 71. ELIGIBILITY FOR VOTING BY MAIL

Sec. 71.001. ABSENCE FROM COUNTY OF RESIDENCE. (a) Provides that, subject to Subsection (b), a qualified voter is eligible to vote by mail if the voter expects to be absent from the county of the voter's residence on election day and during the part of the voting period remaining after the voter's application to vote by mail is submitted to the county clerk.

(b) Provides that, if a voter's application to vote by mail is submitted on or after the first day of the voting period, the voter is ineligible to vote by mail unless the voter is absent from the county when the application is submitted and satisfies the requirements prescribed by Subsection (a).

Sec. 71.002. DISABILITY OR CONFINEMENT FOR CHILDBIRTH. (a) Provides that a qualified voter is eligible to vote by mail if the voter:

(1) has a sickness or physical condition that prevents the voter from appearing at the polling place during the voting period or on election day without a likelihood of needing personal assistance or of injuring the voter's health; or

(2) is expecting to give birth within three weeks before or after election day.

(b) Provides that the following do not constitute sufficient cause to entitle a voter to vote under Subsection (a):

(1) a lack of transportation;

(2) a sickness that does not prevent the voter from appearing at the polling place during the voting period or on election day without a likelihood of needing personal assistance or of injuring the voter's health; or

(3) a requirement to appear at the voter's place of employment on election day.

(c) Requires an applicant, to be eligible to vote by mail under Subsection (a)(1), to affirmatively indicate that the applicant agrees with the statement prescribed by Section 72.002(a)(6)(B).

Sec. 71.003. CONFINEMENT IN JAIL. (a) Provides that a qualified voter is eligible to vote by mail if, at the time the voter's application to vote by mail is submitted, the voter is confined in jail serving a misdemeanor sentence for a term that ends on or after election day, pending trial after denial of bail, without bail pending an appeal of a felony conviction, or pending trial or appeal on a bailable offense for which release on bail before election day is unlikely.

(b) Prohibits a voter confined in jail who is eligible to vote from voting in person unless the authority in charge of the jail, in the authority's discretion, permits the voter to do so.

Sec. 71.004. PARTICIPATION IN ADDRESS CONFIDENTIALITY PROGRAM. Provides that a qualified voter is eligible to vote by mail if:

(1) the voter submitted a registration application by personal delivery as required by Section 13.002(e) (relating to providing that an application by a person who is certified for participation to eligible for early voting by mail); and

(2) at the time the voter's application to vote by mail is submitted, the voter is certified for participation in the address confidentiality program administered by the attorney general under Subchapter B (Address Confidentiality Program for Certain Crime Victims), Chapter 58 (Confidentiality of Identifying Information and Medical Records of Certain Crime Victims), Code of Criminal Procedure.

Sec. 71.005. INVOLUNTARY CIVIL COMMITMENT. Provides that a qualified voter is eligible to vote by mail if, at the time the voter's application to vote by mail is submitted, the voter is a person who is civilly committed as a sexually violent predator under Chapter 841 (Civil Commitment of Sexually Violent Predators), Health and Safety Code, and is ordered as a condition of civil commitment to reside in a facility operated by or under contract with the Texas Civil Commitment Office (TCCO).

CHAPTER 72. APPLICATION TO VOTE BY MAIL

SUBCHAPTER A. APPLICATION REQUIRED

Sec. 72.001. APPLICATION REQUIRED. (a) Requires a person who is eligible, to be entitled to vote by mail, to make an application to vote by mail as provided by this subtitle.

(b) Requires that an application, subject to Section 1.011 (Signing Document by Witness), be submitted in writing and signed by the applicant using ink on paper. Provides that an electronic signature or photocopied signature is not permitted.

(c) Provides that an applicant is not required to use an official application form.

(d) Requires that an application be submitted by mail to the county clerk for the election who serves the election precinct of the applicant's residence.

(e) Requires that a timely application that is addressed to the wrong county clerk be forwarded to the proper county clerk not later than the day after the date it is received by the wrong clerk.

(f) Authorizes an applicant to vote by mail to apply for ballots for the main election and any resulting runoff election on the same application. Provides that if an application for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application to vote by mail.

(g) Provides that a person who has not made an application as provided by this subtitle is not entitled to receive a mail ballot.

Sec. 72.002. CONTENTS OF APPLICATION. (a) Requires that an application to vote by mail must include:

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

(2) the following information:

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

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

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

(3) an indication of each election for which the applicant is applying for a ballot;

(4) an indication of the ground of eligibility for voting by mail;

(5) for an application to vote by mail on the ground of absence from the county of residence the address to which the ballot is to be mailed and an indication that the applicant satisfies the requirements prescribed by Section 71.001;

(6) for an application to vote by mail on the ground of disability:

(A) the address of the hospital or long-term care facility, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573 (Degrees of Relationship; Nepotism Prohibited), Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote; and

(B) an affirmative indication that the applicant agrees with the statement, "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health," as prescribed by Section 71.002(a);

(7) for an application to vote by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (6)(A); and

(8) for an application to vote by mail on the ground of involuntary civil commitment, the address of the facility operated by or under contract with TCCO or of a person related to the applicant within the degree of consanguinity described by Subdivision (6)(A).

(b) Authorizes a person to use the number of a driver's license, election identification certificate, or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(2) if the license or identification is otherwise valid.

(c) Authorizes an applicant to vote by mail on the ground of absence from the county of residence to receive that ballot at an address outside the applicant's county of residence or the applicant's own residence.

Sec. 72.0021. CONTENTS OF APPLICATION FOR PARTICIPANT IN ADDRESS CONFIDENTIALITY PROGRAM; CONFIDENTIAL INFORMATION. (a) Requires that an application to vote by mail submitted by a qualified voter who is eligible to vote by mail under Section 71.004 include certain information.

(b) Provides that the information contained in an application under this section relating to the address at which the applicant is registered to vote is confidential, except that the information is required to be disclosed if requested by a law enforcement agency or required by court order.

Sec. 72.003. SIGNING APPLICATION BY WITNESS; ASSISTING APPLICANT. (a) Requires that an application to vote by mail signed for the applicant by a witness other than the county clerk or a deputy indicate the witness's relationship to the applicant or, if unrelated, indicate that fact.

(b) Provides that a person who acts as a witness for an applicant submitting an application to vote by mail commits an offense if the person knowingly fails to comply with Section 1.011. Provides that a person who in the presence of the applicant otherwise assists an applicant in completing an application to vote by mail commits an offense if the person knowingly fails to comply with Section 1.011(d) (relating to requiring the witness to affix the witness's own signature to the document) in the same manner as a witness.

(c) Provides that an offense under this section is a Class A misdemeanor.

(d) Provides that Subsection (b) does not apply if the person is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B (Relationships by Consanguinity or by Affinity), Chapter 573, Government Code, or is registered to vote at the same address as the applicant.

Sec. 72.004. UNLAWFULLY WITNESSING APPLICATION FOR MORE THAN ONE APPLICANT. (a) Provides that a person commits an offense if the person signs an application to vote by mail as a witness for more than one applicant in the same election or the person signs an application to vote annually by mail as a witness for more than one applicant in the same calendar year.

(b) Provides that a person does not commit an offense under Subsection (a) if the person signs applications to vote by mail for more than one applicant and the person signed the applications in the person's capacity as a county clerk or deputy county clerk or is related to the additional applicants as a parent, grandparent, spouse, child, or sibling.

(c) Provides that a violation of this section does not affect the validity of an application involved in the offense.

(d) Provides that each application signed by the witness in violation of this section constitutes a separate offense.

(e) Provides that an offense under this section is a Class B misdemeanor.

Sec. 72.0041. FRAUDULENT USE OF APPLICATION TO VOTE BY MAIL. (a) Provides that a person commits an offense if the person:

(1) knowingly provides false information on an application to vote by mail;

(2) intentionally causes false information to be provided on an application to vote by mail;

(3) knowingly submits an application to vote by mail without the knowledge and authorization of the voter; or

(4) knowingly and without the voter's authorization alters information provided by the voter on an application to vote by mail.

(b) Provides that an offense under this section is a state jail felony.

(c) Provides that an offense under Subsection (a)(4) does not apply to a county clerk or deputy county clerk who receives and marks an application for administrative purposes only.

(d) Provides that an offense under this section is increased to the next higher category of offense if it is shown on the trial of an offense under this section that the defendant was previously convicted of an offense under this code, the offense involved a voter 65 years of age or older, or the defendant committed another offense under this section in the same election.

Sec. 72.005. APPLICATION COMPONENTS. Provides that each document that contains information required for an application to vote by mail and that is submitted to the county clerk, and any envelope in which an application is submitted, is part of the application to vote by mail.

Sec. 72.006. SUBMITTING APPLICATION TO VOTE BY MAIL: GENERAL RULE. (a) Requires that an application to vote by mail, except as provided by Sections 72.007 and 72.008, be submitted as provided by this section.

(b) Requires that an application be submitted to the county clerk by certain means.

(c) Requires that an application to vote by mail, for an application submitted by telephonic facsimile machine or electronic transmission to be effective, also be submitted by mail and be received by the county clerk not later than the fourth business day after the transmission by telephonic facsimile machine or electronic transmission is received.

(d) Authorizes an application, except as provided by Section 73.0012(b), to be submitted at any time in the year of the election for which a ballot is requested, but not later than the close of regular business in the county clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(e) Provides that an application is considered to be submitted at the time of its receipt by the county clerk.

(f) Requires the county clerk to designate an e-mail address for receipt of an application under Subsection (b)(4). Requires SOS to include the e-mail address designated by each county clerk on SOS's Internet website.

Sec. 72.007. SUBMITTING APPLICATION TO VOTE BY MAIL: PERSONAL DELIVERY. Authorizes an applicant to vote by mail, except as otherwise provided by this code, to submit the application by delivering it in person to the county clerk if the application is submitted not later than the deadline provided by Section 72.006(d).

Sec. 72.008. SUBMITTING APPLICATION TO VOTE BY MAIL: CONFINEMENT IN JAIL. Authorizes an application to vote by mail on the ground of confinement in jail, on request of the applicant, to be submitted to the county 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.

Sec. 72.009. PRESERVATION OF APPLICATION. Requires that each application to vote by mail be preserved after the election for the period for preserving the precinct election records.

Sec. 72.010. OFFICIAL APPLICATION FORM. (a) Sets forth the language and information required to be included in the application form to vote by mail.

(b) Requires that the officially prescribed application form to vote by mail be at least eight inches by nine inches in size and be printed in at least six-point type.

(c) Requires SOS to make the statement prescribed by Subsection (a)(7)(A) (relating to a statement informing the applicant that failure to furnish the applicant's telephone number does not invalidate the application) available on SOS's Internet website.

Sec. 72.011. DISTRIBUTION OF APPLICATION FORM. (a) Prohibits an officer or employee of this state or of a political subdivision of this state, except as provided by Subsection (c) or as otherwise authorized by this code, from distributing an application form to vote by mail to a person who did not request an application under Section 72.001.

(b) Prohibits an officer or employee of this state or of a political subdivision of this state from using public funds to facilitate the distribution by another person of an application form to vote by mail to a person who did not request an application under Section 72.001.

(c) Authorizes political party or a candidate for office to distribute an application form to vote by mail to a person who did not request an application under Section 72.001.

Sec. 72.012. CLERK TO MAIL APPLICATION FORM ON REQUEST. Requires the county clerk to mail without charge an appropriate official application form to vote by mail to each applicant requesting the clerk to send the applicant an application form.

Sec. 72.0121. CLERK TO POST APPLICATION FORM ONLINE. (a) Requires the county clerk to post the official application form to vote by mail on the clerk's Internet website, if the clerk maintains an Internet website, in a format that allows a person to easily complete the application directly on the website before printing.

(b) Authorizes the county clerk to use the application form provided by SOS under Section 72.013 or the county clerk's own application form.

Sec. 72.013. APPLICATION FORMS FURNISHED BY SECRETARY OF STATE. (a) Requires SOS to maintain a supply of the official application forms to vote by mail and shall furnish the forms in reasonable quantities without charge to individuals or organizations requesting them for distribution to voters.

(b) Requires SOS to provide a printable application to vote by mail in a format that complies with Section 72.0121(a) to the county clerk for use under that section.

Sec. 72.014. ACTION BY COUNTY CLERK ON CERTAIN APPLICATIONS. Requires the county clerk, if an applicant provides a date of birth, driver's license number, or social security number on the applicant's application to vote by mail that is different from or in addition to the information maintained by the voter registrar in accordance with Title 2 (Voter Qualifications and Registration), to notify the voter registrar. Requires the voter registrar to update the voter's record with the information provided by the applicant.

SUBCHAPTER B. CANCELING APPLICATION TO VOTE BY MAIL

Sec. 72.031. CANCELLATION OF APPLICATION. (a) Provides that an application to vote by mail that has been submitted to the county clerk is authorized to be canceled only as provided by this subchapter.

(b) Authorizes a person whose application is canceled, if otherwise eligible, to vote in the same manner as if the application had not been submitted.

Sec. 72.032. REQUEST FOR CANCELLATION. (a) Requires a person desiring to cancel the person's application to vote by mail to submit a request for the cancellation to an election officer as provided by this section.

(b) Requires that a request be in writing and signed by the applicant, specify the election for which the application was made, and, except as provided by Subsection (c), (d), or (f), be received by the county clerk not later than the third day before election day and, if a mail ballot sent to the applicant is returned to the clerk as a marked ballot, before the marked ballot's arrival at the address on the carrier envelope.

(c) Authorizes an applicant to submit a request after the third day before election day by appearing in person and returning the mail ballot to the county clerk or executing an affidavit that the applicant has not received the mail ballot, never requested a mail ballot, or received notice of a defect under Section 92.0412(b) or (d).

(d) Authorizes an applicant to also submit a request by appearing in person and returning the mail ballot or presenting a notice received under Section 73.006(k) to the county clerk or deputy county clerk at the county clerk's office or the presiding election judge on election day or during the voting period at the applicant's precinct polling place.

(e) Requires an election officer to maintain a register of mail ballots returned at a polling place under Subsection (d). Requires an election officer to enter on the register the name of each voter who returns a mail ballot and the ballot's number. Requires SOS to adopt a form to be used for this purpose.

(f) Authorizes an applicant to also submit a request at any time after the mail ballot is returned to the county clerk as a marked ballot and before the ballot is delivered to the mail ballot board (board) by appearing in person and executing an affidavit that the applicant did not mark the ballot.

(g) Provides that a request for cancellation in a manner other than as authorized by this section, including a request by letter, has no effect.

Sec. 72.033. ACTION ON REQUEST. (a) Requires the election officer to review each cancellation request to determine whether it complies with Section 72.032.

(b) Requires the county clerk, if the request complies, to cancel the application and enter on the application "canceled" and the date of cancellation.

(c) Requires the presiding election judge, if the request complies, to enter on the returned ballot or the notice, as applicable, "canceled," place it and the request in an envelope, and deposit the envelope in ballot box no. 4. Provides that the applicant's application is considered to be canceled.

(d) Requires the election officer, if the request does not comply, to deny the request and enter on the request "denied" and the date of and reason for the denial. Requires the presiding election judge to place the request in an envelope and deposit the envelope in ballot box no. 4.

Sec. 72.034. NOTICE OF DENIAL. Requires the election officer, immediately after denying a cancellation request, to notify the applicant of the denial. Requires that the notice state the reason for the denial.

Sec. 72.035. BALLOT SENT TO APPLICANT. (a) Requires the county clerk, if the clerk cancels an application by an applicant to whom a mail ballot has been sent, to remove the applicant's name from the mail voting roster and make any other entries in the records and take any other action necessary to prevent the ballot from being counted if returned.

(b) Authorizes an election judge to permit a person to whom a mail ballot has been sent who cancels the person's application to vote by mail in accordance with Section 72.032 but fails to return the mail ballot to the county clerk, deputy county clerk, or presiding judge as provided by that section to vote only a provisional ballot under Section 63.011 (Provisional Voting).

Sec. 72.036. DISPOSITION OF RETURNED BALLOT. (a) Requires a mail ballot, if the ballot sent to an applicant whose application is canceled is returned to the county clerk as a marked ballot, be treated as a marked ballot not timely returned.

(b) Requires an election officer, after making the appropriate entry on a register maintained under Section 72.032(e), to deposit a mail ballot returned at a polling place under Section 72.032(d) in ballot box no. 4.

Sec. 72.037. PRESERVATION OF DOCUMENTS. (a) Requires the county clerk to deliver each cancellation request to the general custodian of election records. Requires the clerk, if the application is canceled, to attach it and the corresponding ballot materials, if available, to the cancellation request and deliver it with the request.

(b) Requires the general custodian of election records to preserve cancellation requests delivered under Subsection (a) for the period for preserving the precinct election records.

(c) Requires the county clerk, not later than the 30th day after election day, to deliver notice to the attorney general of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, if available.

(d) Requires the attorney general to prescribe the form and manner of submission under Subsection (c). Requires SOS to adopt rules as necessary to implement the requirements prescribed under this subsection.

Sec. 72.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION. Provides that the cancellation of an application to vote by mail under Section 72.032(c), (d), or (f) is effective for a single ballot only and does not cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 72.001(f) or 73.0012(b).

CHAPTER 73. CONDUCT OF VOTING BY MAIL

Sec. 73.001. REVIEWING APPLICATION AND PROVIDING BALLOT. (a) Requires the county clerk to review each application to vote by mail.

(b) Requires the clerk, if the applicant is entitled to vote a mail ballot, to provide an official ballot to the applicant as provided by this chapter.

(c) Requires the clerk, except as provided by Section 73.008, if the applicant is not entitled to vote by mail, to reject the application, enter on the application "rejected" and the reason for and date of rejection, and deliver written notice of the reason for the rejection to the applicant at both the residence address and mailing address on the application. Prohibits a ballot from being provided to an applicant whose application is rejected.

(d) Requires the clerk, if the application does not include the applicant's correct voter registration number or county election precinct of residence, to enter the appropriate information on the application before providing a ballot to the applicant.

(e) Requires the clerk, if the applicant does not have an effective voter registration for the election, to reject the application unless the clerk can determine from the voter registrar that the applicant has submitted a voter registration application and the registration will be effective on election day.

(f) Requires the clerk, if the information required under Section 72.002(a)(2) included on the application does not identify the same voter identified on the applicant's application for voter registration under Section 13.002(c)(8) (relating to requiring that a registration application include certain information), to reject the application.

(g) Requires the clerk, if an application is rejected under Subsection (f), to provide notice of the rejection in accordance with Subsection (c). Requires that the notice include information regarding the ability to correct or add information required under Section 72.002(a)(2) through the online tool described by Section 73.015(c).

(h) Requires the clerk, if an applicant corrects an application to vote by mail online and that application subsequently identifies the same voter identified on the applicant's application for voter registration, to provide a ballot to the applicant as provided by this chapter.

(i) Requires the clerk, if a ballot is provided to the applicant, the clerk to indicate beside the applicant's name on the list of registered voters that a mail ballot was provided to the applicant and the date of providing the ballot unless the form of the list makes it impracticable to do so.

Sec. 73.0011. COMMON OR CONTRACT CARRIER. (a) Prohibits a common or contract carrier from being used to perform an act related to voting by mail unless the carrier meets certain requirements.

(b) Prohibits a common or contract carrier from being used to perform an act related to voting by mail if the carrier transports property as an incidental activity of a nontransportation business activity regardless of whether the carrier imposes a separate charge for the transportation.

Sec. 73.0012. ANNUAL MAIL BALLOTS. (a) Provides that this section applies only to an applications to vote by mail that indicates the ground of eligibility is disability and 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.

(b) Provides that an application described by Subsection (a) is considered to be an application to vote by mail for each election, including any ensuing runoff in certain circumstances.

(c) Requires that an application submitted under this section be submitted before the close of regular business in the county clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(d) Provides that an application is considered to be submitted in the following calendar year for purposes of this section if the applicant is eligible to vote in an election occurring in January or February of the next calendar year and the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election.

