

By: Hall

S.B. No. 2753

A BILL TO BE ENTITLED

AN ACT

relating to the time, place, and manner of voting, including abolishing early and absentee voting, providing for a voting period, and establishing voting centers; reestablishing criminal offenses and authorization for certain fees.

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

ARTICLE 1. CONDUCT OF ELECTIONS

SECTION 1.001. Chapter 31, Election Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. DEPUTY CLERK FOR VOTING BY MAIL

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

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

(c) 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) In an election in which a county clerk or a city secretary is performing the functions of a county clerk with regard to voting by mail, the county clerk or city secretary by written order may appoint one or more of that officer's permanent deputies as deputy clerks under this subchapter. The clerk or secretary may appoint

1 temporary deputies to serve as deputy clerks under this subchapter
2 in accordance with the law applicable to the appointment of
3 deputies generally.

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

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

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

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

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

25 (b) To be eligible for appointment as a deputy clerk under
26 this section, a person must meet the requirements for eligibility
27 for appointment as the county clerk.

1 Sec. 31.064. EMPLOYEE OF POLITICAL SUBDIVISION SERVING AS
2 DEPUTY. An employee of a political subdivision may serve as a
3 deputy clerk under this subchapter in an election affecting the
4 political subdivision if the political subdivision's governing
5 body approves the appointment.

6 SECTION 1.002. Section 32.003, Election Code, is amended to
7 read as follows:

8 Sec. 32.003. JUDGES FOR VOTING CENTER [~~CONSOLIDATED COUNTY~~
9 ~~ELECTION PRECINCTS~~]. If election precincts are assigned to a
10 voting center [~~consolidated in a special election in which the~~
11 ~~regular county election precincts are required to be used~~], the
12 commissioners court shall appoint the election judges to serve in
13 each voting center [~~consolidated precinct~~] from among the judges
14 appointed for the precincts assigned to the voting center
15 [~~comprising the consolidated precinct~~].

16 SECTION 1.003. Subchapter A, Chapter 41, Election Code, is
17 amended by adding Sections 41.009 and 41.010 to read as follows:

18 Sec. 41.009. METHOD OF VOTING. A voter in this state may
19 only cast a ballot:

20 (1) in person on election day or during the voting
21 period; or

22 (2) by mail in the time and manner provided by this
23 code.

24 Sec. 41.010. VOTING PERIOD. The voting period begins on the
25 eighth day before election day and continues through the day before
26 election day, including Saturdays, Sundays, and holidays.

27 SECTION 1.004. Section 41.031, Election Code, is amended by

amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) On election day [~~Except as provided by Section 41.033~~], the polls shall be opened at 7 a.m. for voting and shall be closed at 7 p.m., except as provided by Section 41.033.

(a-1) On each day of the voting period, the polls shall 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 shall be open for voting for the same hours each day of the voting period.

SECTION 1.005. Section 42.002(b), Election Code, is amended to read as follows:

(b) Except as provided by Section 42.0052 [~~Sections 42.008 and 42.009~~], county election precincts may not be combined or consolidated for an election.

SECTION 1.006. Subchapter A, Chapter 42, Election Code, is amended by adding Section 42.0052 to read as follows:

Sec. 42.0052. VOTING CENTERS. (a) The commissioners court may create one or more voting centers in the county. 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) The commissioners court may assign one or more election precincts to a voting center. A precinct that is assigned to a voting center may not operate a separate polling place for the

1 precinct.

2 (c) Election precincts assigned to a voting center may not
3 serve a total of more than 5,000 registered voters.

4 (d) If the commissioners court creates more than one voting
5 center, the number of voters served by the smallest voting center in
6 the county may not be less than 95 percent of the number of voters
7 served by the largest voting center in the county.

8 SECTION 1.007. Section 43.002(b), Election Code, is amended
9 to read as follows:

10 (b) If county election precincts are assigned to a voting
11 center under Section 42.0052 [~~consolidated~~], the commissioners
12 court shall designate the location of the voting center [~~polling~~
13 ~~place for the consolidated precinct~~].

