

By: Kolkhorst

S.B. No. 760

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an application for a ballot to be voted by mail
3 submitted by certain residents of an assisted living facility, a
4 nursing facility, or an intermediate care facility.

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

6 SECTION 1. Section 84.014, Election Code, is amended to
7 read as follows:

8 Sec. 84.014. ACTION BY EARLY VOTING CLERK ON CERTAIN
9 APPLICATIONS. (a) In this section, "long-term care facility"
10 means a facility licensed under Chapter 242, 247, or 252, Health and
11 Safety Code.

12 (b) If an applicant provides a date of birth, driver's
13 license number, or social security number on the applicant's
14 application for an early voting ballot to be voted by mail that is
15 different from or in addition to the information maintained by the
16 voter registrar in accordance with Title 2, the early voting clerk
17 shall notify the voter registrar. The voter registrar shall update
18 the voter's record with the information provided by the applicant.

19 (c) An early voting clerk who receives an application for a
20 ballot to be voted by mail that includes the address of a long-term
21 care facility shall notify the Health and Human Services Commission
22 of the application. The secretary of state in coordination with the
23 Health and Human Services Commission may adopt rules and prescribe
24 procedures for the notification required by this subsection.

1 SECTION 2. Subchapter A, Chapter 242, Health and Safety
2 Code, is amended by adding Section 242.021 to read as follows:

3 Sec. 242.021. NOTIFICATION OF REQUEST FOR BALLOT BY MAIL TO
4 CERTAIN RESIDENTS. (a) Following notification by an early voting
5 clerk under Section 84.014, Election Code, the commission shall
6 notify a nursing facility of a request for a ballot by mail
7 submitted for a facility resident.

8 (b) Upon receipt of the notification under Subsection (a), a
9 nursing facility shall determine if the resident that requested the
10 ballot by mail has a legal guardian or has appointed an agent by a
11 statutory durable power of attorney or medical power of attorney.
12 If a legal guardian or agent has been appointed, the facility shall,
13 not later than the fifth business day after receiving the
14 notification, notify the guardian or agent of the resident that a
15 ballot by mail was requested on behalf of the resident.

16 (c) The commission shall conduct an audit to determine
17 compliance with this section. The audit must:

18 (1) include at least 2.5 percent of all licensed
19 facilities as of the date of each primary and general election for
20 state and county officers; and

21 (2) be conducted not later than the 45th day after the
22 date of each primary or general election for state and county
23 officers.

24 (d) The commission may adopt rules as necessary to
25 administer this section.

26 SECTION 3. Section 242.061(a-1), Health and Safety Code, is
27 amended to read as follows:

1 (a-1) The department, after providing notice and
2 opportunity for a hearing to the applicant or license holder, may
3 deny, suspend, or revoke a license if the department finds that the
4 applicant, the license holder, or any other person described by
5 Section 242.032(d) has:

6 (1) violated this chapter or a rule, standard, or
7 order adopted or license issued under this chapter in either a
8 repeated or substantial manner;

9 (2) committed any act described by Sections
10 242.066(a)(2)-(6); or

11 (3) failed to comply with Sections 242.021 and
12 ~~[Section]~~ 242.074.

13 SECTION 4. Section 247.041(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) The department, after providing notice and opportunity
16 for a hearing to the applicant or license holder, may deny, suspend,
17 or revoke a license if the department finds that the applicant,
18 license holder, or a controlling person has:

19 (1) violated this chapter or a rule, standard, or
20 order adopted or license issued under this chapter in either a
21 repeated or substantial manner; ~~[or]~~

22 (2) committed any act described by Sections
23 247.0451(a)(2)-(6); or

24 (3) failed to comply with Section 247.073.

25 SECTION 5. Subchapter D, Chapter 247, Health and Safety
26 Code, is amended by adding Section 247.073 to read as follows:

27 Sec. 247.073. NOTIFICATION OF REQUEST FOR BALLOT BY MAIL TO

1 CERTAIN RESIDENTS. (a) Following notification by an early voting
2 clerk under Section 84.014, Election Code, the commission shall
3 notify an assisted living facility of a request for a ballot by mail
4 submitted for a facility resident.

5 (b) Upon receipt of the notification under Subsection (a),
6 an assisted living facility shall determine if the resident that
7 requested the ballot by mail has a legal guardian or has appointed
8 an agent by a statutory durable power of attorney or medical power
9 of attorney. If a legal guardian or agent has been appointed, the
10 facility shall, not later than the fifth business day after
11 receiving the notification, notify the guardian or agent of the
12 resident that a ballot by mail was requested on behalf of the
13 resident.

14 (c) The commission shall conduct an audit to determine
15 compliance with this section. The audit must:

16 (1) include at least 2.5 percent of all licensed
17 facilities as of the date of each primary and general election for
18 state and county officers; and

19 (2) be conducted not later than the 45th day after the
20 date of each primary or general election for state and county
21 officers.

22 (d) The commission may adopt rules as necessary to
23 administer this section.

24 SECTION 6. Subchapter A, Chapter 252, Health and Safety
25 Code, is amended by adding Section 252.012 to read as follows:

26 Sec. 252.012. NOTIFICATION OF REQUEST FOR BALLOT BY MAIL TO
27 CERTAIN RESIDENTS. (a) Following notification by an early voting

1 clerk under Section 84.014, Election Code, the commission shall
2 notify an intermediate care facility of a request for a ballot by
3 mail submitted for a facility resident.

4 (b) Upon receipt of the notification under Subsection (a), a
5 facility shall determine if the resident that requested the ballot
6 by mail has a legal guardian or has appointed an agent by a
7 statutory durable power of attorney or medical power of attorney.
8 If a legal guardian or agent has been appointed, the facility shall,
9 not later than the fifth business day after receiving the
10 notification, notify the guardian or agent of the resident that a
11 ballot by mail was requested on behalf of the resident.

12 (c) The commission shall conduct an audit to determine
13 compliance with this section. The audit must:

14 (1) include at least 2.5 percent of all licensed
15 facilities as of the date of each primary and general election for
16 state and county officers; and

17 (2) be conducted not later than the 45th day after the
18 date of each primary or general election for state and county
19 officers.

20 (d) The commission may adopt rules as necessary to
21 administer this section.

22 SECTION 7. Section 252.035(a), Health and Safety Code, is
23 amended to read as follows:

24 (a) The department, after providing notice and opportunity
25 for a hearing to the applicant or license holder, may deny, suspend,
26 or revoke a license if the department finds that the applicant or
27 license holder has:

1 (1) substantially failed to comply with the
2 requirements established under this chapter; or

3 (2) failed to comply with Section 252.012.

4 SECTION 8. The changes in law made by this Act apply to an
5 application for a ballot to be voted by mail submitted on or after
6 the effective date of this Act. An application for a ballot to be
7 voted by mail submitted before the effective date of this Act is
8 governed by the law in effect on the date the application was
9 submitted.

10 SECTION 9. This Act takes effect September 1, 2025.