(e) Requires the county clerk, in an election of a political subdivision located in a county in which the county clerk is not the authority performing the functions of the county clerk with regard to voting by mail, to provide the authority responsible for voting by mail in the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section along with copies of the applications submitted by those voters. Requires the authority to provide a mail ballot to each voter on the list for whom the authority received a copy of an application submitted under this section.

(f) Requires SOS to provide a method by which counties and political subdivisions located in the county can exchange and update information on applications received under this section.

(g) Requires that an application described by Subsection (a) be preserved for the period for preserving the precinct election records for the last election for which the application is effective.

(h) Requires the voter registrar to notify the county clerk when a voter's voter registration has been canceled or a voter's address or name has changed. Requires the county clerk to update any list of voters who have ballot applications on file under this section based on the information received from the voter registrar. Prohibits a voter's ballot application on file under this section from being canceled if a correction in registration information for the voter is a change of address within the county in which the voter is registered or a change of the voter's name.

Sec. 73.002. ADDITIONAL BALLOTING MATERIALS. (a) Requires the county clerk to provide an official ballot envelope and carrier envelope with each ballot provided to a voter. Requires the clerk, if the voter's name appears on the list of registered voters with the notation "S" or a similar notation, or the residence address on the voter's application to vote by mail is not the same as the voter's residence address on the list of registered voters, to provide a form for a statement of residence to the voter.

(b) Requires the clerk, before providing the balloting materials to the voter, to enter on the carrier envelope the identity and date of the election.

(c) Requires the clerk to enter on a carrier envelope the voter's name in printed form, a notation that a statement of residence is enclosed, if applicable, and any other information the clerk determines necessary for proper processing of the ballot.

(d) Requires SOS to prescribe instructions to be printed on the balloting materials for the execution and return of a statement of residence. Requires that the instructions include an explanation of the circumstances under which the ballot is required to be rejected with respect to the statement.

(e) Requires the clerk, if the clerk determines that the carrier envelope and other balloting materials will weigh more than one ounce when returned by mail to the clerk, to include with the balloting materials a notice of the amount of first class postage that will be required for the return by mail of the carrier envelope and enclosed materials.

(f) Requires the clerk to include certain information with the balloting materials.

(g) Requires that the carrier envelope include a space that is hidden from view when the envelope is sealed for the voter to enter certain information.

(h) Authorizes a person to use the number of a driver's license, election identification certificate, or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i) Prohibits a record associating an individual voter with a ballot from being created.

Sec. 73.003. METHOD OF PROVIDING BALLOT TO VOTER: REQUIRED ADDRESS. (a) Requires that the balloting materials for voting by mail be provided to the voter by mail. Prohibits a ballot provided by any other method from being counted.

(b) Requires that the balloting materials, subject to Subsection (c), be addressed to the applicable address specified in the voter's application. Prohibits the election officer providing the ballot from knowingly mailing the materials to an address other than that prescribed by this section.

(c) Provides that the address to which the balloting materials are required to be addressed is the address at which the voter is registered to vote, or the registered mailing address if different, unless the ground for voting by mail is based on certain factors.

(d) Requires that the voter's application, if the applicable address specified in a voter's application is an address other than that prescribed by Subsection (c) or subject to Section 73.002(a), be rejected in accordance with Section 73.001(c).

Sec. 73.004. TIME FOR PROVIDING BALLOT TO VOTER. (a) Requires that the balloting materials for voting by mail, except as provided by Subsection (b), be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application to vote by mail or the date the ballots become available for mailing, except that if that mailing date is earlier than the 37th day before election day, the balloting materials are required to be mailed not later than the 30th day before election day.

(b) Requires that the balloting materials for a voter who indicates on the application to vote by mail or the federal postcard application that the voter is eligible to vote by mail as a consequence of the voter's being outside the United States, for an election to which Section 74.104 applies, be mailed on or before the later of the 45th day before election day or the seventh calendar day after the date the clerk receives the application. Requires the clerk, if it is not possible to mail the ballots by the deadline of the 45th day before election day, to notify SOS within 24 hours of knowing that the deadline will not be met. Requires SOS to monitor the situation and advise the clerk, who is required to mail the ballots as soon as possible in accordance with SOS's guidelines.

Sec. 73.005. MARKING AND SEALING BALLOT. (a) Requires a voter to mark a mail ballot in accordance with the instructions on the ballot envelope.

(b) Authorizes a voter to mark the ballot at any time after receiving it.

(c) Requires the voter, after marking the ballot, to place it in the official ballot envelope and then seal the ballot envelope, place the ballot envelope in the official carrier envelope and then seal the carrier envelope, and sign the certificate on the carrier envelope using ink on paper. Provides that an electronic signature or photocopied signature is not permitted.

(d) Provides that failure to use the official ballot envelope does not affect the validity of the ballot.

(e) Provides that, after the carrier envelope is sealed by the voter, it is prohibited from being opened except as provided by Chapter 92.

Sec. 73.0051. UNLAWFUL CARRIER ENVELOPE ACTION BY PERSON OTHER THAN VOTER. (a) Provides that a person commits an offense if the person acts as a witness for a voter in signing the certificate on the carrier envelope and knowingly fails to comply with Section 1.011.

(b) Requires a person other than the voter who assists a voter by depositing the carrier envelope in the mail or with a common or contract carrier or who obtains the carrier envelope for that purpose to provide the person's signature, printed name, and residence address on the reverse side of the envelope. Requires the person to sign the envelope using ink on paper. Provides that an electronic signature or photocopied signature is not permitted.

(c) Provides that a person commits an offense if the person knowingly violates Subsection (b). Provides that it is not a defense to an offense under this subsection that the voter voluntarily gave another person possession of the voter's carrier envelope.

(d) Provides that an offense under this section is a Class A misdemeanor, unless it is shown on the trial of an offense under this section that the person committed an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a state jail felony.

(e) Provides that this section does not apply if the person is related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in the same dwelling as the voter at the time of the event.

(f) Requires the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

Sec. 73.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION PROHIBITED. (a) Provides that as person commits an offense if the person:

(1) compensates another person for depositing the carrier envelope in the mail or with a common or contract carrier as provided by Section 73.0051(b), as part of any performance-based compensation scheme based on the number of ballots deposited, or in which another person is presented with a quota of ballots to deposit as provided by Section 73.0051(b);

(2) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of ballots deposited as provided by Section 73.0051(b); or

(3) with knowledge that accepting compensation for such activity is illegal, accepts compensation for an activity described by Subdivision (1) or (2).

(b) Provides that, except as provided by Subsection (c), an offense under this section is a misdemeanor punishable by:

(1) confinement in jail for a term of not more than 1 year or less than 30 days; or

(2) confinement described by Subdivision (1) and a fine not to exceed $4,000.

(c) Provides that an offense under this section is a state jail felony if it is shown on the trial of the offense that the defendant was previously convicted two or more times under this section.

(d) Provides that an officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

(e) Provides that, for purposes of this section, compensation means any form of monetary payment, goods, services, benefits, or promises or offers of employment, or any other form of consideration offered to another person in exchange for depositing ballots.

Sec. 73.006. METHOD OF RETURNING MARKED BALLOT. (a) Requires that a marked ballot voted under this chapter be returned to the county clerk in the official carrier envelope. Authorizes the carrier envelope to be delivered in another envelope and must be transported and delivered only by mail, common or contract carrier, or, subject to Subsections (b) and (c), in-person delivery by the voter who voted the ballot.

(b) Authorizes the voter to deliver a marked ballot in person to the county clerk's office only while the polls are open on election day. Requires a voter who delivers a marked ballot in person to present an acceptable form of identification described by Section 63.0101 (Documentation of Proof of Identification).

(c) Requires that an in-person delivery of a marked ballot voted under this chapter be received by an election official at the time of delivery. Requires the receiving official to record the voter's name, signature, and type of identification provided under Section 63.0101 on a roster prescribed by SOS. Requires the receiving official to attest on the roster that the delivery complies with this section.

(d) Prohibits a carrier envelope, except as provided by Subsection (e), from being returned in an envelope or package containing another carrier envelope.

(e) Authorizes the carrier envelopes of persons who are registered to vote at the same address to be returned in the same envelope or package.

(f) Requires that each carrier envelope that is delivered by a common or contract carrier be accompanied by an individual delivery receipt for that particular carrier envelope that indicates the name and residence address of the individual who actually delivered the envelope to the carrier and the date, hour, and address at which the carrier envelope was received by the carrier. Provides that a delivery of carrier envelopes is prohibited by a common or contract carrier if the delivery originates from certain addresses.

(g) Prohibits carrier envelopes from being collected and stored at another location for subsequent delivery to the county clerk. Requires SOS to prescribe appropriate procedures to implement this subsection and to provide accountability for the delivery of the carrier envelopes from the voting place to the county clerk.

(h) Provides that a person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code to another. Provides that, unless the person possessed the ballot or carrier envelope with intent to defraud the voter or the election authority, this subsection does not apply to a person who, on the date of the offense, was:

(1) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code;

(2) physically living in the same dwelling as the voter;

(3) a county clerk or a deputy county clerk;

(4) a person who possesses a ballot or carrier envelope solely for the purpose of lawfully assisting a voter who was eligible for assistance under Section 73.010 and complied fully with certain sections of Chapter 73.

(5) an employee of the United States Postal Service working in the normal course of the employee's authorized duties; or

(6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope.

(i) Provides that an offense under Subsection (h) is a Class A misdemeanor unless the defendant possessed the ballot or carrier envelope without the request of the voter, in which case it is a felony of the third degree. Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

(j) Provides that an offense under Subsection (i) is increased to the next higher category of offense if it is shown on the trial of an offense under this section that the defendant was previously convicted of an offense under this code, the offense involved an individual 65 years of age or older, or the defendant committed another offense under this section in the same election.

(k) Prohibits a ballot returned in violation of this section from being counted. Requires the county clerk, if the clerk determines that the ballot was returned in violation of this section, to make a notation on the carrier envelope and treat it as a ballot not timely returned in accordance with Section 73.011(c). Requires the county clerk, if the ballot is returned before the end of the voting period, to promptly mail or otherwise deliver to the voter a written notice informing the voter that the voter's ballot will not be counted because of a violation of this code and the voter is authorized to vote if otherwise eligible during the voting period or on election day at the voter's precinct polling place on presentation of the notice.

(l) Provides that, in the prosecution of an offense under Subsection (h):

(1) the prosecuting attorney is not required to negate the applicability of the provisions of Subsections (h)(1)-(6) in the accusation charging commission of an offense;

(2) the issue of the applicability of a provision of Subsection (h)(1)-(6) is not submitted to the jury unless evidence of that provision is admitted; and

(3) if the issue of the applicability of a provision of Subsection (h)(1)-(6) is submitted to the jury, the court is required to charge that a reasonable doubt on the issue requires that the defendant be acquitted.

Sec. 73.007. DEADLINE FOR RETURNING MARKED BALLOT. (a) Requires that a marked ballot, except as provided by Subsection (d), arrive at the address on the carrier envelope before the time the polls are required to close on election day or not later than 5 p.m. on the day after election day, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7 p.m. at the location of the election on election day.

(b) Provides that, if the county clerk cannot determine whether a ballot arrived before the deadline, the ballot is considered to have arrived at the time the place at which the carrier envelopes are deposited was last inspected for removal of returned ballots. Requires the clerk to check for returned ballots, at least once before the deadline, after the normal delivery time on the last day at the place at which the carrier envelopes are deposited.

(c) Prohibits a marked ballot that is not timely returned from being counted.

(d) Requires that a marked mail ballot that arrives after the time prescribed by Subsection (a) be counted in certain circumstances.

(e) Provides that, if the deadline for the arrival of a mail ballot falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

(f) Provides that a delivery under certain provisions of this section is timely, except as otherwise provided by Title 6 (Conduct of Elections), if the carrier envelope or, if applicable, the envelope containing the carrier envelope:

(1) is properly addressed with postage or handling charges prepaid; and

(2) bears a cancellation mark of a recognized postal service or a receipt mark of a common or contract carrier or a courier indicating a time before the deadline.

(g) Requires that the envelope bear the cancellation mark or receipt mark as required by Subsection (f)(2) to be timely under this section.

(h) Requires SOS to prescribe procedures as necessary to implement Subsection (d).

Sec. 73.008. OPPORTUNITY TO CORRECT DEFECT: APPLICATION. (a) Provides that this section applies to an application to vote by mail for which the applicant failed to comply with a requirement provided by Section 72.002, 72.0021, or 72.003(a) in a manner that would lead, if not corrected, to the rejection of the applicant's application.

(b) Requires the county clerk, not later than the second day after the county clerk discovers a defect described by Subsection (a), to:

(1) determine if it would be possible for the applicant to correct the defect and return an application form by mail before the deadline provided by Section 72.006(d) or 73.0012(c), as applicable; and

(2) notwithstanding any other law, if the clerk determines it would be possible to correct the defect and return an application form before the deadline provided by Section 72.006(d) or 73.0012(c), either return the application to the applicant or deliver an official application form to the applicant.

(c) Requires the clerk to include with the returned application or an application form delivered to the applicant under Subsection (b)(2) a written notice containing certain information.

(d) Authorizes the county clerk, if the clerk determines that it would not be possible for the applicant to correct the defect and return an application form by mail before the deadline provided by Section 72.006(d) or 73.0012(c), as applicable, to notify the applicant by telephone or e-mail of the defect, including the information required under Subsection (c), and inform the applicant that the applicant is authorized to come to the county clerk's office before the deadline provided by Section 72.006(d) or 73.0012(c), as applicable, and correct the defect in person.

(e) Requires the clerk to:

(1) in addition to returning an application or providing an application form under Subsection (b)(2) or notifying an applicant under Subsection (d), notify the applicant of a defect discovered under this section and provide the information required to be included under Subsection (c) using the online tool described by Section 73.015; and

(2) if possible, permit the applicant to correct a defect using the online tool described by Section 73.015.

(f) Authorizes the clerk, notwithstanding any other provisions of this code, to deliver in person to the voter a second application if the defective original application is timely and to receive, before the deadline, the corrected application in person from the voter. Provides that, if a procedure authorized by this subsection is used, it is required to be applied uniformly to all applications covered by this subsection. Requires the clerk to enter a notation on the application indicating any information added by the clerk under this subsection. Provides that a poll watcher is entitled to accompany the clerk and observe the procedures under this subsection. Authorizes SOS to prescribe any other procedures necessary to implement this subsection including requirements for posting notice of any deliveries.

Sec. 73.009. PROVIDING CORRECTED BALLOT TO VOTER. (a) Requires the county clerk, if, after a mail ballot is provided to a voter, the official ballot is changed in a way that affects the choices available to the voter in the election or the validity of the ballot provided to the voter if cast, to mail a corrected ballot and corresponding balloting materials to the voter unless in the clerk's opinion there is not sufficient time for the voter to timely return the corrected ballot to the clerk.

(b) Requires the clerk to include with the balloting materials provided to the voter a written notice containing certain information.

(c) Requires the clerk, before mailing the corrected ballot to the voter, to place a notation on the carrier envelope indicating that the ballot is a corrected ballot being provided under this section. Requires the clerk to also indicate on the voter's application that the voter was provided a corrected ballot.

(d) Requires the clerk to prepare a list containing the name of each voter who is provided a corrected ballot under this section. Requires the clerk to deliver the list to the general custodian of election records to be preserved for the period for preserving the precinct election records.

(e) Requires that a voter's defective ballot that is timely returned to the clerk as a marked ballot, except as provided by Subsection (f), be treated as a marked ballot not timely returned if the corrected ballot is timely returned as a marked ballot by the close of the polls on election day or as the voter's ballot for the election if the corrected ballot is not timely returned by the close of the polls on election day.

(f) Authorizes a mail ballot under Subchapter A, Chapter 74, corrected under this section to be counted if it is timely returned as required by Section 74.057.

Sec. 73.010. UNLAWFULLY ASSISTING VOTER VOTING BY MAIL. (a) Authorizes a voter casting a mail ballot who would be eligible under Section 64.031 to receive assistance at a polling place to select a person as provided by Section 64.032(c) to assist the voter in preparing the ballot.

(b) Provides that assistance rendered under this section is limited to that authorized by this code at a polling place, except that a voter with a disability who is physically unable to deposit the ballot and carrier envelope in the mail is authorized to also select a person as provided by Section 64.032(c) to assist the voter by depositing a sealed carrier envelope in the mail.

(c) Requires the person assisting the voter to sign a written oath prescribed by Section 64.034 that is part of the certificate on the official carrier envelope.

(d) Prohibits the voter's ballot, if a voter is assisted in violation of this section, from being counted.

(e) Requires a person who assists a voter to prepare a mail ballot to enter certain information on the official carrier envelope of the voter.

(f) Provides that a person who assists a voter commits an offense if the person knowingly fails to comply with Subsections (c) and (e).

(g) Provides that an offense under this section is a state jail felony.

(h) Provides that Subsection (f) does not apply to certain violations in certain circumstances.

(i) Provides that an offense under this section for a violation of Subsection (c) is increased to the next higher category of offense if it is shown on the trial of the offense that the defendant was previously convicted of an offense under this code, the offense involved a voter 65 years of age or older, or the defendant committed another offense under this section in the same election.

(j) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section, the other law, or both.

Sec. 73.0101. COMPENSATION FOR ASSISTING VOTERS PROHIBITED. (a) Provides that a person commits an offense if the person:

(1) compensates or offers to compensate another person for assisting voters as provided by Section 73.010; or

(2) solicits, receives, or accepts compensation for an activity described by Subdivision (1).

(b) Provides that an offense under this section is a state jail felony.

(c) Provides that an officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

(d) Provides that, for purposes of this section, compensation means an economic benefit as defined by Section 38.01 (Definitions), Penal Code.

(e) Provides that this section does not apply if the person assisting a voter is an attendant or caregiver previously known to the voter.

Sec. 73.011. ACTION BY COUNTY CLERK ON RETURN OF BALLOT. (a) Requires the county clerk to determine whether the return of a voter's official carrier envelope for a mail ballot is timely.

(b) Requires the clerk, if the return is timely, to enclose the carrier envelope and the voter's application to vote by mail in a jacket envelope. Requires the clerk to also include in the jacket envelope a copy of the voter's federal postcard application if the ballot is voted under Subchapter A, Chapter 74 and the signature cover sheet, if the ballot is voted under Subchapter C, Chapter 74.

(c) Requires the clerk, if the return is not timely, to enter the time of receipt on the carrier envelope, place it in a locked container, and deliver the container to the general custodian of election records to be preserved for the period for preserving the precinct election records. Requires the general custodian of election records to destroy the unopened envelope and its contents after the preservation period.

(d) Authorizes the clerk, notwithstanding any other provisions of this code, if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements prescribed by this title, to deliver the carrier envelope in person or by mail to the voter and receive, before the deadline, the corrected carrier envelope from the voter, or the clerk is authorized to notify the voter of the defect by telephone and advise the voter that the voter is authorized to come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day. Requires that the procedures, if the procedures authorized by this subsection are used, be applied uniformly to all carrier envelopes covered by this subsection. Provides that a poll watcher is entitled to observe the procedures under this subsection. Authorizes SOS to prescribe any other procedures necessary to implement this subsection including requirements for posting notice of any deliveries.

Sec. 73.012. OFFICIAL BALLOT ENVELOPE. (a) Requires that "Ballot Envelope" be printed on the face of each officially prescribed ballot envelope for a mail ballot.

(b) Requires that certain textual material, as prescribed by SOS, be printed on the face of each official ballot envelope and authorizes it to be continued on the reverse side if necessary.

Sec. 73.013. OFFICIAL CARRIER ENVELOPE. (a) Requires that "Carrier Envelope for Mail Ballot," the name and official title of the county clerk as addressee, and the clerk's official mailing address be printed on the face of each official carrier envelope for a mail ballot.