14 SECTION 1.008. Section 43.003, Election Code, is amended to
15 read as follows:

16 Sec. 43.003. DESIGNATION OF LOCATION: PRIMARY ELECTION.
17 The county chair of a political party holding a primary election
18 shall designate the location of the polling place for each election
19 precinct in the primary unless the precinct is one that is assigned
20 to a voting center under Section 42.0052 [~~consolidated~~]. In that
21 case, the county executive committee shall designate the location
22 of the voting center.

23 SECTION 1.009. Title 6, Election Code, is amended by adding
24 Subtitle A, and a heading is added to that subtitle to read as
25 follows:

26 SUBTITLE A. VOTING IN PERSON

27 SECTION 1.010. Chapters 61, 62, 63, and 64, Election Code,

are transferred to Subtitle A, Title 6, Election Code, as added by this Act, reenacted, and amended to read as follows:

CHAPTER 61. CONDUCT OF VOTING IN PERSON GENERALLY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 61.001. BYSTANDERS EXCLUDED; UNLAWFUL PRESENCE OF CANDIDATE. (a) Except as permitted by this code and as described by Subsection (b) [~~(a-1)~~], a person may not be in the polling place from the time the presiding judge arrives there on the first day of the voting period [~~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) [~~(a-1)~~] Under this code, a person may be lawfully present in a polling place during the time described by Subsection (a) if the person is:

- (1) an election judge or clerk;
- (2) a watcher;
- (3) the secretary of state;
- (4) a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code;
- (5) an election official, a sheriff, or a staff member of an election official or sheriff delivering election supplies;
- (6) a state inspector;
- (7) a person admitted to vote;
- (8) a child under 18 years of age who is accompanying a parent who has been admitted to vote;

(9) a person providing assistance to a voter under Section 61.032 or 64.032;

(10) a person accompanying a voter who has a disability;

(11) a special peace officer appointed by the presiding judge under Section 32.075;

(12) the county chair of a political party conducting a primary election, as authorized by Section 172.1113;

(13) a voting system technician, as authorized by Section 125.010;

(14) the county election officer, as defined by Section 31.091, as necessary to perform tasks related to the administration of the election; or

(15) a person whose presence has been authorized by the presiding judge in accordance with this code.

(c) ~~[(b)]~~ A candidate in the election commits an offense if the candidate is in a polling place during the period described by Subsection (a) for a purpose other than:

(1) voting; or

(2) official business in the building in which the polling place is located.

(d) ~~[(c)]~~ It is an exception to the application of Subsection (c) ~~[(b)]~~ that the candidate:

(1) is not within plain view or hearing of the persons in the voting area or the area in which voters are being accepted for voting; and

(2) is not engaged in campaign activity.

1 (e) [~~(d)~~] An offense under this section is a Class C
2 misdemeanor.

3 Sec. 61.002. OPENING AND CLOSING POLLING PLACE FOR VOTING.

4 (a) Immediately before opening the polls for voting on the first
5 day of the [~~early~~] voting period [~~and on election day~~], the
6 presiding election judge or alternate election judge shall confirm
7 that each voting machine has any public counter reset to zero and
8 shall print the tape that shows the counter was set to zero for each
9 candidate or measure on the ballot.

10 (b) At the official time for opening the polls for voting,
11 an election officer shall open the polling place entrance and admit
12 the voters.

13 (c) Immediately after closing the polls for voting on
14 election day, the presiding election judge or alternate election
15 judge shall print the tape to show the number of votes cast for each
16 candidate or ballot measure for each voting machine.

17 (d) Each election judge or alternate election judge present
18 shall sign a tape printed under this section.

19 Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING
20 PLACE. (a) A person commits an offense if, while the polls are open
21 for voting [~~during the voting period~~] and within 100 feet of an
22 outside door through which a voter may enter the building in which a
23 polling place is located, the person:

24 (1) loiters; or

25 (2) electioneers for or against any candidate,
26 measure, or political party.

27 (b) [~~(a-1)~~] The entity that owns or controls a public

building being used as a polling place may not, at any time while
the polls are open for voting [~~during the voting period~~], prohibit
electioneering on the building's premises outside of the area
described in Subsection (a), but may enact reasonable regulations
concerning the time, place, and manner of electioneering.