(b) Requires that the spaces appear on the reverse side of the official carrier envelope for indicating and entering certain information.

(c) Requires that a certificate in substantially a certain form be printed on the reverse side of the official carrier envelope in a manner that requires the voter to sign across the flap of the envelope. Sets forth the required language of the certificate.

(d) Requires that certain textual material, as prescribed by SOS, be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided.

(e) Requires that a certain notice be printed on the reverse side of the official carrier envelope. Sets forth the required language of the notice.

(f) Requires that the oath of a person assisting a voter be included on the official carrier envelope as part of the certificate prescribed by Subsection (c).

(g) Requires SOS by rule to require that a notice informing voters of the telephone number established under Section 31.0055 (Voting Rights Hotline) and the purpose of the telephone number be printed on the official carrier envelope or an insert enclosed with the balloting materials for voting by mail sent to the voter.

Sec. 73.014. PUBLIC INSPECTION OF MAIL VOTING RECORDS. (a) Provides that a copy of an application to vote by mail is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the election day of the earliest occurring election for which the application is submitted.

(b) Provides that originals of the applications and carrier envelopes are not available for public inspection until those materials are delivered to the general custodian of election records after the election.

Sec. 73.015. ELECTRONIC TRACKING OF MAIL BALLOT OR APPLICATION TO VOTE BY MAIL. (a) Requires SOS to develop or otherwise provide an online tool to each county clerk on SOS's Internet website and on the county's Internet website if the county clerk is the clerk of a county that maintains an Internet website that enables a person who submits an application to vote by mail to track the location and status of the person's application and ballot and receive notice of and, if possible, correct a defect in the person's application and ballot under Sections 73.008(e) and 92.0412(h).

(b) Requires that the online tool developed or provided under Subsection (a) require the voter to provide certain information before permitting the voter to access information described by that subsection.

(c) Requires that an online tool used under this section:

(1) for each election, record each application to vote by mail received by the clerk and each carrier envelope sent to a voter by the clerk;

(2) for each carrier envelope, record or assign a serially numbered and sequentially issued bar code or tracking number that is unique to each envelope;

(3) update the applicable Internet website as soon as practicable after each of certain events occurs:

(4) allow a voter to add or correct information required under Section 72.002(a)(2) or Section 73.002(g).

(d) Requires SOS to adopt rules and prescribe procedures as necessary to implement this section.

(e) Provides that the information contained in Subsection (c) is not public information for purposes of Chapter 552 (Public Information), Government Code, until after election day.

CHAPTER 74. OTHER FORMS OF VOTING BY MAIL

SUBCHAPTER A. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

PART 1. GENERAL PROVISIONS

Sec. 74.001. ELIGIBILITY. Provides that a person is eligible to vote by mail as provided by this subchapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member;

(C) a member of the Texas National Guard or the National Guard of another state or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the president of the United States or activated on state orders, or the spouse or dependent of a member; or

(D) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

Sec. 74.002. GENERAL CONDUCT OF VOTING. Requires that voting under this subchapter be conducted and the results be processed as provided by this subtitle and Chapter 92 for voting by mail, except as otherwise provided by this subchapter.

Sec. 74.003. DEFINITIONS. Defines "federal postcard application" and "FPCA registrant."

Sec. 74.004. NOTING FPCA REGISTRATION ON POLL LIST. Requires that, for each FPCA registrant accepted to vote, a notation be made beside the voter's name on the poll list indicating that the voter is an FPCA registrant.

Sec. 74.005. NOTING FPCA REGISTRATION AND E-MAIL ON MAIL VOTING ROSTER. Requires that the entry on the mail voting roster pertaining to a voter under this subchapter who is an FPCA registrant include a notation indicating that the voter is an FPCA registrant. Requires the county clerk to note on the mail voting roster each e-mail of a ballot under Part 3.

Sec. 74.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT MAIL VOTING LIST. Provides that a person to whom a ballot is provided under this subchapter is not required to be included on the precinct mail voting list if the person is an FPCA registrant.

Sec. 74.007. DESIGNATION OF SECRETARY OF STATE. (a) Provides that SOS is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311).

(b) Provides that SOS is designated as the state coordinator between military and overseas voters and county election officials. Requires a county election official to cooperate with SOS to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election and otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) Authorizes SOS to adopt rules as necessary to implement this section.

(d) Requires SOS to make a checklist or similar guidelines available for optional use by county clerks in processing an application and providing balloting materials under this subchapter.

Sec. 74.008. STATUS OF APPLICATION OR BALLOT VOTED. Requires SOS, in coordination with county election officials, to implement an electronic free-access system by which a person eligible to vote by mail under this subchapter or Subchapter D, Chapter 88, is authorized to determine by telephone, by e-mail, or over the Internet whether the person's federal postcard application or other registration or ballot application has been received and accepted, and the person's ballot has been received and the current status of the ballot.

PART 2. SUBMISSION OF FEDERAL POSTCARD APPLICATION

Sec. 74.051. FORM AND CONTENTS OF APPLICATION. Requires that an application to vote under this part be submitted on an official federal postcard application form and include the information necessary to indicate that the applicant is eligible to vote in the election for which the ballot is requested.

Sec. 74.052. SUBMITTING APPLICATION. (a) Requires that a federal postcard application be submitted to the county clerk for the election who serves the election precinct of the applicant's residence.

(b) Requires that a federal postcard application be submitted by mail, electronic transmission of an image of the application under procedures prescribed by SOS, in-person delivery in accordance with Section 72.007, or common or contract carrier.

(c) Authorizes a federal postcard application to be submitted at any time during the calendar year in which the election for which a ballot is requested occurs, but not later than the deadline for submitting a regular application to vote by mail for a voter to be entitled to receive a mail ballot for that election.

(d) Provides that an application is considered submitted in the following calendar year for purposes of this section if the applicant is eligible to vote in an election occurring in January or February of the next calendar year and the application is submitted in the last 60 days of a calendar year but not earlier than the 60th day before the date of the January or February election.

(e) Requires that a timely application that is addressed to the wrong county clerk be forwarded to the proper county clerk not later than the day after the date it is received by the wrong clerk.

(f) Provides that an applicant who otherwise complies with applicable requirements is entitled to receive a full mail ballot under this subchapter if:

(1) the applicant submits a federal postcard application to the county clerk on or before the 20th day before election day; and

(2) the application contains the information that is required for registration under Title 2.

(g) Provides that the applicant is entitled to receive only a federal ballot by mail under Subchapter D, Chapter 88, if:

(1) the applicant submits the federal postcard application to the county clerk after the date provided by Subsection (f)(1) and before the deadline for submitting a regular application to vote by mail;

(2) and the application contains the information that is required for registration under Title 2.

(h) Provides that, if the applicant submits the federal postcard application within the time prescribed by Subsection (g)(1) and is a registered voter at the address contained on the application, the applicant is entitled to receive a full mail ballot under this subchapter.

(i) Provides that, except as provided by Subsections (l) and (m), for purposes of determining the date a federal postcard application is submitted to the county clerk, an application is considered to be submitted on the date it is placed and properly addressed in the United States mail. Provides that an application mailed from an Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is considered placed in the United States mail. Provides that the date indicated by the post office cancellation mark, including a United States military post office cancellation mark, is considered to be the date the application was placed in the mail unless proven otherwise. Provides that, for purposes of an application made under Subsection (f), an application that does not contain a cancellation mark is considered to be timely if it is received by the county clerk on or before the 15th day before election day and, if the 20th day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the county clerk on or before the next regular business day.

(j) Requires the county clerk, if the clerk determines that an application that is submitted before the time prescribed by Subsection (f)(1) does not contain the information that is required for registration under Title 2, to notify the applicant of that fact. Requires the clerk, if the applicant has provided a telephone number or an address for receiving mail over the Internet, to notify the applicant by that medium.

(k) Provides that, if the applicant submits the missing information before the time prescribed by Subsection (f)(1), the applicant is entitled to receive a full mail ballot under this subchapter. Provides that, if the applicant submits the missing information after the time prescribed by Subsection (f)(1), the applicant is entitled to receive a full mail ballot for the next election that occurs in the same calendar year and after the 30th day after the date the information is submitted.

(l) Provides that, for purposes of determining the end of the period that an application is authorized to be submitted under Subsection (g)(1), an application is considered to be submitted at the time it is received by the county clerk.

(m) Requires SOS by rule to establish the date on which a federal postcard application is considered to be electronically submitted to the county clerk.

Sec. 74.053. ACTION BY COUNTY CLERK ON CERTAIN APPLICATIONS. (a) Requires the county clerk to notify the voter registrar of a federal postcard application submitted by an applicant that states a voting residence address located outside the registrar's county.

(b) Requires the county clerk, if an applicant provides a date of birth, driver's license number, or social security number on the applicant's federal postcard application that is different from or in addition to the information maintained by the voter registrar in accordance with Title 2, to notify the voter registrar. Requires the voter registrar to update the voter's record with the information provided by the applicant.

Sec. 74.054. APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION. (a) Authorizes a person to apply with a single federal postcard application to vote in any one or more elections in which the person is eligible to vote as provided by this section.

(b) Requires that an application that does not identify the election for which a ballot is requested be treated as if it requests a ballot for:

(1) except as provided by Subdivision (3), each general election in which the clerk conducts voting by mail;

(2) the general primary election if the application indicates party preference and is submitted to the county clerk for the primary; and

(3) each general or special election held by a county, a municipality, or an independent school district in the calendar year in which the application is received and in which the person is eligible to vote.

(c) Requires the county clerk, if an application under Subsection (b) indicates the person is eligible to vote in an election described by Subsection (b)(3) in which the county clerk who received the application does not conduct voting by mail, to forward a copy of the application in a form prescribed by SOS to each county clerk who conducts voting by mail for that election.

(d) Requires that an application be treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested, including a runoff election that occurs in the next calendar year.

(e) Requires that an application requesting a ballot for more than one election be preserved for the period for preserving the precinct election records for the last election for which the application is effective.

Sec. 74.055. FPCA VOTER REGISTRATION. (a) Provides that the submission of a federal postcard application that complies with the applicable requirements by an unregistered applicant constitutes registration by the applicant for the purpose of voting in the election for which a ballot is requested and under Title 2, unless the person indicates on the application that the person is residing outside the United States indefinitely.

(b) Requires a person, for purposes of registering to vote under this subchapter, to provide the address of the last place of residence of the person in this state or the last place of residence in this state of the person's parent or legal guardian.

(c) Requires the registrar to register the person at the address provided under Subsection (b) unless that address no longer is recognized as a residential address, in which event the registrar is required to assign the person to an address under procedures prescribed by SOS.

Sec. 74.056. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS. (a) Requires that the balloting materials provided under this part be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311), in an envelope labeled "Official Election Balloting Material - via Airmail." Requires SOS to provide county clerks with instructions on compliance with this subsection.

(b) Requires that the address to which the balloting materials are sent to a voter be an address outside the county of the voter's residence or an address in the United States for forwarding or delivery to the voter at a location outside the United States.

(c) Requires that the federal post card application, if the address to which the balloting materials are to be sent is within the county served by the county clerk, indicate that the balloting materials will be forwarded or delivered to the voter at a location outside the United States.

Sec. 74.057. RETURN OF VOTED BALLOT. (a) Authorizes a ballot voted under this part to be returned to the county clerk by mail, common or contract carrier, or courier.

(b) Requires that a ballot voted by a voter described by Section 74.001(2)(A), (B), or (C) be counted if the ballot arrives at the address on the carrier envelope not later than the sixth day after the date of the election, except that if that date falls on a Saturday, Sunday, or legal state or national holiday, then the deadline is extended to the next regular business day.

Sec. 74.058. OFFICIAL CARRIER ENVELOPE. Requires that the officially prescribed carrier envelope for voting under this part be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311), and contain the label prescribed by Section 74.056(a) for the envelope in which the balloting materials are sent to a voter. Requires SOS to provide county clerks with instructions on compliance with this section.

PART 3. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

Sec. 74.101. PURPOSE. Sets forth the purpose of this part.

Sec. 74.102. REQUEST FOR BALLOTING MATERIALS. (a) Authorizes a person eligible to vote under this subchapter to request from the appropriate county clerk e-mail transmission of balloting materials under this part.

(b) Requires the county clerk to grant a request made under this section for the e-mail transmission of balloting materials in certain circumstances.

Sec. 74.103. CONFIDENTIALITY OF E-MAIL ADDRESS. Provides that an e-mail address used under this part to request balloting materials is confidential and does not constitute public information for purposes of Chapter 552, Government Code. Requires a county clerk to ensure that a voter's e-mail address provided under this part is excluded from public disclosure.

Sec. 74.104. ELECTIONS COVERED. Authorizes balloting materials to be sent by e-mail under this part for any election in which the voter who registers under this subchapter is eligible to vote.

Sec. 74.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL. Provides that balloting materials to be sent by e-mail under this part include the appropriate ballot; ballot instructions, including instructions that inform a voter that the ballot is required to be returned by mail to be counted; certain instructions prescribed by SOS; and a list of certified write-in candidates, if applicable.

Sec. 74.106. METHODS OF TRANSMISSION TO VOTER. (a) Authorizes the balloting materials to be provided by e-mail to the voter in PDF format, through a scanned format, or by any other method of electronic transmission authorized by SOS in writing.

(b) Requires SOS to prescribe procedures for the retransmission of balloting materials following an unsuccessful transmission of the materials to a voter.

Sec. 74.107. RETURN OF BALLOT. (a) Requires a voter described by Section 74.001(2)(A), (B), or (C) to be voting from outside the voter's county of residence. Requires a voter described by Section 74.001(2)(D) to be voting from outside the United States.

(b) Requires a voter who receives a ballot under this part to return the ballot in the same manner as required under Section 74.057 except that a voter who completes a signature sheet is not required to complete a carrier envelope. Prohibits the voter, except as provided by Subchapter C, from returning the ballot by electronic transmission.

(c) Provides that a ballot that is not returned as required by Subsection (b) is considered a ballot not timely returned and is not sent to the board for processing.

(d) Provides that the deadline for the return of a ballot under this section is the same deadline as provided in Section 73.007.

Sec. 74.108. TRACKING OF BALLOTING MATERIALS. Requires SOS by rule to create a tracking system under which an FPCA registrant is authorized to determine whether a voted ballot has been received by the county clerk. Requires each county that sends ballots to FPCA registrants to provide information required by SOS to implement the system.

Sec. 74.109. RULES. (a) Authorizes SOS to adopt rules as necessary to implement this part.

(b) Authorizes SOS to provide for an alternate secure method of electronic ballot transmission under this part instead of transmission by e-mail.

SUBCHAPTER B. LATE VOTING BY DISABLED VOTER

Sec. 74.201. ELIGIBILITY. Provides that a qualified voter is eligible to vote late as provided by this subchapter if the voter has a sickness or physical condition described by Section 71.002 that originates on or after the day before the last day for submitting an application to vote by mail.

Sec. 74.202. CONTENTS OF APPLICATION. Requires that an application to vote late comply with the applicable provisions of Section 72.002 and is required to include or be accompanied by a certificate of a licensed physician or chiropractor or accredited Christian Science practitioner in substantially a certain form. Sets forth the required language of the certificate.

Sec. 74.203. SUBMITTING APPLICATION. (a) Requires that an application to vote late be submitted in person to the county clerk at the county clerk's office by a representative of the applicant. Authorizes the county clerk, if the mail ballots are processed at a location other than the county clerk's office, to require the application to be submitted at that location.

(b) Authorizes an application to be submitted after the fourth day before election day and before 5 p.m. on election day.

(c) Sets forth the requirements to be eligible to serve as an applicant's representative.

Sec. 74.204. REVIEWING APPLICATION AND PROVIDING BALLOTING MATERIALS. (a) Requires that an application submitted under this subchapter be reviewed and the applicant's registration status verified by the county clerk in the same manner as for voting by mail.

(b) Requires the clerk to provide the balloting materials for voting by mail to the representative who submits the voter's application. Requires the clerk, before providing the materials, to enter the representative's name and residence address on the application and secure the representative's signature beside the name.

(c) Requires the voter's representative to deliver the balloting materials in person to the voter.

(d) Prohibits a ballot provided for late voting to a voter by any method other than that prescribed by this section from being counted.

Sec. 74.205. MARKING AND SEALING BALLOT. Requires that a ballot for late voting be marked and sealed by the voter in the same manner as a mail ballot.

Sec. 74.206. METHOD OF RETURNING MARKED BALLOT; DEADLINE. (a) Requires that a marked ballot for late voting be delivered to the county clerk in person by the representative who submitted the voter's application. Requires that the ballot be delivered in the official carrier envelope. Prohibits a ballot returned by any other method from being counted.

(b) Requires the clerk to enter the representative's name and residence address on a returned carrier envelope and secure the representative's signature beside the name.

(c) Provides that the deadline for returning a marked ballot for late voting is the same as that for a mail ballot.

Sec. 74.207. PROCESSING RESULTS. Requires that the results of voting under this subchapter be processed in accordance with the procedures applicable to processing mail ballots.

Sec. 74.208. ENTRY ON MAIL VOTING ROSTER. Requires that the mail voting roster include the name of each person to whom a ballot for late voting is provided with a notation indicating that the ballot was for late voting under this subchapter.

Sec. 74.209. ENTRY ON PRECINCT MAIL VOTING LIST. Requires that the precinct mail voting list contain the name of each person to whom a ballot for late voting has been provided as of the time of delivery of the list.

SUBCHAPTER C. VOTING BY MILITARY PERSONNEL OR OTHER PERSONS OVERSEAS

Sec. 74.301. ELECTRONIC TRANSMISSION OF COMPLETED BALLOT. (a) Requires SOS to prescribe procedures to allow a person who is casting a mail ballot to return the ballot by telephonic facsimile machine or similar electronic means if the person meets certain requirements.

(b) Requires that the procedures provide for verification of the voter, provide for the security of the transmission, and require the county clerk to maintain a record of each ballot received under this section.

(c) Prohibits a ballot transmitted under this section or by mail from being counted if the ballot has previously been transmitted to the county clerk by electronic means under this section.

Sec. 74.302. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR ELECTIONS FOR FEDERAL OFFICE. Requires SOS to prescribe procedures to allow a voter who qualifies to vote by a federal write-in absentee ballot to vote through use of a federal write-in absentee ballot in certain elections.

Sec. 74.303. E-MAIL BALLOT PROGRAM. (a) Requires SOS to implement a program to allow a person who is casting a mail ballot to return the ballot by e-mail if the person is a member of the armed forces of the United States who is on active duty overseas and eligible for hostile fire pay. Requires SOS to prescribe procedures to provide for a process implemented under this section to require the voter to print the ballot, print and sign a voter signature form, and then scan the documents before submitting them by e-mail and secure processing of ballots, including requiring the use of a voter's military e-mail address and common access card, or other measures SOS considers appropriate.

(b) Requires SOS to select to participate in the program any county that desires to participate in the program and is determined by SOS to have the appropriate technological capabilities.

SUBCHAPTER D. VOTING ON ELECTION DAY BY PERSON ON SPACE FLIGHT

Sec. 74.401. APPLICABILITY. Provides that this subchapter applies only to a person who:

(1) is eligible to vote in this state; and

(2) is unable to vote in an election because the person is on a space flight, as defined by SOS, on election day and during the voting period for the election.

Sec. 74.402. VOTING PERMITTED. Requires SOS to prescribe procedures for voting from space on election day by secure electronic means by persons to whom this subchapter applies. Authorizes the procedures to provide for a deadline by which a person is required to apply to vote under this subchapter and the use of the National Aeronautics and Space Administration's electronic transmission program to send ballots to persons on a space flight.

SUBTITLE C. RESTRICTED BALLOT

CHAPTER 88. RESTRICTED BALLOT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 88.001. RESTRICTED BALLOT. Defines "restricted ballot."

Sec. 88.002. GENERAL CONDUCT OF VOTING. Requires that the voting of restricted ballots under this subtitle be conducted and the results of voting be processed as provided by this code for standard voting, except as otherwise provided by this subtitle.