(c) [~~(b)~~] In this section, "electioneering" [+

[~~(1)~~ "Electioneering"] includes the posting, use, or
distribution of political signs or literature. The term does not
include the distribution of a notice of a party convention
authorized under Section 172.1114.

(d) [~~(2)~~ "Voting period"] means the period beginning when
the polls open for voting and ending when the polls close or the
last voter has voted, whichever is later.

[~~(c)~~] An offense under this section is a Class C
misdemeanor.

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION
DEVICE OR SOUND TRUCK. (a) A person commits an offense if, while
the polls are open for voting [~~during the voting period~~] and within
1,000 feet of a building in which a polling place is located, the
person operates a sound amplification device or a vehicle with a
loudspeaker while the device or loudspeaker is being used for the
purpose of:

- (1) making a political speech; or
- (2) electioneering for or against any candidate,
measure, or political party.

(b) For the purpose of Subsection (a), a person operates a
vehicle with a loudspeaker if the person drives the vehicle, uses

1 the loudspeaker, or operates sound equipment in connection with the
2 loudspeaker.

3 (c) ~~[In this section, "voting period" means the period~~
4 ~~prescribed by Section 61.003(b).~~

5 ~~[(d)]~~ An offense under this section is a Class C
6 misdemeanor.

7 Sec. 61.005. SECURITY OF BALLOTS, BALLOT BOXES, AND
8 ENVELOPES. (a) From the time a presiding judge receives the
9 official ballots for an election until the precinct returns for
10 that election have been certified, the presiding judge shall take
11 the precautions necessary to prevent access to the ballots, ballot
12 boxes, and envelopes used for provisional ballots in a manner not
13 authorized by law.

14 (b) The ballots, ballot boxes, and envelopes used for
15 provisional ballots at a polling place shall, ~~[be in plain view of~~
16 ~~at least one election officer]~~ from the time the polls open for
17 voting on the first day of the voting period until the precinct
18 returns have been certified, be:

19 (1) in plain view of at least one election officer
20 while polls are open; or

21 (2) secured in the manner prescribed by the secretary
22 of state while polls are closed.

23 (c) A presiding election judge commits an offense if the
24 judge fails to prevent another person from handling a ballot box
25 containing voters' marked ballots or an envelope containing a
26 voter's provisional ballot in an unauthorized manner or from making
27 an unauthorized entry into the ballot box or envelope. An offense

under this subsection is a Class A misdemeanor.

Sec. 61.006. UNLAWFULLY DIVULGING VOTE. (a) A person commits an offense if the person was in a polling place for any purpose other than voting and knowingly communicates to another person information that the person obtained at the polling place about how a voter has voted.

(b) An offense under this section is a felony of the third degree.

(c) This section does not apply to information presented in an official investigation or other official proceeding in which the information is relevant.

Sec. 61.007. UNLAWFULLY REVEALING INFORMATION BEFORE POLLS CLOSE. (a) An election officer, watcher, or other person serving at a polling place in an official capacity commits an offense if, before the polls close or the last voter has voted, whichever is later, the officer, watcher, or other person reveals:

(1) the number of votes that have been received for a candidate or for or against a measure;

(2) a candidate's position relative to other candidates in the tabulation of the votes;

(3) whether a measure is passing or failing; or

(4) the names of persons who have or have not voted in the election.

(b) An offense under this section is a Class A misdemeanor.

(c) On each day of the voting period and on election day, ~~beginning~~ [Beginning] at 9:30 a.m. and at each subsequent two-hour interval through 5:30 p.m., the presiding judge shall post written

1 notice of the total number of voters who have voted in the precinct.
2 The notice shall be posted at an outside door through which a voter
3 may enter the building in which the polling place is located. The
4 presiding judge in a county described by Section 41.031(a-1)(2) is
5 not required to post the notice if, at a time for posting the notice
6 during the voting period, polls are not open for voting.

7 Sec. 61.008. UNLAWFULLY INFLUENCING VOTER. (a) A person
8 commits an offense if the person indicates to a voter in a polling
9 place by word, sign, or gesture how the person desires the voter to
10 vote or not vote.

11 (b) An offense under this section is a Class B misdemeanor.

12 Sec. 61.009. INSTRUCTING VOTER ON CASTING BALLOT. On the
13 request of a voter, an election officer shall instruct the voter on
14 the proper procedure for casting a ballot.