Sec. 88.003. APPLICATION REQUIRED. (a) Requires a person, to be entitled to vote a restricted ballot, to make an application for the ballot.

(b) Provides that a restricted ballot application is subject to the applicable provisions of Chapter 72.

Sec. 88.004. CONTENTS OF APPLICATION. Requires that an application for a restricted ballot include, in addition to the information required by the applicable provisions of Section 72.002, the information necessary to indicate that the applicant is eligible to vote the restricted ballot requested.

Sec. 88.005. PREPARING RESTRICTED BALLOT. (a) Requires the county clerk to prepare a voter's restricted ballot.

(b) Requires that the restricted ballot, if a regular paper ballot is used, be prepared by striking from an official mail ballot the offices and propositions stating measures on which the voter is not entitled to vote.

(c) Requires that the restricted ballot, if an electronic system ballot is used, be prepared by marking or otherwise identifying an official mail ballot so that votes on offices and propositions stating measures on which the voter is not entitled to vote may not be counted.

Sec. 88.006. MANUALLY COUNTING ELECTRONIC SYSTEM BALLOT. Requires that a restricted ballot, if the restricted electronic system ballot cannot be automatically counted with other electronic system ballots voted in the election that are to be counted automatically, be counted manually.

Sec. 88.007. RESTRICTED BALLOT ROSTER. (a) Requires the county clerk to maintain a roster for each election listing each person who votes a restricted ballot during the voting period or on election day and each person to whom a restricted ballot is provided by mail.

(b) Requires that the roster include certain information for each person listed.

(c) Provides that, except as provided by this section, the restricted ballot roster is subject to the provisions applicable to the mail voting roster. Prohibits a person included on the restricted ballot roster from being included on the mail voting roster.

Sec. 88.008. NOTING RESTRICTED BALLOT VOTER ON POLL LIST AND REGISTERED VOTER LIST. Requires that, for each voter accepted to vote a restricted ballot, a notation be made beside the voter's name on the poll list indicating that a restricted ballot was voted and the type of restricted ballot. Requires that, if the voter's name appears on the list of registered voters used for conducting voting, a similar notation be made on that list unless the form of the list makes it impracticable to do so.

SUBCHAPTER B. VOTING LIMITED BALLOT AFTER CHANGING COUNTY OF RESIDENCE

Sec. 88.101. LIMITED BALLOT. Defines "limited ballot."

Sec. 88.102. ELIGIBILITY. (a) Provides that, after changing residence to another county, a person is eligible to vote a limited ballot during the voting period or by mail in certain circumstances.

(b) Provides that a person is not eligible to vote a limited ballot by mail unless, in addition to satisfying the eligibility requirements prescribed by Subsection (a), the person is eligible to vote by mail under Chapter 71.

(c) Requires the voter, before being accepted for voting under this subchapter, the voter to execute a statement including certain information.

(d) Requires that a statement under Subsection (c) be submitted to an election officer at the county clerk's office, if the person is voting during the voting period, or with the person's application to vote by mail, if the person is voting by mail.

(e) Authorizes a statement executed under Subsection (c) to include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13.

(f) Requires SOS to prescribe the form of a statement executed under Subsection (c).

Sec. 88.103. RESIDENCE IN PRECINCT SITUATED IN MORE THAN ONE COUNTY. Authorizes a person who changes county of residence to vote in the regular manner in an election ordered by an authority of a political subdivision situated in more than one county if the person resides in the same election precinct both before and after changing county of residence and the person's voter registration in the county of former residence is effective at the time the person offers to vote.

Sec. 88.104. OFFICES AND MEASURES ON WHICH VOTER ENTITLED TO VOTE. Provides that a person voting a limited ballot is entitled to vote only on each office and proposition stating a measure to be voted on statewide and each office and proposition stating a measure to be voted on in a territorial unit of which the person was a resident both before changing county of residence and after the change.

Sec. 88.105. SUBMITTING APPLICATION FOR LIMITED BALLOT BY MAIL. Requires that an application for a limited ballot by mail be submitted to the county clerk serving the election precinct in which the applicant resides.

Sec. 88.106. PLACE FOR VOTING IN PERSON. Provides that a person is authorized to vote a limited ballot during the voting period only at the county clerk's office.

Sec. 88.107. VERIFYING REGISTRATION STATUS OF APPLICANT FOR LIMITED BALLOT. Requires the county clerk, before accepting an applicant to vote a limited ballot or, in the case of an application for a limited ballot by mail, before providing a ballot to the applicant, to verify, if possible, that the applicant does not have an effective voter registration in the county of new residence. Requires that the limited ballot, if the person has applied in the county of new residence for a voter registration that will be effective on or before election day, be rejected.

Sec. 88.108. DETERMINING OFFICES AND MEASURES TO BE VOTED ON. Requires the county clerk, for each person who is to vote a limited ballot, to determine the offices and propositions stating measures on which the person is entitled to vote and indicate them on the person's application.

Sec. 88.109. PREPARING VOTING MACHINE. Requires the county clerk, before permitting a person to vote a limited ballot on a voting machine, to adjust the machine so that votes are authorized to be cast only on the offices and propositions stating measures on which the voter is entitled to vote.

Sec. 88.110. INFORMATION ON DISTRICT COMPOSITION. (a) Requires SOS, in each even-numbered year, to prepare information on the territorial composition of each district for which an officer of the state government is regularly elected at the general election for state and county officers.

(b) Requires that the information include the data necessary to enable a county clerk to determine the district offices on which a voter under this subchapter is eligible to vote.

(c) Requires SOS to deliver the information to each county clerk before the 20th day before general primary election day.

Sec. 88.111. NOTIFICATION TO VOTER REGISTRAR. Requires the county clerk, not later than the 30th day after receipt of an application for a limited ballot, to notify the voter registrar for the voter's former county of residence that the voter has applied for a limited ballot.

SUBCHAPTER C. VOTING PRESIDENTIAL BALLOT BY FORMER RESIDENT

Sec. 88.201. PRESIDENTIAL BALLOT. Defines "presidential ballot."

Sec. 88.202. ELIGIBILITY. Provides that a former resident of this state is eligible to vote a presidential ballot in the presidential general election in person or by mail if the former resident meets certain criteria.

Sec. 88.203. SUBMITTING APPLICATION TO VOTE BY MAIL. Requires that an application for a presidential ballot by mail be submitted to the county clerk serving the county of the applicant's most recent registration to vote by the deadline prescribed by Section 72.006.

Sec. 88.204. TIME AND PLACE FOR VOTING IN PERSON. (a) Provides that a person is authorized to vote a presidential ballot during the voting period only at the county clerk's office for the county of the person's most recent registration to vote.

(b) Provides that the period for voting presidential ballots in person ends on presidential election day.

Sec. 88.205. IN-PERSON VOTING; PROCESSING RESULTS. (a) Requires the county clerk, on submission of an application for a presidential ballot to be voted in person, to review the application and verify the applicant's registration status in accordance with the procedure applicable to voting by mail.

(b) Requires that voting in person be conducted with the balloting materials for voting by mail.

(c) Requires the voter to mark and seal the ballot in the same manner as if voting by mail except that the certificate on the carrier envelope need not be completed.

(d) Requires the voter, on sealing the carrier envelope, to give it to the clerk, who is required to note on the envelope that the ballot is a presidential ballot.

(e) Requires that the results of voting a presidential ballot in person be processed in accordance with the procedures applicable to processing mail ballots.

Sec. 88.206. CANCELING REGISTRATION. Requires the county clerk, as soon as practicable after the close of voting, to notify the voter registrar of the name of each person who applied for a presidential ballot whose name appears on the list of registered voters. Requires the voter registrar, on receipt of the notice, to cancel the voter's registration.

SUBCHAPTER D. VOTING FEDERAL BALLOT BY OVERSEAS CITIZEN

Sec. 88.301. DEFINITIONS. Defines "federal ballot," "federal office," and "United States."

Sec. 88.302. ELIGIBILITY. Provides that a United States citizen dwelling outside the United States is eligible to vote a federal ballot by mail if the citizen meets certain criteria.

Sec. 88.303. OFFICES ON WHICH VOTER ENTITLED TO VOTE. Provides that a person voting a federal ballot is entitled to vote only on each federal office to be voted on in the election precinct of the person's most recent domicile in this state.

Sec. 88.304. APPLICATION. (a) Requires that an application for a federal ballot be submitted on an official federal postcard application form.

(b) Requires that the application be submitted to the county clerk serving the election precinct of the applicant's most recent domicile in this state.

(c) Provides that the period during which a federal ballot application is authorized to be submitted is the same as that for submitting a federal postcard application under Subchapter A, Chapter 74.

Sec. 88.305. APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION. Provides that the provisions governing the application for ballots for more than one election by a single federal postcard application under Subchapter A, Chapter 74, apply to a federal ballot application.

Sec. 88.306. DETERMINING OFFICES TO BE VOTED ON. Requires the county clerk, for each voter who is to vote a federal ballot, to determine the federal offices on which the voter is entitled to vote and indicate them on the application or the jacket envelope.

Sec. 88.307. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS; RETURN OF BALLOT. (a) Requires that the balloting materials provided under this subchapter be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301 through 20311), in an envelope labeled "Official Election Balloting Material--via Airmail." Requires SOS to provide county clerks with instructions on compliance with this subsection.

(b) Requires that the address to which the balloting materials are sent to a voter be an address outside the United States or an address in the United States for forwarding or delivery to the voter at a location outside the United States. Requires that the federal ballot application, if the address to which the balloting materials are to be sent is within the county served by the county clerk, indicate that the balloting materials will be forwarded or delivered to the voter at a location outside the United States.

(c) Authorizes a ballot voted under this subchapter to be returned to the county clerk by mail, common or contract carrier, or courier.

Sec. 88.308. OFFICIAL CARRIER ENVELOPE. Requires that the officially prescribed carrier envelope for voting under this subchapter be labeled "Official Election Balloting Material--via Airmail."

SUBTITLE D. TABULATION AND REPORTING

CHAPTER 91. COUNTING VOTES AND PREPARING RETURNS

Sec. 91.001. COUNTING OFFICERS. Requires that the ballots, at each polling place, be counted by one or more teams of election officers assigned by the presiding judge. Requires each team to consist of two or more election officers.

Sec. 91.002. TIME FOR COUNTING. (a) Authorizes the presiding judge, subject to Subsection (b), to direct the counting of ballots to occur at any time after the polls have been open for one hour.

(b) Prohibits the ballot box for the deposit of voters' marked ballots, while the polls are open and until voting is concluded after the polls close, from being opened for the purpose of counting the ballots unless there are at least 10 ballots in the box.

(c) Requires that the counting of ballots, after the polls close on election day or the last voter has voted, whichever is later, be conducted continuously until all the ballots are counted.

(d) Requires that the counting of ballots voted during the voting period, to the extent possible, be completed not later than the end of voting on election day.

Sec. 91.003. ROTATING BALLOT BOXES NO. 1 AND NO. 2. (a) Requires that ballot box no. 1 and ballot box no. 2, if the counting of the ballots is to begin before voting is concluded, be used on a rotating basis at the polling place.

(b) Requires that either ballot box no. 1 or ballot box no. 2, when the other box containing marked ballots is delivered to the election officers counting the ballots, be immediately made available for the deposit of marked ballots.

(c) Requires an election officer, before the ballot box is positioned for the receipt of marked ballots, to examine it, remove its contents, and lock the box.

Sec. 91.004. TALLY LISTS. Requires that three original tally lists be maintained at the polling place to record the number of votes received for the candidates and for and against the measures voted on.

Sec. 91.005. TALLYING THE VOTES. (a) Requires one member of the counting team to examine each ballot and clearly announce the name of each candidate for whom a vote has been received or whether a vote has been received for or against a measure. Requires the other members of the counting team to record the votes on the tally lists as they are announced.

(b) Requires the counting team to compare the tally lists periodically to determine whether discrepancies exist among them. Requires that the ballots, if a discrepancy is discovered, be recounted and the necessary corrections be made on the lists.

(c) Requires each member of the counting team assigned to tally votes, on completing the count, to compute the total number of votes tallied on the list the member has kept and enter the totals on the tally list. Requires each counting officer, after verifying that the three lists are in agreement, to sign the list that the officer has kept.

Sec. 91.006. REPLACING MEMBER OF COUNTING TEAM. (a) Prohibits a member of a counting team from being replaced after vote tallying is begun unless each existing discrepancy among the three tally lists is corrected before the replacement is made.

(b) Requires the counting officer to be replaced, if an officer is replaced on a counting team after the tallying is begun, to certify the accuracy of the list the officer has kept, as of the time of the replacement, by signing the list at that time.

Sec. 91.007. TALLYING WRITE-IN VOTES. (a) Requires that the name of a write-in candidate, in an election in which write-in voting is permitted, be entered on the tally list and votes for that candidate be tallied in the same manner as votes for a candidate whose name appears on the ballot.

(b) Prohibits a write-in vote from being counted if a sticker containing a candidate's name is affixed to the ballot by the voter.

Sec. 91.008. COUNTING IRREGULARLY MARKED BALLOT. (a) Provides that failure to mark a ballot in strict conformity with this code does not invalidate the ballot.

(b) Provides that marking the ballot by marking through the names of candidates for whom or the statements beside the propositions for which the voter does not desire to vote does not invalidate the ballot.

(c) Requires that a vote on an office or measure be counted if the voter's intent is clearly ascertainable unless other law prohibits counting the vote.

(d) Authorizes the intent of the voter in marking a ballot to be determined by certain markings.

Sec. 91.009. BALLOTS NOT COUNTED. (a) Prohibits the following ballots from being counted:

(1) a ballot that is not provided to the voter at the polling place;

(2) two or more ballots that are folded together in a manner indicating that they were folded together when deposited in the ballot box;

(3) a write-in envelope containing a write-in vote without an attached ballot;

(4) a ballot that has not been deposited in the ballot box used for the deposit of marked ballots; or

(5) a provisional ballot that is not accepted under Subchapter F, Chapter 92.

(b) Requires the presiding judge, if a ballot is unnumbered or the signature of the presiding judge does not appear on the back of a ballot, to examine it to determine whether the ballot is not to be counted under Subsection (a)(1).

(c) Requires an election officer, if a ballot is not counted, to indicate on the back of the ballot the reason for not counting it.

Sec. 91.010. OVERVOTING. Prohibits the votes from being counted if a voter marks the ballot for more candidates for an office than the number of persons to be elected for that office.

Sec. 91.011. DEPOSITING BALLOT IN BALLOT BOX NO. 3. (a) Provides that, after a ballot is counted, it is required be deposited in ballot box no. 3.

(b) Requires that a voted ballot that is not counted also be deposited in ballot box no. 3.

Sec. 91.012. BALLOT REGISTER. (a) Requires each presiding judge to prepare a ballot register as provided by this section.

(b) Requires that the register state certain information.

(c) Requires that the ballot register be prepared as an original and one copy, and on completing the register, the presiding judge is required to sign each one to certify its accuracy.

Sec. 91.013. PREPARING PRECINCT RETURNS. (a) Requires the presiding judge, on completion of the vote count, to prepare the returns of the election for the precinct.

(b) Requires that the returns state certain information.

(c) Requires that the returns be prepared as an original and three copies, and on completing the returns, the presiding judge is required to sign each one to certify its accuracy.

(d) Provides that a presiding judge commits an offense if the judge knowingly fails to include in the precinct returns the applicable information required by this code or to complete the returns in time for them to be delivered by the deadline prescribed by Section 93.053(c) for delivery of the precinct election records.

(e) Provides that an offense under Subsection (d) is a Class B misdemeanor.

Sec. 91.014. ANNOUNCING PARTIAL RESULTS. (a) Authorizes the presiding judge, subject to Subsection (b), after the polls close and the last voter has voted, to announce the status of the vote count from time to time.

(b) Authorizes the local canvassing authority to require the announcements or prohibit them.

(c) Requires that the announcements be made at the entrance to the polling place.

Sec. 91.015. INTERNET POSTING OF ELECTION RESULTS. (a) Requires a county that holds or provides election services for an election and maintains an Internet website to post certain information on its public Internet website for an election of public officials or of a governmental entity authorized by law to impose a tax administered by the county.

(b) Requires a city or independent school district that holds an election and maintains an Internet website to post certain information on its public Internet website for the city or independent school district, as applicable.

(c) Requires that the information described by Subsections (a) and (b) be posted as soon as practicable after the election and accessible without having to make more than two selections or view more than two network locations after accessing the Internet website home page of the county, city, or district, as applicable.

CHAPTER 92. PROCESSING MAIL VOTING RESULTS

SUBCHAPTER A. MAIL BALLOT BOARD

Sec. 92.001. BOARD CREATED; JURISDICTION. Requires that a mail ballot board be created in each election to process mail voting results from the territory served by the county clerk.

Sec. 92.002. COMPOSITION OF BOARD. (a) Provides that the board consists of a presiding judge, an alternate presiding judge, and at least one other member.

(b) Provides that, except as provided by Subsection (d), the presiding judge and the alternate presiding judge are appointed in the same manner as a presiding election judge and alternate presiding election judge, respectively. Provides that, except as provided by Subsection (c), each other member is appointed by the presiding judge in the same manner as the precinct election clerks.

(c) Requires each county chair of a political party with nominees on the general election ballot, in the general election for state and county officers, to submit to the county election board a list of names of persons eligible to serve on the board in order of the county chair's preference. Requires the county election board to appoint at least one person from each list to serve as a member of the board. Requires that the same number of members be appointed from each list. Requires the county election board to appoint persons as members of the board in the order of preference indicated on each list.

(d) Requires the county election board, in addition to the members appointed under Subsection (c), to appoint as the presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election and as the alternate presiding judge the highest-ranked person on the list provided under that subsection by the political party whose nominee for governor received the second most votes in the county in the most recent gubernatorial general election.

Sec. 92.003. ELIGIBILITY FOR BOARD MEMBERSHIP. Requires a person, to be eligible for appointment to the board, to meet the requirements for eligibility for service as a presiding election judge, except that the appointee is required to be a qualified voter of the territory served by the county clerk and is not required to be a qualified voter of any other particular territory.

Sec. 92.0031. TRAINING. Requires SOS to provide a standardized training program and materials for members of a board in the same manner it provides such a program under Subchapter F, Chapter 32.

Sec. 92.004. BOARD COMPOSED OF PRECINCT ELECTION OFFICERS. Authorizes the authority ordering the election, in an election other than the general election for state and county officers or a primary election, to direct by resolution, order, or other official action that the precinct election officers serving one of the election precincts also serve as the board for the election. Provides that, in that case, the presiding election judge of the precinct serves as the board's presiding officer.

Sec. 92.005. COMPENSATION OF MEMBERS. (a) Provides that members of the board are entitled to the same compensation as presiding election judges, except in certain situations.

(b) Prohibits precinct officers serving as board members under Section 92.004 from being compensated for both positions.

Sec. 92.006. MAIL BALLOT BOARD MEMBERS: OATH AND IDENTIFICATION. (a) Requires a member of the board to repeat an oath aloud. Sets forth the required language of the oath.

(b) Requires a member of the board who arrives after the oath is made to repeat the oath aloud before performing any duties as a member.

(c) Requires each member of the board, following administration of the oath, to be issued a form of identification, prescribed by SOS, to be displayed by the member during the member's hours of service on the board.

SUBCHAPTER B. DELIVERING MATERIALS TO BOARD

Sec. 92.021. BALLOTS AND OTHER MATERIALS DELIVERED TO BOARD. Requires the county clerk to deliver certain materials to the board.

Sec. 92.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED ELECTRONICALLY. Authorizes the county clerk, if ballot materials and ballot applications are recorded electronically as provided by Section 92.206, to deliver those materials to the board through electronic means.

Sec. 92.022. TIME OF DELIVERY: GENERAL RULE. Requires that the materials, except as provided by Section 92.0221, 92.023, or 92.024, be delivered to the board under this subchapter during the time the polls are open on election day, or as soon after the polls close as practicable, at the time or times specified by the presiding judge of the board.

Sec. 92.0221. TIME OF DELIVERY: MAIL BALLOTS. (a) Requires that the jacket envelopes containing mail ballots, except as provided by Subsection (b), not later than the ninth day before election day, be delivered to the board.

(b) Authorizes any jacket envelopes of mail ballots returned after delivery of the ballots under Subsection (a) to be delivered to the presiding judge of the board between the end of the ninth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge.

(c) Requires the county clerk to post notice of each delivery of balloting materials under this section that is to be made before the time for opening the polls on election day. Requires that the notice be posted at the county clerk's office continuously for at least 24 hours immediately preceding the delivery.

(d) Requires the county clerk, at least 24 hours before each delivery made before the time for opening the polls on election day, to notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made.

Sec. 92.0222. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR MAIL AND E-MAIL. (a) Prohibits the clerk, if the county clerk has provided a voter a mail ballot by both regular mail and e-mail under Part 3, Subchapter A, Chapter 74, from delivering a jacket envelope containing the mail ballot by the voter to the board until both ballots are returned or the deadline for returning marked ballots under Section 73.007 has passed.

(b) Requires the county clerk, if both the ballot provided by regular mail and the ballot provided by e-mail are returned before the deadline, to deliver only the jacket envelope containing the ballot provided by e-mail to the board. Provides that the ballot provided by regular mail is considered to be a ballot not timely returned.

Sec. 92.023. TIME OF DELIVERY: AUTOMATICALLY COUNTED BALLOTS. (a) Authorizes the mail ballots to be automatically counted, in an election in which mail ballots are to be counted by automatic tabulating equipment at a central counting station, to be delivered to the board between the end of the fourth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at intervals specified by the presiding judge of the board.

(b) Requires the county clerk to post notice of each delivery of ballots under this section that is to be made before the time for opening the polls on election day. Requires that the notice be posted at the county clerk's office continuously for at least 24 hours immediately preceding the delivery.

(c) Requires the county clerk, at least 24 hours before the first delivery of ballots covered by Subsection (b), to notify the county chair of each political party having a nominee on the ballot of the time the first delivery is to be made.

Sec. 92.024. TIME OF DELIVERY: VOTING MACHINE ELECTION. (a) Authorizes the jacket envelopes containing the mail ballots, in an election in which votes are cast on voting machines, to be delivered to the board between the end of the fourth day before election day and the closing of the polls on election day, or as soon after closing as practicable, at a time specified by the presiding judge of the board.

(b) Requires the county clerk to post notice of the delivery of materials under this section that is to be made before the time for opening the polls on election day. Requires that the notice be posted at the county clerk's office continuously for at least 24 hours immediately preceding the delivery.

(c) Requires the county clerk, at least 24 hours before the delivery, to notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made.

Sec. 92.0241. PROCESSING BALLOTS BEFORE POLLS OPEN. (a) Requires the board to make its determination whether to accept mail ballots in accordance with Section 92.041 after the ballots are delivered to the board.

(b) Prohibits the board from counting mail ballots until the polls open on election day or, in an election conducted by an authority of a county with a population of 100,000 or more, or conducted jointly with such a county or conducted with such a county through a contract for election services, the fourth day before election day.

(c) Requires SOS to prescribe any procedures necessary for implementing this section.

Sec. 92.025. DELIVERING SECOND BALLOT BOX KEY TO BOARD. Requires the custodian of the key to the second lock on the ballot boxes for mail ballots, on request of the presiding officer of the board, to deliver the custodian's key for each box to the presiding officer.

Sec. 92.026. BYSTANDERS EXCLUDED. (a) Prohibits a person, except as permitted by this code and as described by Subsection (b), from being in the meeting place of a board during the time of the board's operations.

(b) Authorizes a person, under this code, to be lawfully present in the meeting place of a board during the time of the board's operations if the person is a presiding judge or member of the board, a watcher, a state inspector, a voting system technician, as authorized by Section 125.010, the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election, or a person whose presence has been authorized by the presiding judge in accordance with this code.

Sec. 92.027. ACCESS TO INFORMATION. (a) Requires a county election official, on request, to provide to a member of a board all available information necessary to fulfilling the functions of the board, including any information from the statewide computerized voter registration list under Section 18.061.

(b) Requires SOS to adopt rules as necessary to prevent a member of a board from retaining or sharing personally identifiable information from the statewide computerized voter registration list under Section 18.061 obtained under this section for any reason unrelated to the official's official duties.

SUBCHAPTER C. ACCEPTING MAIL BALLOT

Sec. 92.041. ACCEPTING VOTER. (a) Requires the board to open each jacket envelope for a mail ballot and determine whether to accept the voter's ballot.

(b) Provides that a ballot is authorized to be accepted only in certain circumstances.

(c) Requires the board, if a ballot is accepted, to enter the voter's name on the poll list unless the form of the list makes it impracticable to do so.

(d) Requires that a ballot be rejected if any requirement prescribed by Subsection (b) is not satisfied. Requires the board, in that case, to indicate the rejection by entering "rejected" on the carrier envelope and on the corresponding jacket envelope.

(e) Provides that a person commits an offense if the person intentionally accepts a ballot for voting or causes a ballot to be accepted for voting that the person knows does not meet the requirements of Subsection (b). Provides that an offense under this subsection is a Class A misdemeanor.

Sec. 92.0411. SIGNATURE VERIFICATION. (a) Requires the board to make a determination under this section for each mail ballot to ensure that each mail ballot meets the requirement under Section 92.041(b)(2).

(b) Requires the board to compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter.

(c) Authorizes the board, to determine whether the signatures are those of the voter, to also compare the signatures with any known signature of the voter on file with the county clerk or voter registrar.

(d) Provides that if a voter provides the information required under Section 73.002(g) and it identifies the same voter identified on the voter's application for voter registration under Section 13.002(c)(8), the signature on the ballot application and on the carrier envelope certificate is required to be rebuttably presumed to be the signatures of the voter. Requires the board to compare signatures in making a determination under this section regardless of whether the presumption provided by this subsection exists.

(e) Requires that a determination under this section that the signatures are not those of the voter, except as provided by Subsection (f), be made by a majority vote of the board's membership.

(f) Authorizes the board, if more than 12 members are serving on the board, to split into two or more groups of not fewer than six members. Requires that the determination under this section that the signatures are not those of the voter, if the board has split into groups, be made by a majority vote of the membership of the group making the applicable determination.

(g) Requires the board to place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter in separate containers from those of voters whose signatures are those of the voter.

(h) Requires the board, for a ballot cast under Subchapter A or D, Chapter 74, to compare the signature on the carrier envelope or signature cover sheet with the signature of the voter on the federal postcard application.

Sec. 92.0412. OPPORTUNITY TO CORRECT DEFECT: MAIL BALLOT BOARD. (a) Provides that this section applies to certain mail ballots.

(b) Requires the board, not later than the second day after a board discovers a defect described by Subsection (a) and before the board decides whether to accept or reject a timely delivered ballot under Section 92.041, to send the voter a notice of the defect and a corrective action form developed by SOS under Subsection (e) by mail or by common or contract carrier.

(c) Requires the board to include certain information with the notice delivered to the voter under Subsection (b).

(d) Authorizes the board, if the board determines that it would not be possible for the voter to receive the notice of defect within a reasonable time to correct the defect, to notify the voter of the defect by telephone or e-mail and inform the voter that the voter is authorized to request to have the voter's application to vote by mail canceled in the manner described by Section 72.032, submit a corrective action form developed by SOS under Subsection (e) by mail or by common or contract carrier, or come to the county clerk's office in person not later than the sixth day after election day to correct the defect.

(e) Requires SOS to develop a corrective action form that is authorized to be completed and submitted to a board under this section to correct a defect.

(f) Requires the board, if the board takes an action described by Subsection (b) or (d), to take either action described by that subsection with respect to each ballot in the election to which this section applies.

(g) Entitles a poll watcher to observe an action taken under Subsection (b) or (d).

(h) Requires the board to, in addition to sending the voter notice of the defect under Subsection (b) or notifying the voter of the defect by telephone or e-mail under Subsection (d), notify the voter of a defect discovered under this section using the online tool described by Section 73.015 and if possible, permit the voter to correct a defect using the online tool described by Section 73.015.

(i) Authorizes SOS to prescribe any procedures necessary to implement this section.

(j) Prohibits a ballot, notwithstanding any other law, from being finally rejected for a reason listed in Section 92.041(b)(1), (2), or (6) before the seventh day after election day.

Sec. 92.042. DISPOSITION OF ACCEPTED BALLOT. (a) Requires the board to open each carrier envelope containing an accepted ballot without defacing the certificate on the carrier envelope and remove the ballot envelope from the carrier envelope.

(b) Requires the board, except as provided by Subsection (d), to place the ballot envelope containing an accepted ballot in a ballot box containing the accepted mail ballots.

(c) Requires that the ballot box in which the board deposits ballot envelopes containing accepted mail ballots have two locks, each with a different key, and be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot envelope slot can be sealed to prevent any unauthorized deposit in the box. Requires that the seals for the boxes be serially numbered for each election. Provides that the procedures prescribed by Sections 127.064, 127.065, 127.066, and 127.068 governing the use of sealed ballot boxes in electronic voting system elections apply to the use of sealed ballot boxes under this title to the extent those procedures can be made applicable. Requires SOS to prescribe any procedures necessary to implement the use of sealed ballot boxes for mail ballots.

(d) Requires that the ballot envelope be placed in a separate container if the ballots are to be counted at a central counting station.

(e) Requires that an accepted ballot that was not returned in the official ballot envelope be treated as an accepted ballot that was returned in the ballot envelope.

Sec. 92.043. DISPOSITION OF REJECTED BALLOT. (a) Requires the board to place the carrier envelopes containing rejected ballots in an envelope and seal the envelope. Authorizes more than one envelope to be used if necessary. Requires the board to keep a record of the number of rejected ballots in each envelope.

(b) Requires that the envelope for the rejected ballots indicate the date and identity of the election and be labeled "rejected mail ballots" and signed by the board's presiding judge.

(c) Requires a board member to deliver the envelope containing the rejected ballots to the general custodian of election records to be preserved for the period for preserving the precinct election records. Prohibits the envelope from being placed in the box containing the voted ballots.

(d) Requires that a notation be made on the carrier envelope of any ballot that was rejected after the carrier envelope was opened and include the reason the envelope was opened and the ballot was rejected.

Sec. 92.0431. NOTICE OF REJECTED BALLOT. (a) Requires the presiding judge of the board, not later than the 10th day after election day, to deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application. Requires the presiding judge of the board, if the ballot was transmitted to the voter by e-mail under Part 3, Subchapter A, Chapter 74, to also provide the notice to the e-mail address to which the ballot was sent.

(b) Requires the county clerk, not later than the 30th day after election day, to deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because of certain circumstances.

(c) Requires the attorney general to prescribe the form and manner of submission under Subsection (b). Requires SOS to adopt rules as necessary to implement the requirements prescribed under this subsection.

Sec. 92.044. DISPOSITION OF APPLICATION. (a) Requires the board to place each application to vote by mail in its corresponding jacket envelope. Requires the board, for a ballot voted under Subchapter A or D, Chapter 74, to also place the copy of the voter's federal postcard application or signature cover sheet in the same location as the carrier envelope. Requires the board, if the voter's ballot was accepted, to also place the carrier envelope in the jacket envelope. Provides that, however, if the jacket envelope is to be used in a subsequent election, the carrier envelope is required to be retained elsewhere.

(b) Requires a board member to deliver the jacket envelope, carrier envelope, and application in a container other than that used for the voted ballots to the general custodian of election records, to be retained for the period for preserving the precinct election records.

SUBCHAPTER D. PROCESSING MANUALLY COUNTED BALLOTS

Sec. 92.061. AUTHORITY RESPONSIBLE FOR COUNTING BALLOTS. Requires the board to count the mail ballots that are to be counted manually.

Sec. 92.062. COUNTING BALLOTS AND PREPARING RETURNS. (a) Requires the board, in accordance with Section 92.042(c), on the direction of the presiding judge, to open the containers for the mail ballots that are to be counted by the board, remove the contents from each container, and remove any ballots enclosed in ballot envelopes from their envelopes.

(b) Requires the board to count the ballots and prepare the returns in accordance with the procedure applicable to paper ballots cast at a precinct polling place.

Sec. 92.063. DISPOSITION OF BALLOTS AND OTHER ITEMS. (a) Requires the presiding judge of the board, except as provided by Subsection (b), to deliver the mail ballots counted by the board, mail ballot election returns, other mail voting election records, and mail ballot box keys, to the appropriate authorities in accordance with the procedures applicable to distribution of corresponding items from a precinct polling place using paper ballots.

(b) Requires that the records, if part of the mail ballots are counted by automatic tabulating equipment at a central counting station, instead of delivering a copy of the mail ballot election returns and other mail voting election records to the canvassing authority and to the general custodian of election records, be delivered to the presiding judge of the central counting station.

SUBCHAPTER E. PROCESSING BALLOTS COUNTED AT CENTRAL COUNTING STATION

Sec. 92.101. DELIVERY OF BALLOTS TO COUNTING STATION. Requires the board, on the direction of the presiding judge, to deliver to the central counting station the container for the mail ballots that are to be counted by automatic tabulating equipment at a central counting station. Requires the board to make the delivery without opening the container and in accordance with the procedure applicable to electronic system ballots cast at a precinct polling place.

Sec. 92.102. DUPLICATING PAPER BALLOTS FOR AUTOMATIC COUNTING. (a) Authorizes the authority adopting an electronic voting system in which ballots are counted at a central counting station to direct by resolution, order, or other official action that the mail ballots cast in an election be duplicated as electronic system ballots for automatic counting at the central counting station.

(b) Requires that mail ballots that are to be duplicated under this section be delivered to the central counting station as prescribed by Section 92.101 and be treated in the same manner as damaged electronic system ballots that are duplicated for automatic counting.

Sec. 92.103. COUNTING BALLOTS AND PREPARING RETURNS. (a) Requires that electronic system ballots counted at a central counting station and other mail ballots be tabulated separately and be separately reported on the returns.

(b) Requires that the mail ballot returns prepared at the central counting station include any voting results obtained by the board under Subchapter D.

Sec. 92.104. DISPOSITION OF MAIL BALLOT BOARD RETURNS AND OTHER RECORDS. Requires that mail ballot returns or other mail voting election records to be delivered to the central counting station under Section 92.063(b) be delivered to the appropriate authorities with the counting station records.

SUBCHAPTER F. VERIFICATION AND COUNTING OF PROVISIONAL BALLOTS

Sec. 92.151. DUTY OF MAIL BALLOT BOARD. (a) Requires the board to verify and count provisional ballots as provided by this subchapter not later than the ninth day after the date of an election.

(b) Requires the board, notwithstanding Subsection (a), for an election held on the date of the general election for state and county officers, to verify and count provisional ballots as provided by this subchapter not later than the 13th day after the date of the election.

(c) Provides that, except as provided by this subchapter, the conduct of the board is governed by the same procedures as are provided by this chapter.

Sec. 92.152. DUTY OF VOTER REGISTRAR. Requires SOS to prescribe procedures by which the voter registrar of the county in which a provisional ballot is cast is required to provide assistance to the mail ballot board in executing its authority under this subchapter. Requires that the procedures, in an election described by Section 92.151(b), allow for 10 calendar days for the voter registrar to review a provisional voter's eligibility.

Sec. 92.153. DELIVERY OF PROVISIONAL BALLOTS. Requires the presiding judge of an election precinct to deliver in person to the general custodian of election records the box containing each envelope containing a provisional ballot that was cast in the precinct. Requires SOS to prescribe procedures by which the mail ballot board is authorized to have access to the provisional ballots as necessary to implement this subchapter.

Sec. 92.154. ACCEPTING PROVISIONAL BALLOT. (a) Requires the board to examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit.

(b) Requires that a provisional ballot be accepted if the board determines that:

(1) from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election;

(2) the person meets certain criteria; and

(3) the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

(c) Requires the board, if a provisional ballot is accepted, to enter the voter's name on a list of voters whose provisional ballots are accepted.

(d) Requires the board, if a provisional ballot is rejected, to indicate the rejection by marking "rejected" on the envelope containing the provisional ballot.

Sec. 92.1541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) Authorizes a voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) to take certain actions, not later than the sixth day after the date of the election.

(b) Requires SOS to prescribe procedures as necessary to implement this section.

Sec. 92.155. DISPOSITION OF ACCEPTED PROVISIONAL BALLOT AND AFFIDAVIT. (a) Requires the board to open each envelope containing an accepted provisional ballot without defacing the affidavit located on the outside of the envelope and remove the ballot.

(b) Requires the board to place the ballot in a ballot box containing all the provisional ballots accepted for voting in the election.

(c) Requires the board, for each accepted provisional ballot, to place the corresponding envelope on which is printed the voter's affidavit executed under Section 63.011 in a sealed envelope and deliver the envelope to the general custodian of election records, to be retained for the period for preserving precinct election returns.

Sec. 92.156. DISPOSITION OF REJECTED PROVISIONAL BALLOT. (a) Requires the voter registrar, if the affidavit on the envelope of a rejected provisional ballot contains the information necessary to enable the person to register to vote under Chapter 13, to make a copy of the affidavit under procedures prescribed by SOS. Requires the voter registrar to treat the copy as an application for registration under Chapter 13.

(b) Requires the board to place the envelopes containing rejected provisional ballots in an envelope and seal the envelope. Authorizes more than one envelope to be used if necessary.

(c) Requires that the envelope for the rejected provisional ballots indicate the date and identity of the election, be labeled "rejected provisional ballots," and be signed by the board's presiding judge.

(d) Requires a board member to deliver the envelope containing the rejected provisional ballots to the general custodian of election records to be preserved for the period for preserving the precinct election records. Prohibits the envelope from being placed in the box containing the accepted provisional ballots.

Sec. 92.157. PROCESSING ACCEPTED PROVISIONAL BALLOTS. (a) Requires the board to count accepted provisional ballots as follows: for ballots to be counted manually, in the manner provided by Subchapter D; for ballots to be counted by automatic tabulating equipment at a central counting station, in the manner provided by Subchapter E; and for ballots to be counted by any other means, in the manner provided by rules adopted by SOS.

(b) Requires the board, on counting the ballots under this section, to report the results to the local canvassing authority for the election.

Sec. 92.158. PRESERVATION OF PROVISIONAL VOTING RECORDS GENERALLY. Requires that the returns of provisional ballots that are accepted, the accepted ballots, and other provisional voting records be preserved after the election in the same manner as the corresponding precinct election returns.

Sec. 92.1581. PUBLIC INSPECTION OF PROVISIONAL VOTING RECORDS. Provides that provisional voting records are not available for public inspection until the first business day after the date the mail ballot board completes the verification and counting of provisional ballots under Section 92.151 and delivers the provisional ballots and other provisional voting records to the general custodian of election records.

Sec. 92.159. NOTICE TO PROVISIONAL VOTER. Requires SOS to prescribe procedures to implement a system to allow a person who casts a provisional ballot under Section 63.011 to obtain access free of charge to information on the disposition of the person's ballot. Provides that the system is:

(1) required to allow the person to determine whether the person's ballot was counted, and, if the person's ballot was not accepted, indicate the reason why;

(2) required to provide the information only to the person who cast the provisional ballot; and

(3) authorized to involve the use of a toll-free telephone number or the Internet.

Sec. 92.160. DISCLOSURE OF SOCIAL SECURITY, DRIVER'S LICENSE, OR PERSONAL IDENTIFICATION NUMBER ON PROVISIONAL BALLOT AFFIDAVIT. Provides that a social security number, Texas driver's license number, or number of a personal identification card issued by DPS furnished on a provisional ballot affidavit is confidential and does not constitute public information for purposes of Chapter 552, Government Code. Requires the general custodian of election records to ensure that a social security number, Texas driver's license number, or number of a personal identification card issued by DPS is excluded from disclosure.