15 Sec. 61.010. WEARING NAME TAG OR BADGE IN POLLING PLACE.

16 (a) Except as provided by Subsection (b), a person may not wear a
17 badge, insignia, emblem, or other similar communicative device
18 relating to a candidate, measure, or political party appearing on
19 the ballot, or to the conduct of the election, in the polling place
20 or within 100 feet of any outside door through which a voter may
21 enter the building in which the polling place is located.

22 (b) An election judge, an election clerk, a state or federal
23 election inspector, a certified peace officer, or a special peace
24 officer appointed for the polling place by the presiding judge
25 shall wear while on duty in the area described by Subsection (a) a
26 tag or official badge that indicates the person's name and title or
27 position.

1 (c) A person commits an offense if the person violates
2 Subsection (a). An offense under this subsection is a Class C
3 misdemeanor.

4 Sec. 61.011. REMOVING WRITTEN COMMUNICATIONS FOUND IN
5 POLLING PLACE. (a) An election officer shall periodically check
6 each voting station and other areas of the polling place for sample
7 ballots or other written communications used by voters that were
8 left or discarded in the polling place.

9 (b) An election officer shall remove from the sight of the
10 voters any written communication found under Subsection (a).

11 Sec. 61.012. ACCESS BY PERSONS WITH DISABILITIES. (a)
12 Except as provided by Section 61.013, each polling place must
13 provide at least one voting station that:

14 (1) complies with:

15 (A) Section 504 of the federal Rehabilitation Act
16 of 1973 (29 U.S.C. Section 794) and its subsequent amendments;

17 (B) Title II of the federal Americans with
18 Disabilities Act (42 U.S.C. Section 12131 et seq.) and its
19 subsequent amendments; and

20 (C) the requirements for accessibility under 52
21 U.S.C. Section 21081(a)(3) [~~42 U.S.C. Section 15481(a)(3)~~] and its
22 subsequent amendments; and

23 (2) provides a practical and effective means for
24 voters with physical disabilities to cast a secret ballot.

25 Sec. 61.013. ACCESS BY PERSONS WITH DISABILITIES: ELECTIONS
26 OF CERTAIN POLITICAL SUBDIVISIONS. (a) For an election other than
27 an election of a political subdivision that is held jointly with

1 another election in which a federal office appears on the ballot,
2 the political subdivision is not required to meet the requirements
3 of Section 61.012(a)(1)(C) if the political subdivision:

4 (1) is a county with a population of less than 2,000;

5 (2) is a county with a population of 2,000 or more but
6 less than 5,000, and the county provides at least one voting station
7 that meets the requirements for accessibility under 52 U.S.C.
8 Section 21081(a)(3) [~~42 U.S.C. Section 15481(a)(3)~~] on election
9 day;

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

16 (4) is a county with a population of 10,000 or more but
17 less than 20,000, and the county:

18 (A) makes a showing in the manner provided by
19 Subsection (c) that compliance with Section 61.012(a)(1)(C)
20 constitutes an undue burden on the county;

21 (B) provides at least one voting station that
22 meets the requirements for accessibility under 52 U.S.C. Section
23 21081(a)(3) [~~42 U.S.C. Section 15481(a)(3)~~] on election day and
24 during the voting period [~~for early voting by personal appearance~~];
25 and

26 (C) provides a mobile voting station that meets
27 the requirements for accessibility under 52 U.S.C. Section

1 21081(a)(3) [~~42 U.S.C. Section 15481(a)(3)~~] that during the voting
2 period [~~for early voting by personal appearance~~] is deployed at
3 least once at each polling place [~~used for early voting by personal~~
4 ~~appearance~~]; or

5 (5) is located in a county described by Subdivisions
6 (1)-(4) and meets the same requirements as the county in which the
7 political subdivision is located.

8 (b) A voter with a disability who [~~that~~] desires a
9 reasonable accommodation to vote in an election of a county
10 described by Subsection (a)(1) or a political subdivision located
11 in that county shall make a request for the accommodation with the
12 county [~~early voting~~] clerk of the county or political subdivision
13 not later than the 21st day before the date of the election. On
14 receipt of the request, the county [~~early voting~~] clerk shall make a
15 reasonable accommodation to allow the voter to cast a vote.