SUBCHAPTER G. MISCELLANEOUS PROVISIONS

Sec. 92.201. MAIL VOTING ROSTERS. (a) Requires the county clerk to maintain for each election a roster listing each person to whom a mail ballot is sent.

(b) Requires that the roster include certain information for each person listed.

(c) Requires that the roster be updated daily.

(d) Authorizes the roster to be maintained in any form approved by SOS.

(e) Requires the clerk to preserve the roster after the election for the period for preserving the precinct election records.

(f) Provides that information on the roster for a person to whom a mail ballot has been sent is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after election day.

(g) Requires that information on the roster for a person who votes a mail ballot be made available for public inspection as provided by Subsection (h) not later than 11 a.m. on the day following the day the county clerk receives any mail ballot.

(h) Requires that the information under Subsection (g) be made available for certain elections.

(i) Requires the county clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the information described by Subsection (g) not later than 11 a.m. on the day following the day the county clerk receives any mail ballot.

(j) Requires the county clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the election day information described by Subsection (g) not later than 11 a.m. on the day after the election.

(k) Requires the county clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the final roster containing information described by Subsection (g) not later than the 20th day after the date of the local canvass.

(l) Requires SOS to post the information described by Subsection (i) on SOS's Internet website in a downloadable format not later than 11 a.m. on the day following the day of receipt of the information.

(m) Requires SOS to create a system for a county clerk for a primary election or the general election for state and county officers to provide the information to SOS for posting on SOS's Internet website under Subsection (i).

(n) Authorizes a person registered to vote in the county where the county clerk is conducting mail voting to submit a complaint to SOS stating that a county clerk has not complied with this section.

(o) Requires SOS by rule to create and maintain a system for receiving and recording complaints made under this section.

(p) Requires SOS to maintain a record indicating county clerks who have failed to comply with the requirements of this section.

Sec. 92.202. PRECINCT MAIL VOTING LIST. (a) Requires the county clerk, for each election precinct in the territory served by the clerk, to prepare a list containing the name, address, and voter registration number of each person registered in the precinct to whom a mail ballot is sent.

(b) Requires that the list, if an election precinct is situated in more than one county election precinct, indicate each voter's county election precinct of residence.

(c) Requires the clerk to enter "mail voter" beside the name of each person on the precinct list of registered voters whose name appears on the list of mail voters and deliver the precinct list to the presiding judge of the election precinct not later than the day before election day.

(d) Requires the clerk to preserve a copy of each precinct mail voting list prepared for the general election for state and county officers for two years after election day.

Sec. 92.2021. DISPOSITION OF BALLOT TRANSMITTAL FORM. (a) Requires the presiding judge of the board to enter certain information on the ballot transmittal form.

(b) Requires a board member to deliver the transmittal form to the general custodian of election records to be preserved for the period for preserving the precinct election records.

Sec. 92.203. DELIVERING OTHER RECORDS AND SUPPLIES. Requires the county clerk, not later than the second day after election day, to deliver the mail voting records and supplies, other than those required to be delivered to the board, to the authority to whom the corresponding precinct election records are delivered after the election.

Sec. 92.2031. MAIL VOTES REPORTED BY PRECINCT. Requires the county clerk, not later than the time of the local canvass, to deliver to the local canvassing authority a report of the total number of mail votes for each candidate or measure by election precinct.

Sec. 92.204. PRESERVATION OF MAIL VOTING ELECTION RECORDS GENERALLY. Requires that the mail voting election returns, voted mail ballots, and other mail voting election records be preserved after the election in the same manner as the corresponding precinct election records.

Sec. 92.205. COUNTING OF CERTAIN BALLOTS VOTED LATE BY MAIL. (a) Requires the board to convene to count mail ballots described by Section 73.007(d) at the time set by the presiding judge of the board on the ninth day after the date of an election or on an earlier day if the county clerk certifies that all ballots mailed from outside the United States have been received.

(b) Requires the board, notwithstanding Subsection (a), for an election held on the date of the general election for state and county officers, to convene to count mail ballots described by Sections 73.007(d) and (e) not later than the 13th day after the date of the election.

(c) Requires the board, on counting the ballots under Subsection (a), to report the results to the local canvassing authority for the election.

(d) Requires the board, if the date prescribed by Subsection (a) for convening the mail ballot board is a Saturday, Sunday, or legal state or national holiday, to convene on the next regular business day.

Sec. 92.206. ELECTRONIC RECORDING OF BALLOT MATERIALS AND APPLICATIONS. (a) Authorizes the county clerk to electronically record applications to vote by mail, jacket envelopes, carrier envelopes, and ballots.

(b) Requires that electronic records made under this section record both sides of any application, envelope, or ballot recorded, and all such records be provided to the board.

(c) Authorizes SOS to adopt rules providing requirements for the electronic image quality and storage of the electronic images of the documents described by Subsection (a).

Sec. 92.207. RESOLUTION OF INCORRECT DETERMINATION BY MAIL BALLOT BOARD. (a) Authorizes a county election officer, if the county election officer, as defined by Section 31.091, determines a ballot was incorrectly rejected or accepted by the board before the time set for convening the canvassing authority, to petition a district court for injunctive or other relief as the court determines appropriate.

(b) Requires the county election officer, in an election ordered by the governor or by a county judge, to confer with and establish the agreement of the county chair of each political party before petitioning the district court.

Sec. 92.208. NOTES. (a) Entitles each member of a board to take any notes reasonably necessary to perform the member's duties under this chapter.

(b) Prohibits notes taken under this section from containing personally identifiable information.

(c) Requires each member who takes notes under this section to sign the notes and deliver them to the presiding judge or committee chair, as applicable, for delivery to the custodian of election records.

(d) Requires that notes collected under this section be preserved in the same manner as precinct election records under Section 93.058.

CHAPTER 93. DISPOSITION OF RECORDS AND SUPPLIES AFTER ELECTION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 93.001. GENERAL CUSTODIAN OF ELECTION RECORDS. Provides that the general custodian of election records is a certain person.

Sec. 93.002. PRECINCT ELECTION RECORDS. Defines "precinct election records."

Sec. 93.0021. ELECTION DAY VOTE TOTAL FOR CERTAIN ELECTIONS. (a) Provides that this section applies only to a primary election or the general election for state and county officers.

(b) Requires the general custodian of election records for a primary election or the general election for state and county officers to maintain a list that states the total number of votes cast in person in each precinct on election day that is available for public inspection not later than the day after election day.

(c) Requires that each vote total be maintained in a downloadable format approved by SOS and posted on the Internet website of SOS.

(d) Requires SOS to create a system for a county clerk for a primary election or the general election for state and county officers to provide the information to SOS for posting on SOS's Internet website under Subsection (c).

Sec. 93.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a) Requires that four envelopes be furnished to each polling place for use in assembling and distributing the precinct election records.

(b) Requires that the envelopes be labeled and addressed in a certain manner.

Sec. 93.004. POLLING PLACE CHECKLISTS. Requires SOS to adopt rules and create a checklist or similar guidelines to assist the presiding judge of a polling place in processing forms and conducting procedures required by this code at the opening and closing of the polling place.

SUBCHAPTER B. ASSEMBLING RECORDS FOR DISTRIBUTION

Sec. 93.021. ASSEMBLING ELECTION RECORDS. (a) Requires the presiding judge, on completing the election returns for the precinct, to assemble the precinct election records and place them in the appropriate envelopes and ballot boxes for distribution.

(b) Requires the judge to seal envelopes no. 1, no. 2, and no. 4 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for distribution.

Sec. 93.022. CONTENTS OF ENVELOPE NO. 1. Requires that envelope no. 1 contain certain information.

Sec. 93.023. CONTENTS OF ENVELOPE NO. 2. Requires that envelope no. 2 contain certain information.

Sec. 93.024. CONTENTS OF ENVELOPE NO. 3. Requires that envelope no. 3 contain certain information.

Sec. 93.0241. CONTENTS OF ENVELOPE NO. 4. Requires that envelope no. 4 contain certain information.

Sec. 93.025. CONTENTS OF BALLOT BOX NO. 3. (a) Requires that ballot box no. 3 contain the voted ballots, a copy of the precinct returns, a tally list, and a copy of the poll list.

(b) Authorizes the copy of the poll list to be placed in a container other than ballot box no. 3 on approval by SOS if SOS determines that placement in the other container is more suitable for a particular election.

Sec. 93.026. CONTENTS OF BALLOT BOX NO. 4. Requires that ballot box no. 4 contain the original of the ballot register, the register of spoiled ballots, any spoiled ballots, any mail ballot returned at the polling place, any defectively printed ballots, any envelope containing cancellation requests and canceled ballots, and any other unused ballots.

SUBCHAPTER C. DISPOSITION OF RECORDS AND SUPPLIES

Sec. 93.051. DISTRIBUTION OF ELECTION RECORDS. (a) Requires the presiding judge to deliver envelope no. 1 in person to the presiding officer of the local canvassing authority. Requires that the envelope, if the presiding officer of the local canvassing authority is unavailable, be delivered to the general custodian of election records who is required to then deliver it to the local canvassing authority before the time set for convening the local canvass.

(b) Requires the presiding judge to deliver envelope no. 2, ballot box no. 3, and ballot box no. 4 and its key in person to the general custodian of election records.

(c) Requires the presiding judge to retain envelope no. 3.

(d) Requires the presiding judge to deliver envelope no. 4 in person to the voter registrar. Requires that the envelope, if the voter registrar is unavailable, be delivered to the general custodian of election records, who is required to deliver it to the voter registrar on the next regular business day.

Sec. 93.052. DELIVERY BY ELECTION CLERK. Authorizes a delivery of election records or supplies that is to be performed by the presiding judge to be performed by an election clerk designated by the presiding judge.

Sec. 93.053. TIME FOR DELIVERING ELECTION RECORDS. (a) Requires that the precinct election records be delivered to the appropriate authorities immediately after the precinct returns are completed.

(b) Requires the presiding judge, if the presiding judge determines that the ballots will not be counted in time to allow delivery of the precinct election records by 2 a.m. of the day after election day, between midnight of election day and 1 a.m. of the following day, to notify the general custodian of election records by telephone of certain information.

(c) Requires that the precinct election records be delivered not later than 24 hours after the polls close in each election.

Sec. 93.054. FAILURE TO DELIVER ELECTION RETURNS AND VOTED BALLOTS. (a) Provides that an election officer responsible for delivering precinct election returns or voted ballots commits an offense if the officer:

(1) fails to make the delivery to the appropriate authority;

(2) fails to make the delivery by the deadline prescribed by Section 93.053(c); or

(3) fails to prevent another person from handling in an unauthorized manner the returns or voted ballots that the officer is responsible for delivering while they are in the officer's custody.

(b) Provides that if the officer is an election clerk, it is an exception to the application of Subsection (a)(2) that the election clerk did not receive the returns from the presiding judge in time to permit a timely delivery.

(c) Provides that an offense under this section is a Class B misdemeanor.

Sec. 93.055. JUDICIAL IMPOUNDMENT OF ELECTION RECORDS. (a) Requires a district judge, if the precinct election records are not delivered by the deadline prescribed by Section 93.053(c), on application by a member of the canvassing authority, to order the precinct election records to be impounded.

(b) Requires the district judge to supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records.

Sec. 93.056. UNOFFICIAL TABULATION OF PRECINCT RESULTS. (a) Requires the general custodian, as the custodian of election records receives the precinct election records from each polling place, to take certain actions.

(b) Requires the custodian to periodically make a public announcement of the current state of the tabulation made under Subsection (a).

(c) Provides that the tabulation made under Subsection (a) is unofficial and does not affect the outcome of the election.

(d) Requires the custodian to preserve the unofficial tabulation for the period for preserving the precinct election records.

Sec. 93.057. REGULATING PUBLIC INSPECTION OF CERTAIN ELECTION RECORDS. (a) Provides that the election returns for a particular precinct that are delivered to the general custodian of election records do not become public information until the custodian completes the unofficial tabulation of the results for that precinct.

(b) Requires the general custodian of election records or the custodian's designee to be present at all times when the records delivered in ballot box no. 4 are inspected.

(c) Provides that the election records in envelope no. 3 become public information when delivery of the precinct election records is completed.

Sec. 93.058. PRESERVATION OF PRECINCT ELECTION RECORDS. (a) Requires that the precinct election records, except as otherwise provided by this code, be preserved by the authority to whom they are distributed for at least 22 months after election day.

(b) Requires that the voted ballots, for a period of at least 60 days after the date of the election, be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records. Authorizes the general custodian of election records, on the 61st day after election day, to take certain actions.

(c) Prohibits a ballot box or other secure container, except as permitted by this code, from being opened during the preservation period.

(d) Requires that the box or container, if during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, be relocked or resecured, and the box and key or secure container returned to the custodian.

(e) Provides that a custodian of a ballot box or secure container containing voted ballots commits an offense if, during the preservation period prescribed by Subsection (a), the custodian makes an unauthorized entry into the box or container or fails to prevent another person from handling the box or container in an unauthorized manner or from making an unauthorized entry into the box or container.

(f) Provides that an offense under Subsection (e) is a Class A misdemeanor.

(g) Authorizes the records in ballot box no. 4 to be preserved in that box or by any other method chosen by the custodian. Prohibits the records, if the records are removed from the box, from being commingled with any other election records kept by the custodian.

(h) Requires that electronic records created under Chapter 129 be preserved in a secure container.

(i) Requires SOS, for the preservation of precinct election records in an election involving a federal office, to instruct the affected authorities on the actions necessary to comply with federal law and otherwise implement this section.

Sec. 93.059. RETRIEVING ERRONEOUSLY PLACED ELECTION RECORDS. (a) Authorizes a district judge of the county in which a ballot box containing voted ballots is in custody, on written application by the presiding officer of the local canvassing authority or the presiding judge of the election precinct, to order the box opened to retrieve an election record that was erroneously placed in the box.

(b) Requires the district judge, if the political subdivision holding the election is not a county or is a county that does not maintain an Internet website, to post a notice of the date, hour, and place for opening the box on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the general custodian of election records. Requires that the notice remain posted continuously for the 24 hours immediately preceding the hour set for opening the box.

(c) Requires the district judge, if the political subdivision holding the election is a county that maintains an Internet website, to post a notice of the date, hour, and place for opening the box on the county's Internet website. Requires that the notice remain posted continuously for the 24 hours preceding the hour set for opening the box.

(d) Authorizes any interested person to observe the opening of the box.

(e) Requires the district judge to issue the orders necessary to safeguard the contents of a ballot box opened under this section.

Sec. 93.060. DELIVERY AND PRESERVATION OF KEY TO BALLOT BOX NO. 3. (a) Requires the presiding judge to deliver the key to ballot box no. 3 in person to a certain authority.

(b) Requires that the ballot box key be delivered at the same time as the precinct election records.

(c) Requires the custodian of the key to ballot box no. 3 to keep the key for the period for preserving the precinct election records except for the time the key is temporarily out of the custodian's custody in accordance with this code.

(d) Provides that a person commits an offense if the person is the custodian of the key to a ballot box containing voted ballots and, during the period for keeping the key, the person knowingly relinquishes custody of the key except as permitted by law. Provides that an offense under this subsection is a Class B misdemeanor.

(e) Requires the key's custodian, after the period for keeping a key to ballot box no. 3 expires, to return the key to the custodian of the ballot box.

Sec. 93.061. CUSTODY OF LIST OF REGISTERED VOTERS TO BE REUSED IN SUBSEQUENT ELECTION. Requires the custodian of a precinct list of registered voters that is to be reused in a subsequent election occurring during the preservation period to return the list to the authority responsible for delivering the election supplies not earlier than the fourth day before the date it is needed for the subsequent election.

Sec. 93.062. RETURNING EQUIPMENT AND SUPPLIES. (a) Requires that the unused election supplies, at the same time the precinct election records are delivered, be delivered to the authority responsible for distributing the election supplies.

(b) Requires the presiding judge to follow the directions of the authority responsible for distributing the election supplies regarding the storage or return after the election of ballot boxes no. 1 and no. 2, the keys to those boxes, voting booths, and other election equipment.

CHAPTER 94. CANVASSING ELECTIONS

Sec. 94.001. APPLICABILITY OF CHAPTER. Provides that this chapter applies to each general or special election conducted in this state.

Sec. 94.002. CANVASS OF PRECINCT RETURNS. (a) Requires that the precinct election returns for each election, except as otherwise provided by law, be canvassed by certain authorities.

(b) Requires that the canvass of precinct returns be conducted in accordance with this chapter except as otherwise provided by this code.

Sec. 94.003. TIME FOR LOCAL CANVASS. (a) Requires each local canvassing authority, except as provided by Subsection (b), to convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of certain dates.

(b) Authorizes the time for the local canvass, in an election described by Section 92.151(b), to be set not later than the 14th day after election day.

Sec. 94.004. PROCEDURE FOR LOCAL CANVASS. (a) Requires the presiding officer of the canvassing authority, at the time set for convening the canvassing authority for the local canvass, to deliver the sealed precinct returns to the authority. Requires the authority to open the returns for each precinct and canvass them as provided by this section. Provides that two members of the authority constitute a quorum for purposes of canvassing an election.

(b) Requires the canvassing authority to prepare a tabulation stating for each candidate and for and against each measure:

(1) the total number of votes received in each precinct; and

(2) the sum of the precinct totals tabulated under Subdivision (1).

(c) Requires that the tabulation in Subsection (b) also include for each precinct the total number of voters who cast a ballot for a candidate or for or against a measure in the election. Requires SOS to prescribe any procedures necessary to implement this subsection.

(d) Authorizes the canvassing authority to prepare the tabulation as a separate document or enter the tabulation directly in the local election register maintained for the authority. Requires the authority to attach or include as part of the tabulation the report of mail voting votes by precinct received under Section 92.2031.

(e) Authorizes the canvassing authority to compare the precinct returns with the corresponding tally list. Requires the presiding judge of a precinct, if a discrepancy is discovered between the vote totals shown on the returns and those shown on the tally list for the precinct, to examine the returns and tally list and make the necessary corrections on the returns.

(f) Requires the presiding officer of a canvassing authority, on completion of the canvass, to deliver the tabulation to the custodian of the local election register unless it is entered directly in the election register. Requires the custodian to preserve the tabulation for the period for preserving the precinct election records.

(g) Requires the presiding officer of the canvassing authority, on completion of the canvass, to deliver the precinct returns, tally lists, and mail voting precinct report used in the canvass to the general custodian of election records. Requires the custodian to preserve them for the period for preserving the precinct election records.

(h) Requires the presiding officer of the canvassing authority to note the completion of the canvass in the minutes or in the recording required by Section 551.021 (Minutes or Recording of Open Meeting Required), Government Code.

Sec. 94.005. DETERMINING OFFICIAL RESULT OF ELECTION NOT CANVASSED AT STATE LEVEL. (a) Provides that, except as provided by Subsection (b), the official result of an election that is not canvassed at the state level is determined from the canvass of the precinct returns conducted by the local canvassing authority.

(b) Provides that, in an election in which there is more than one local canvassing authority but no canvass at the state level, the official result is determined in the manner prescribed by the law providing for the election.

Sec. 94.006. LOCAL ELECTION REGISTER. (a) Requires that an election register be maintained for each local canvassing authority.

(b) Requires that the election register, for each election, contain in tabulated form the information required to appear in the tabulation of precinct results prepared by the local canvassing authority.

(c) Provides that the general custodian of election records for the elections canvassed by a local canvassing authority is the custodian of the authority's election register.

(d) Requires the custodian, on receipt of the local canvassing authority's tabulation of votes, to make the appropriate entries in the election register.

(e) Requires that the election register be preserved as a permanent record.

Sec. 94.007. COUNTY ELECTION RETURNS. (a) Requires the county clerk of each county in the territory covered by the election, for each election for a statewide, district, county, or precinct office, a statewide measure, or president and vice-president of the United States, to prepare county election returns.

(b) Requires that the county election returns state, for each candidate and for and against each measure, the total number of votes received in the county as stated by the local canvassing authority's tabulation of votes.

(c) Requires the county clerk to certify the county returns.

(d) Requires the county clerk, not later than 24 hours after completion of the local canvass, to deliver to SOS, in the manner directed by SOS, the county returns.

(e) Requires the county clerk to retain a copy of the county returns for the period for preserving the precinct election records.

Sec. 94.008. SEPARATE COUNTY RETURNS FOR GOVERNOR AND LIEUTENANT GOVERNOR. (a) Requires each county clerk, in addition to the returns required by Section 94.007, to prepare separate county election returns of an election for the office of governor or lieutenant governor that contain the same information as the returns for those offices prepared under Section 94.007.

(b) Requires that the returns be delivered to SOS as provided by Section 94.007.

(c) Requires SOS to retain the returns until the first day of the next regular legislative session, when SOS is required to deliver the returns to the speaker of the house of representatives.

(d) Requires the county clerk to retain a copy of the county returns for the offices of governor and lieutenant governor for the period for preserving the precinct election records.

Sec. 94.009. FORMS AND INSTRUCTIONS FOR COUNTY RETURNS. (a) Requires SOS, before each election for which county election returns are required, to deliver to each county clerk in the territory covered by the election two copies of the officially prescribed form for reporting county election returns. Requires SOS to also deliver two copies of the official form for the separate returns for the offices of governor and lieutenant governor, if applicable.

(b) Requires SOS, with the delivery of the official county returns forms, to deliver written instructions on the preparation and delivery of the county election returns.

Sec. 94.010. COUNTY RETURNS CANVASSED BY GOVERNOR. (a) Requires that the county election returns for an election for a statewide office other than governor or lieutenant governor, a statewide measure, a district office, or president and vice-president of the United States be canvassed by the governor.

(b) Provides that when this code refers to the presiding officer of the final canvassing authority, SOS is considered to be the presiding officer when the final canvassing authority is the governor.

(c) Requires that the canvass of county returns be conducted in accordance with this chapter except as otherwise provided by this code.

(d) Authorizes the presiding officer to make a clerical correction to the officially canvassed returns based on any authorized amended county canvass filed with the presiding officer.

Sec. 94.011. COUNTY RETURNS CANVASSED BY LEGISLATURE. (a) Requires that the county election returns for an election for the office of governor or lieutenant governor be canvassed by the legislature and the official result declared by the speaker of the house of representatives in accordance with Section 3 (Returns of Election; Declaration of Election; Tie Votes; Contests), Article IV (Executive Department), Texas Constitution.

(b) Authorizes the legislature, if a county's election returns are incomplete or missing, to substitute SOS's tabulation for that county or obtain the necessary information from the county. Requires SOS or the county, on request of the legislature, to promptly transmit the information to the legislature by the most expeditious means available.

(c) Requires the speaker of the house of representatives, on completion of the canvass, to deliver the county returns to SOS, who is required to retain them for the period for preserving the precinct election records.

Sec. 94.012. TIME FOR CANVASS BY GOVERNOR. (a) Requires the governor to conduct the state canvass at a certain time set by SOS.

(b) Requires SOS to post, on SOS's Internet website, a notice of the date, hour, and place of the canvass at least 72 hours before the canvass is conducted.

Sec. 94.013. PROCEDURE FOR CANVASS BY GOVERNOR. (a) Requires SOS, at the time set for the state canvass, to deliver the county returns to the governor.

(b) Requires SOS to prepare a tabulation stating for each candidate and for and against each measure required to be canvassed by the governor:

(1) the total number of votes received in each county; and

(2) the sum of the county totals tabulated under Subdivision (1).

(c) Requires SOS, at the canvass of an election in which the office of governor or lieutenant governor is voted on, to prepare a separate tabulation on the candidates for governor and lieutenant governor, indicating for each candidate the information required by Subsection (b).

(d) Requires the governor to certify the tabulations.

(e) Requires SOS to retain the county election returns used in the canvass and the tabulations for the period for preserving the precinct election records.

Sec. 94.014. DETERMINING OFFICIAL RESULT OF ELECTION CANVASSED AT STATE LEVEL. Provides that the official result of an election canvassed by the governor or by the legislature is determined from the canvass of the county returns conducted by that authority.

Sec. 94.015. STATE ELECTION REGISTER. (a) Requires that an election register be maintained for the governor.

(b) Requires that for each election the election register, except as provided by Subsection (e), contain in tabulated form the information required to appear in the tabulations of the county results prepared by SOS.

(c) Provides that SOS is the custodian of the election register for the governor.

(d) Requires SOS, after each canvass conducted by the governor, to make the appropriate entries in the election register.

(e) Requires SOS, if a discrepancy exists between the legislature's canvass of the election for governor or lieutenant governor and the register entries pertaining to either of those offices that are made from SOS's tabulation, to make the entries in the register necessary to make it correspond to the legislature's canvass.

(f) Requires that the election register be preserved as a permanent record of the state.

Sec. 94.016. CERTIFICATE OF ELECTION. (a) Requires the presiding officer of the local canvassing authority, after the completion of a canvass, to prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass.

(b) Requires the governor to prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the canvass conducted by the governor.

(c) Requires that a certificate of election contain certain information.

(d) Requires SOS, after the canvass of a presidential election, to prepare a certificate of election for each presidential elector candidate who is elected.

(e) Requires the authority preparing a certificate of election to promptly deliver it to the person for whom it is prepared, subject to Section 212.0331.

(f) Prohibits a certificate of election from being issued to a person who has been declared ineligible to be elected to the office.

(g) Provides that this section does not apply to the offices of governor and lieutenant governor.

Sec. 94.017. REPORTING PRECINCT RESULTS TO SECRETARY OF STATE. (a) Requires the county clerk, after each election for a statewide office or the office of United States representative, state senator, or state representative, a district office, a county office, or a precinct office, to prepare a report of the number of votes, including votes cast by mail and votes cast during the voting period, received in each county election precinct for each candidate for each of those offices. Requires that the report, in a presidential election year, include the number of votes received in each precinct for each set of candidates for president and vice-president of the United States.

(b) Requires the county clerk to deliver the report to SOS not later than the 30th day after election day in an electronic format prescribed by SOS.

(c) Authorizes the report to be an electronic copy of the precinct returns, an electronic copy of the tabulation prepared by the local canvassing authority, or in any other electronic form approved by SOS.

(d) Requires SOS to preserve a report received under this section for 10 years unless SOS prepares a written tabulation of the information contained in the report received. Requires SOS, in that case, to preserve the original report for 2 years and the tabulation for 10 years after receipt of the original report.

(e) Requires SOS, after the applicable preservation period prescribed by Subsection (d) expires, to transfer the report or tabulation to the state library.

CHAPTER 95. CONDUCT OF TABULATION

SUBCHAPTER A. CONDUCT OF TABULATION

Sec. 95.001. DUTY TO TABULATE GENERALLY. (a) Requires SOS to tabulate the unofficial results as provided by this subchapter in each primary election and general election for state and county officers on each proposed amendment to the state constitution and for each contested race for nomination or election to certain offices.

(b) Authorizes SOS to tabulate the unofficial results for other contested races, political party referenda, and any special elections ordered by the governor.

Sec. 95.002. ACCESS TO TABULATION SYSTEM. (a) Requires SOS, during the tabulation, to provide a sufficient number of display terminals for representatives of the news media to monitor the tabulation. Requires SOS to provide direct lines between computers for use by the media, if practicable.

(b) Requires SOS to charge reasonable fees, which are required to approximate actual costs, to defray the costs of providing the news media access to the tabulation system.

Sec. 95.003. DISPLAY TERMINALS FOR CERTAIN STATE OFFICERS. (a) Requires SOS, for monitoring the tabulations, to provide display terminals without charge to the governor, lieutenant governor, and speaker of the house of representatives in their Capitol offices. Requires SOS to also provide printers at those locations if printers are made available at any location.

(b) Prohibits the officers who are provided terminals or printers under this section from providing access to data from those terminals or printers to members of the working news media.

Sec. 95.004. PERIODIC REPORTS DURING TABULATION. (a) Requires SOS, periodically during the tabulation, to publish reports covering the races being tabulated.

(b) Authorizes the periodic reports to include certain information.

(c) Requires SOS to distribute the periodic reports on publication to the participating news media.

Sec. 95.005. FINAL REPORTS OF TABULATION. (a) Requires SOS, after completion of the tabulation, to publish a final report covering the races being tabulated.

(b) Authorizes the final report to include certain information.

(c) Requires SOS to distribute a copy of the final report on publication to the participating news media, governor, lieutenant governor, speaker of the house of representatives, and members of the elections advisory committee. Requires that a copy of the report also be furnished to other persons on payment of a reasonable fee prescribed by SOS to defray the costs of preparing and furnishing the copy.

Sec. 95.006. REPORT OF RECEIPT OF COUNTY RESULTS. Requires SOS to publish a report indicating the times the first and last reports of results from each county were received by SOS.

Sec. 95.007. POSTING REPORTS FOR PUBLIC INSPECTION. (a) Requires SOS to post for public inspection, on publication, one copy of each report published under Section 95.004.

(b) Authorizes SOS to post for public inspection any of the reports prepared under this subchapter.

Sec. 95.008. BACKUP SYSTEM. Requires SOS to provide a backup system for the tabulation of the results.

Sec. 95.009. OPERATIONS MANUAL. Requires SOS, not later than the 90th day before the date of each election covered by this subchapter, to prepare an operations manual that explains the procedures to be used by SOS in tabulating the results.

Sec. 95.010. DISPOSITION OF FUNDS. Provides that funds collected under this chapter are authorized to be appropriated only to SOS for the administration of this chapter.

Sec. 95.011. ADDITIONAL PROCEDURES PRESCRIBED BY SECRETARY OF STATE. Requires SOS to prescribe any additional procedures necessary to implement the tabulation of unofficial results.

SUBCHAPTER B. DUTIES OF LOCAL ELECTION OFFICIALS FOR CERTAIN RACES

Sec. 95.031. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies to each election covered by Subchapter A in addition to and notwithstanding other provisions of this code.

Sec. 95.032. DELIVERY OF RETURNS AND VOTED BALLOTS. (a) Requires that the copy of the returns required to be delivered to the county clerk, in precincts using paper ballots, voting machines, or electronic voting system ballot counters, be delivered not later than two hours, or as soon thereafter as practicable, after the closing of the polls or after the last person voted, whichever is later.

(b) Requires that the ballots, in a precinct using electronic voting system ballots to be counted at a central counting station, be delivered to the station not later than two hours, or as soon thereafter as practicable, after the closing of the polls or after the last person voted, whichever is later. Requires that the copy of the returns required to be delivered to the county clerk be delivered by the presiding judge of the counting station immediately on completion of the returns.

Sec. 95.033. COUNTING OF MAIL BALLOTS. Requires the board to count the mail ballots periodically throughout the day.

Sec. 95.034. TRANSMISSION OF RESULTS TO SECRETARY OF STATE. (a) Requires the county clerk to transmit periodically, by telephone or other electronic means, to SOS the results for the races being tabulated by SOS. Requires that the results be transmitted continuously until complete.

(b) Requires the county clerk to transmit the complete or partial results of the voting by mail and in person for the appropriate races at 7 p.m. on election day. Requires that the results, if only partial results are available, be transmitted periodically until complete.

(c) Authorizes costs of transmission of the results to be paid by the state.

SUBCHAPTER C. ELECTIONS ADVISORY COMMITTEE

Sec. 95.051. MEMBERSHIP. (a) Requires the lieutenant governor, speaker of the house of representatives, and SOS, not later than January 1 of each even-numbered year, to each appoint six persons to serve on an elections advisory committee (committee) in connection with the tabulation and reporting of election results under this chapter.

(b) Provides that each member of the committee serves a two-year term beginning on January 1 of even-numbered years.

(c) Requires that appointments to the committee be made without regard to race, creed, sex, religion, and national origin.

(d) Authorizes each appointing officer or the officer's designee, instead of making one of the required appointments, to serve on the committee.

(e) Requires each appointing officer to allocate at least four of the officer's appointments among members of the various media organizations covering elections in this state.

(f) Requires certain persons or their designees to also serve on the committee.

Sec. 95.052. CHAIR AND MEETINGS. (a) Requires SOS to designate a chair and vice chair of the committee from among the media organization membership.

(b) Requires that meetings of the committee be held at the call of the chair.

Sec. 95.053. REVIEW OF OPERATIONS MANUAL. Requires the committee to review the operations manual prepared under Section 95.009 and make any recommendations it considers appropriate.

Sec. 95.054. MEMBERS PRESENT DURING TABULATION. Requires one or more members chosen by the committee to be present during the tabulation of the results at each election.

Sec. 95.055. EVALUATION AND RECOMMENDATIONS REGARDING TABULATION. Requires the committee to submit a written report after each election to SOS, governor, lieutenant governor, and speaker of the house of representatives evaluating the tabulation process and making any recommendations it considers appropriate.

SECTION 1.012. Amends Section 172.128(c), Election Code, to authorize the county clerk to assign, rather than combine, voting precincts for an election held under Section 172.128 (Alternative Primary Procedure for Counties Without County Party Leadership) to voting centers to the extent necessary to adequately serve the voters.

SECTION 1.013. Amends Section 173.007(c), Election Code, to provide that rules adopted under Section 173.007 (Limiting State Compensation for Polling Places) do not limit a political party's authority under this code to assign, rather than consolidate, election precincts to a voting center for a primary election.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.001. Amends Section 201.073(e), Agriculture Code, as follows:

(e) Requires each soil and water conservation district by rule to provide for allowing eligible voters to cast votes in person, rather than allowing eligible voters by personal appearance to cast votes, on printed ballots at a location designated by the district instead of at the meeting. Requires that the voting period, rather than the early voting period, if, because of the date scheduled for the meeting it is not possible to begin the voting period, rather than early voting by personal appearance, on the prescribed date, begin on the earliest practicable date as set by the district.

SECTION 2.002. Amends Section 25.087(b-1), Education Code, to authorize a school district to adopt a policy excusing a student from attending school for service as a student election clerk, rather than as a student early voting clerk in an election, under Section 32.0511 (Special Eligibility Requirements: Student Election Clerks), Election Code.

SECTION 2.003. Amends Section 33.092, Education Code, as follows:

Sec. 33.092. New heading: STUDENT ELECTION CLERKS. Deletes existing text authorizing a student early voting clerk under Section 83.012 (Student Early Voting Clerks), Election Code, to apply the time serve as a student early voting clerk toward certain requirements.

SECTION 2.004. Amends Section 130.253(f), Education Code, to delete existing text requiring the governing body of the school district or county, as applicable, to procure the election supplies necessary to conduct the election and determine the quantity of the various types of supplies to be provided for use at each early voting polling place.

SECTION 2.005. Amends Section 1.005, Election Code, by amending Subdivision (4-a) and adding Subdivision (21-a) to redefine "election official" and define "voting center."

SECTION 2.006. Amends Section 1.016(a), Election Code, as follows:

(a) Authorizes an oath or statement required by the Texas Constitution or this code prior to an election officer entering service to be administered and a certificate of the fact given by certain persons, including a member of a mail ballot board, rather than a member of an early voting ballot board or signature verification committee, who has already entered service. Deletes existing text authorizing an oath or statement required by the Texas Constitution or this code prior to an election officer entering service to be administered and a certificate of the fact given by an early voting clerk or a deputy early voting who has already entered service. Makes a nonsubstantive change.

SECTION 2.007. Amends Section 2.025(e), Election Code, to make a conforming change.

SECTION 2.008. Amends Section 2.081(b), Election Code, to make conforming changes.

SECTION 2.009. Amends Section 3.006, Election Code, as follows:

Sec. 3.006. CONTENTS OF ELECTION ORDER. Requires that each election order, in addition to any other elements required to be included in an election order by other law, state certain information, including the date the voting period begins and the regular dates and hours voting will be conducted on election day and during the voting period. Makes nonsubstantive changes.

SECTION 2.010. Amends Sections 4.003(b) and (f), Election Code, as follows:

(b) Requires that the notice of the election, for each voting center created under Section 42.0052, include the location of the voting center and the precincts assigned to that voting center. Deletes existing text requiring the authority responsible for giving notice of the election, for each precinct that is combined to form a consolidate precinct under Section 42.008 (Consolidating Precincts in Special Election), not later than the 10th day before election day, to also post, at the polling place used in the preceding general election, notice of the precinct's consolidation and the location of the polling place in the consolidated precinct.

(f) Makes conforming changes to this subsection.

SECTION 2.011. Amends Section 4.004(a) and (d), Election Code, as follows:

(a) Requires that the notice of a general or special election state certain information, including the dates and hours that the polls will be open, including the dates of the voting period.

(d) Requires that the notice, if precincts are assigned to a voting center under Section 42.0052, state which precincts have been assigned to each voting center in addition to the locations of the voting centers. Deletes existing text requiring that the notice, if precincts are consolidated under Section 42.008, state which precincts have been combined to form each consolidated precinct in addition to the locations of the polling places in the consolidated precincts.

SECTION 2.012. Amends Section 12.004(d), Election Code, as follows:

(d) Requires the registrar's office to remain open for providing voter registration information during the days and hours, including weekend hours, of the voting period. Deletes existing text requiring the registrar's office, if early voting by personal appearance is required to be conducted for extended hours under Section 85.005(c) or for weekend hours under Section 85.006(e), to remain open for providing voter registration information during the extended hours or weekend hours that the main early voting polling place is open for voting.

SECTION 2.013. Amends Section 13.002(e), Election Code, as follows:

(e) Provides that 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 to vote by mail under Section 71.004, rather than is not eligible for early voting by mail under Section 82.007, unless the person submits an application under Section 13.002 by personal delivery.

SECTION 2.014. Amends Section 13.143(b), Election Code, as follows:

(b) Provides that a registration is effective for purposes of voting during the voting period or by mail if it will be effective on election day. Makes a conforming change.

SECTION 2.015. Amends Section 15.025(b), Election Code, to make a conforming change.

SECTION 2.016. Amends Section 16.031(a), Election Code, as follows:

(a) Requires the registrar to cancel a voter's registration immediately on receipt of certain information, including a notice under Section 88.111, rather than 112.012, that the voter has applied for a limited ballot in another county or a notice from the county clerk under Section 74.053, rather than a notice from the early voting clerk under Section 101.053, that a federal postcard application by an applicant states a voting residence address located outside the registrar's county.

SECTION 2.017. Amends Section 18.001(a) and (d), Election Code, as follows:

(a) Requires the registrar, before the beginning of the voting period, rather than the beginning of early voting, for the first election held in a county in each voting year, to prepare for each county election precinct a certified list of the registered voters in the precinct.

(d) Requires that an additional copy of each list be furnished for use in voting, rather than early voting, during the voting period and by mail.

SECTION 2.018. Amends Section 18.002(c), Election Code, to make conforming changes.

SECTION 2.019. Amends Section 18.003(c), Election Code, to make conforming changes.

SECTION 2.020. Amends Section 18.006, Election Code, to make conforming changes.

SECTION 2.021. Amends Section 18.069, Election Code, as follows:

Sec. 18.069. VOTING HISTORY. Requires that the record of each voter participating in the election include a notation of whether the voter voted on election day, voted during the voting period, voted by mail under Chapter 73, rather than voted early by mail under Chapter 86, or voted by mail under Subchapter A, Chapter 74, rather than under Chapter 101. Makes conforming changes.

SECTION 2.022. Amends Section 19.004(a), Election Code, as follows:

(a) Deletes existing text providing that, except as provided by Subsection (d) (relating to requiring SOS to certify to the comptroller the amount of state funds required to qualify), state funds disbursed under Chapter 19 are authorized to be used only to defray the cost, if the registrar's county has a population of less than 55,000, to the registrar's county of keeping the polling places in the county open during the early voting period as required under Sections 85.005(c), 85.006(e), and 85.064(d) (relating to authorizing certain entities to order early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places).

SECTION 2.023. Amends Sections 31.014(a) and (c), Election Code, as follows:

(a) Deletes existing text requiring SOS to prescribe specific requirements and standards, consistent with this code, for the certification of an electronic device used to accept voters under Chapter 63 that require the device to, if the county participates in the countywide polling place program under Section 43.007 or has more than one early voting polling place, transmit a time stamp when each voter is accepted, including the voter's unique identifier, to all polling place locations, time-stamp the receipt of a transmission under Subdivision (6) (relating to requiring SOS to prescribe requirements and standards to require an electronic device to transmit a time stamp when each voter is accepted), and produce in an electronic format compatible with the statewide voter registration list under Section 18.061 data for retention and transfer that includes the dated timestamp under Subdivision (7) (relating to requiring SOS to prescribe requirements and standards to require an electronic device to time-stamp the receipt of a transmission).

(c) Makes a conforming change to this subsection.

SECTION 2.024. Amends Section 31.016(b), Election Code, to make a conforming change.

SECTION 2.025. Amends Section 31.017(a), Election Code, as follows:

(a) Authorizes SOS, in a county with a population of more than 4 million, to order administrative oversight of a county administering elections or voter registration in the county if certain conditions are met, including SOS, after conducting an investigation under Section 31.019, has good cause to believe that a recurring pattern of problems with election administration or voter registration exists in the county, including any recurring issues, including violations of Section 93.053, rather than 66.053.

SECTION 2.026. Amends Section 31.018(c), Election Code, to make conforming changes.

SECTION 2.027. Amends Section 31.020(b), Election Code, to make conforming changes.

SECTION 2.028. Amends Section 31.097, Election Code, as follows:

Sec. 31.097. New heading: VOTING BY MAIL. (a) Authorizes an election services contract to provide that the county election officer's deputies are authorized to serve as deputy county clerks even if the officer is not to serve as the county clerk with regard to voting by mail, rather than authorizes an election services contract to provide that the county election officer's deputies are authorized to serve as deputy early voting clerks even if the officer is not to serve as the early voting clerk or supervise early voting.

(b) Makes conforming changes to this subsection.

(c) Makes conforming changes to this subsection.

SECTION 2.029. Amends Section 31.122, Election Code, by adding Subsection (c), to require the county clerk's office to remain open for voting activities during the hours the polls are required to be open for voting on election day.

SECTION 2.030. Amends Section 31.124(a), Election Code, as follows:

(a) Requires a county election officer of each county to hold a meeting with the county chair of each political party to discuss as appropriate, the following for each primary election or general election for state and county officers:

(1) redesignates existing Subdivision (2) as Subdivision (1); the lists provided by each political party under Section 92.002(c), rather than 87.002(c);

(2) redesignates existing Subdivision (3) as Subdivision (2); the implementation of Subchapters A, B, C, and D, Chapter 92, rather than Chapter 87; and

(3) redesignates existing Subdivision (4) as Subdivision (3) and makes no further changes.

Deletes existing text of Subdivision (1) requiring a county election officer of each county to hold a meeting with the county chair of each political party to discuss as appropriate, for each primary election or general election for state and county officers, the lists provided by each political party under Section 85.009. Makes nonsubstantive changes.

SECTION 2.031. Amends Section 32.0511(d), Election Code, to delete existing text prohibiting more than four student election clerks from serving at any countywide polling place.

SECTION 2.032. Amends Section 32.054(d), Election Code, to provide that, notwithstanding Subsection (b), a person employed by a county solely as a deputy clerk appointed under Subchapter B-1, Chapter 31, rather than Chapter 83, is not employed by a candidate for purposes of Section 32.054 (Ineligibility of Employee or Relative of Candidate), and make a conforming change.

SECTION 2.033. Amends Section 32.075, Election Code, to prohibit the presiding judge or a special peace officer appointed under Section 32.075 (Law Enforcement Duties and Powers) from enforcing the prohibition against electioneering or loitering outside of the area within which electioneering and loitering are prohibited under Section 61.003, rather than that section or Section 85.036 (Electioneering).

SECTION 2.034. Amends Section 32.1111(c), Election Code, to make conforming changes.

SECTION 2.035. Amends Section 32.114(a), Election Code, to make a conforming change.

SECTION 2.036. Amends Section 33.004(b), Election Code, to make conforming changes.

SECTION 2.037. Amends Sections 33.007(a) and (c), Election Code, to make conforming changes.

SECTION 2.038. Amends Section 33.033(a), Election Code, to make a conforming change.

SECTION 2.039. Amends Section 33.051(a), Election Code, to make a conforming change.

SECTION 2.040. Amends section 33.052, Election Code, as follows:

Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE. Authorizes a watcher at a precinct polling place to begin service at any time after the presiding judge arrives at the polling place during the voting period or on election day and to remain at the polling place until the presiding judge and clerks complete their duties there.

SECTION 2.041. Amends Section 33.054, Election Code, as follows:

Sec. 33.054. New heading: HOURS OF SERVICE AT MAIL BALLOT BOARD MEETING. (a) Authorizes a watcher serving at the meeting place of a board, rather than board or signature verification committee, to be present at any time the board, rather than board or committee, is processing or counting ballots and until the board completes its duties. Makes conforming changes.

(b) Makes a conforming change to this subsection.

SECTION 2.042. Amends Section 33.060(a), Election Code, to make conforming changes.

SECTION 2.043. Amends Section 41.032(a), Election Code, to provide that a voter who has not voted before the time for closing the polls is entitled to vote after that time if the voter is inside or waiting to enter the polling place at the time for closing the polls applicable under Section 41.031 (Voting Hours), rather than to enter the polling place at 7 p.m.

SECTION 2.044. Amends Section 42.005(a), Election Code, to make a conforming change.

SECTION 2.045. Amends Section 42.006(a), Election Code, to delete existing text creating an exception under Sections 42.006 (Population Requirements) and 42.0051 (Combining Certain Precincts).

SECTION 2.046. Amends Section 51.003, Election Code, to make a conforming change.

SECTION 2.047. Amends Section 51.004(b), Election Code, to make conforming changes.

SECTION 2.048. Amends Section 51.006, Election Code, to make conforming changes.

SECTION 2.049. Amends Section 51.007(a), Election Code, to make a conforming change.

SECTION 2.050. Amends Section 123.006, Election Code, as follows:

Sec. 123.006. New heading: ADOPTION OF VOTING SYSTEM. (a) Makes conforming changes to this subsection.

(b) Redesignates existing Subsection (c) as Subsection (b) and makes conforming changes.

Deletes text of existing Subsection (b), authorizing a voting system to be adopted for use in early voting by personal appearance only, early voting by mail only, or both.

SECTION 2.051. Amends Section 124.006, Election Code, as follows:

Sec. 124.006. IMPLEMENTATION OF PROVISIONAL BALLOT SYSTEM. Requires SOS to prescribe the form of a provisional ballot and the necessary procedures to implement the casting of a provisional ballot as described by Section 63.011 and the verification and processing of provisional ballots under Subchapter F, Chapter 92, rather Subchapter B, Chapter 65, for each voting system used in this state.

SECTION 2.052. Amends Section 125.006(c), Election Code, to make conforming changes.

SECTION 2.053. Amends Section 125.010(b), Election Code, to make a conforming change.

SECTION 2.054. Amends Section 127.1232(b), Election Code, to make a conforming change.

SECTION 2.055. Amends Section 127.130(c-1), Election Code, to provide that in any manual count conducted under this code, an irregularly marked vote on a ballot on which a voter indicates a vote by making a mark on the ballot is considered in the same manner as provided by Section 91.008, rather than 65.009.

SECTION 2.056. Amends Section 127.131(f), Election Code, to make conforming changes.

SECTION 2.057. Amends Section 128.001(b), Election Code, to authorize a system under Section 128.001 (Computerized Voting System Standards), notwithstanding Chapter 93, rather than Chapter 66, to allow for the storage of processed ballot materials in an electronic form on the main computer.

SECTION 2.058. Amends Section 129.002(b), Election Code, to make conforming changes.

SECTION 2.059. Amends Section 141.063(e), Election Code, to provide that the signer's residence address and registration address are not required to be the same if the signer would otherwise be able to vote for that officer under Section 11.004 (Voting in Precinct of Former Residence) or 88.102, rather than 112.002 (Eligibility).

SECTION 2.060. Amends Section 145.003(c), Election Code, to make conforming changes.

SECTION 2.061. Amends Section 162.003, Election Code, to make a conforming change.

SECTION 2.062. Amends Section 162.005, Election Code, as follows:

Sec. 162.005. New heading: AFFILIATION PROCEDURE: VOTING BY MAIL. Makes conforming changes to this section.

SECTION 2.063. Amends Section 172.1111(a) and (c), Election Code, as follows:

(a) Requires the presiding judge, before the opening of the polls on the first day of the voting period, rather than during the early voting period and on election day, to post at each outside door through which a voter is authorized to enter the building in which the polling place is located a written notice in bold print of the date, hour, and place for each precinct, county, senatorial, or state convention that a voter in the precinct is authorized be eligible to attend during the election year. Prohibits the presiding judge from removing the notice before the closing of the polls on election day.

(c) Makes a conforming change to this subsection.

SECTION 2.064. Amends Section 172.1112(a), Election Code, to make a conforming change.

SECTION 2.065. Amends Section 172.1113, Election Code, as follows:

Sec. 172.1113. COUNTY CHAIR PERMITTED IN POLLING PLACE. Authorizes the county chair of a political party conducting a primary election to be in a polling place while the polls are open for voting, rather than during the polling period, as necessary to perform administrative functions related to the conduct of the election. Deletes existing text defining "voting period." Makes nonsubstantive changes.

SECTION 2.066. Amends Section 172.1114(e), Election Code, to make conforming changes.

SECTION 2.067. Amends Section 172.1141(b), Election Code, to make conforming changes.

SECTION 2.068. Amens Sections 172.124(a) and (c), Election Code, as follows:

(a) Requires the county clerk, for each primary election, to prepare a report of the number of votes, including votes cast by mail and during the voting period, received in each county election precinct by each candidate for an office, other than a party office, as provided by Section 94.017, rather than 67.017, for the report of precinct for a general election. Makes conforming changes.

(c) Makes a conforming change.

SECTION 2.069. Amends Sections 172.126(b) and (c), Election Code, to make conforming changes.

SECTION 2.070. Amends Section 173.003, Election Code, to make conforming changes.

SECTION 2.071. Amends Section 173.081(f), Election Code, to make a conforming change.

SECTION 2.072. Amends Section 212.134, Election Code, as follows:

Sec. 212.134. New heading: MAIL VOTES TREATED AS PRECINCT. Requires that all mail votes, rather than early voting votes, canvassed by a local canvassing authority, for the purpose of specifying which election precincts are to be included in a recount, be treated as constituting one election precinct. Deletes existing text creating an exception under Subsection (b).

Deletes existing Subsection (b), requiring that each early voting polling place in which voting machines were used be treated as constituting one election precinct.

SECTION 2.073. Amends Section 213.003(a), Election Code, to make a conforming change.

SECTION 2.074. Amends Section 213.006(c), Election Code, to make conforming changes.

SECTION 2.075. Amends Section 221.018(a), Election Code, as follows:

(a) Authorizes the tribunal hearing an election contest, notwithstanding Section 72.0021(b), rather than 84.0021(b), to examine the information contained in an application under Section 72.0021(b), rather than 84.0021, relating to the address at which the applicant is registered to vote.

SECTION 2.076. Amends Section 231.007(c), Election Code, as follows:

(c) Authorizes the district court to set the election for a date that shortens the regular period for voting by mail, but the date is required to make it possible for the voting period to begin on the date described by Section 41.010. Deletes existing text authorizing the district court to set the election for a date that shortens the regular period for early voting, but the date is required to make it possible for early voting to begin not later than the 10th day before the election day. Deletes existing text requiring the court, in the order setting the date for the election, to also set the date for beginning early voting by personal appearance if it is not possible to begin on the regular day.

SECTION 2.077. Amends Section 232.013(b), Election Code, to make conforming changes.

SECTION 2.078. Amends Section 232.048(b), Election Code, to delete existing text providing that Section 232.013(c) (relating to requiring that the order setting the date of the election, if the runoff is set for a date that shortens the regular period for early voting, specify the date for beginning early voting) applies to an election ordered under Subsection (a) (relating to requiring the district court to set the date for the runoff if it is determined that lack of time prevent proper conduct) of Section 232.013 (Rescheduling Runoff for Contested Race).

SECTION 2.079. Amends Section 247.001, Election Code, as follows:

Sec. 247.001. PETITION ALLEGING FRAUD. Provides that this chapter applies to a civil suit in which a candidate in an election alleges in the petition that an opposing candidate, an agent of the opposing candidate, or a person acting on behalf of the opposing candidate with the candidate's knowledge violated certain sections of this code, including Sections 72.003, 72.0041, 73.0051, 73.006, and 73.0101, rather than Sections 84.003 (Signing Application by Witness), 84.0041 (Fraudulent Use of Application for Ballot by Mail), 86.0051 (Unlawful Carrier Envelope Action by Person Other Than Voter), 86.006 (Method of Returning Marked Ballot), and 86.010 (Unlawfully Assisting Voter Voting Ballot by Mail).

SECTION 2.080. Amends Section 271.006, Election Code, as follows:

Sec. 271.006. New heading: VOTING BY MAIL. (a) Requires the governing bodies of the political subdivisions that decide to conduct joint voting by mail to appoint one of their county clerks to perform the functions of a county clerk, rather than as the early voting clerk, for the joint voting. Makes conforming changes.

 (b) Redesignates existing Subsection (c) as Subsection (b). Requires the regular county clerk for each political subdivision participating in the joint voting by mail to receive applications to vote by mail in accordance with Subtitle B, Title 6, rather than receive applications for early voting ballots to be voted by mail in accordance with Title 7 (Early Voting). Makes conforming changes.

(c) Requires a political subdivision, if the governing body decides not to participate in the joint voting by mail, to conduct the voting by mail in accordance with Subtitle B, Title 6, rather than Title 7, except that the early voting is authorized to be conducted at common polling places. Makes conforming changes.

Deletes existing text of Subsection (b) requiring that the joint early voting be conducted at the early voting polling place or places at which and during the hours, including any extended or weekend hours, that the early voting clerk regularly conducts early voting for the clerk's political subdivision. Makes nonsubstantive changes.

SECTION 2.081. Amends Section 271.0071, Election Code, to make a conforming change.

SECTION 2.082. Amends Section 272.004, Election Code, as follows:

Sec. 272.004. New heading: USE OF BILINGUAL MATERIAL FOR VOTING BY MAIL. Makes conforming changes.

SECTION 2.083. Amends Section 272.005(c), Election Code, to make conforming changes.

SECTION 2.084. Amends Sections 272.006(b) and (c), Election Code, to make conforming changes.

SECTION 2.085. Amends Section 272.011(b), Election Code, as follows:

(b) Requires SOS to prepare the translation for election materials required to be provided in a language other than English or Spanish for certain state prescribed voter forms, including the application to vote by mail required by Section 72.010 and the carrier envelope and voting instructions required by Section 73.013, rather than the application for a ballot by mail required by Section 84.011 (Official Application Form) and the carrier envelope and voting instructions required by Section 86.013 (Official Carrier Envelope).

SECTION 2.086. Amends Sections 276.004(a) and (c), Election Code, to make conforming changes.

SECTION 2.087. Amends Section 276.010(a), Election Code, to make conforming changes.

SECTION 2.088. Amends Section 276.013(a), Election Code, to make a conforming change.

SECTION 2.089. Amends Section 276.015(a)(2), Election Code, to redefine "vote harvesting services."

SECTION 2.090. Amends Section 276.015(e), Election Code, to make conforming changes.

SECTION 2.091. Amends Section 276.016(d), Election Code, to make a conforming change.

SECTION 2.092. Amends the heading to Section 276.017, Election Code, to read as follows:

Sc. 276.017. UNLAWFUL DISTRIBUTION OF MAIL BALLOTS AND BALLOTING MATERIALS.

SECTION 2.093. Amends Section 276.017(a), Election Code, to make conforming changes.

SECTION 2.094. Amends Section 277.002(f), Election Code, to make a conforming change.

SECTION 2.095. Amends Section 42.154(a), Local Government Code, to require the governing body of a municipality to canvass the election returns for an election held under Subchapter E (Release of Area by Election from Extraterritorial Jurisdiction) in accordance with Chapter 94, rather than 67 (Canvassing Elections).

SECTION 2.096. Amends Section 46.03(a), Election Code, to make conforming changes.

SECTION 2.097. Amends Section 26.087(d), Water Code, to require that voting by mail, rather than absentee ballot, in the election begin 10 days before the election and end as provided in the Texas Election Code.

SECTION 2.098. Amends Section 49.103(h), Water Code, to make conforming changes.

SECTION 2.099. Amends Section 49.108(g), Water Code, to make conforming changes.

SECTION 2.100. Amends Section 49.111(b), Water Code, to make conforming changes.

SECTION 2.101. Amends Section 49.112, Water Code, to make conforming changes.

SECTION 2.102. Amends Section 49.4645(b), Water Code, to make conforming changes.

SECTION 2.103. Amends Sections 63.0895(c), (h), (i), and (r), Water Code, as follows:

(c) Makes conforming changes to this subsection.

(h) Provides that the county election officer performs the functions of a county clerk, rather than the county election officer is the absentee voting clerk, with regard to voting by mail for the board of navigation and canal commissioners' election.

(i) Makes a conforming change to this subsection.

(r) Makes a conforming change to this subsection.

ARTICLE 3. REPEALER

SECTION 3.001. Repealers: Sections 4.003(e) (relating to requiring the authority responsible for giving notice of the election to deliver to SOS a copy of the notice of a consolidated precinct) and 32.002(c-1) (relating to requiring the county chair to provide a list of names of persons eligible for appointment as election judges of countywide polling places), Election Code.

Repealers: Sections 32.112 (Expense of Training Judges) and 33.0016 (References to Early Voting Ballot Board in this Chapter), Election Code.

Repealers: Sections 32.114(e) (relating to providing that certain persons in charge of an early voting polling place are entitled to compensation for attending the training program) and 33.007(b) (relating to prohibiting each appointing authority from appointing more than seven watchers for each main or branch early voting polling place), Election Code.

Repealers: Sections 33.051(a-1) (relating to requiring a watcher appointed to serve at an early voting polling place to deliver the certificates to the clerk in charge of the polling place) and (d) (relating to requiring that the certificates be retained at the polling place until voting at that polling place is concluded), Election Code.

Repealers: Sections 33.053 (Hours of Service at Early Voting Polling Place) and 42.0051 (Combining Certain Precincts), Election Code.

Repealers: Sections 42.008 (Consolidating Precincts in Special Election) and 42.009 (Consolidating Precincts in Primary Election), Election Code.

Repealers: Sections 43.004(c) (relating to providing that the governing body of a political subdivision is authorized to designate only the polling places located in or near the territory of the subdivision) and 232.013(c) (relating to requiring that the order setting the date, if the runoff is set for a date that shortens the regular period for early voting, specify the date for beginning early voting), Election Code.

Repealers: Sections 43.007 (Countywide Polling Place Program) and 129.057 (Use of Machine in Early Voting), Election Code.

Repealers: Chapters 65 (Counting Votes and Preparing Returns) and 66 (Disposition of Records and Supplies After Election), Election Code.

Repealers: Chapters 67 (Canvassing Elections) and 68 (Tabulation of Unofficial Results of Certain Races by Secretary of State), Election Code.

Repealer: Title 7 (Early Voting), Election Code.

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.001. Makes application of this Act prospective.

SECTION 4.002. Effective date: upon passage or September 1, 2025.