16 (c) A county or political subdivision may make a showing of
17 undue burden under Subsection (a)(4)(A) by filing an application
18 with the secretary of state not later than the 90th day before the
19 date of the election that states the reasons that compliance would
20 constitute an undue burden. A showing of an undue burden may be
21 satisfied by proof that the election costs associated with
22 compliance with Section 61.012(a)(1)(C) constitute a significant
23 expense for the county or political subdivision and reflect an
24 increase of at least 25 percent in the costs of holding an election
25 as compared to the costs of the last general election held by the
26 county or political subdivision before January 1, 2006. Not later
27 than the 20th day after the date of receiving an application under

1 this section, the secretary of state shall determine whether
2 compliance with Section 61.012(a)(1)(C) is an undue burden for the
3 county or political subdivision.

4 (d) A county or political subdivision that intends to use
5 this section to provide fewer voting stations that meet the
6 requirements for accessibility under 52 U.S.C. Section 21081(a)(3)
7 [~~42 U.S.C. Section 15481(a)(3)~~] than required by Section
8 61.012(a)(1)(C) must:

9 (1) provide notice to the secretary of state of that
10 intent not later than the 90th day before the date of the election;
11 and

12 (2) for a county described by Subsection (a)(2), (3),
13 or (4), or a political subdivision located in such a county, publish
14 notice of the location of each voting station that meets the
15 requirements for accessibility under 52 U.S.C. Section 21081(a)(3)
16 [~~42 U.S.C. Section 15481(a)(3)~~] in a newspaper of general
17 circulation in the county or political subdivision not later than
18 the 15th day before the date of the start of the voting period [~~of~~
19 ~~early voting by personal appearance~~].

20 (e) For purposes of this section, a political subdivision
21 located in more than one county may choose:

22 (1) to be considered located in the county that
23 contains the greatest number of registered voters of the political
24 subdivision; or

25 (2) for each portion of the political subdivision
26 located in a different county, to be considered a separate
27 political subdivision.

1 (f) The secretary of state shall prescribe procedures and
2 adopt rules as necessary to implement this section.

3 Sec. 61.014. USE OF CERTAIN DEVICES. (a) A person may not
4 use a wireless communication device within 100 feet of a voting
5 station.

6 (b) A person may not use any mechanical or electronic means
7 of recording images or sound within 100 feet of a voting station.

8 (c) The presiding judge may require a person who violates
9 this section to turn off the device or to leave the polling place.

10 (d) This section does not apply to:

11 (1) an election officer in conducting the officer's
12 official duties;

13 (2) the use of election equipment necessary for the
14 conduct of the election; or

15 (3) a person who is employed at the location in which a
16 polling place is located while the person is acting in the course of
17 the person's employment.

18 SUBCHAPTER B. INTERPRETER

19 Sec. 61.031. USE OF ENGLISH LANGUAGE. (a) Except as
20 provided by Subsection (b), an election officer may not use a
21 language other than English in performing an official duty in
22 connection with the election.

23 (b) If a voter cannot communicate in English, an election
24 officer may communicate with the voter in a language that the voter
25 and the officer understand.

26 Sec. 61.032. INTERPRETER PERMITTED. If an election officer
27 who attempts to communicate with a voter does not understand the

1 language used by the voter, the voter may communicate through an
2 interpreter selected by the voter or, if the voter has not selected
3 an interpreter, any interpreter an election officer may appoint.

4 Sec. 61.033. ELIGIBILITY TO SERVE AS INTERPRETER. To be
5 eligible to serve as an interpreter, a person:

6 (1) may be any person other than the voter's employer,
7 an agent of the voter's employer, or an officer or agent of a labor
8 union to which the voter belongs; and

9 (2) if appointed to serve as an interpreter by an
10 election officer, must be a registered voter of the county in which
11 the voter needing the interpreter resides or a registered voter of
12 an adjacent county.

13 Sec. 61.034. TRANSLATING BALLOT. If a voter cannot
14 comprehend the language in which the ballot is printed, the voter
15 may receive assistance in accordance with Subchapter B, Chapter 64.

16 Sec. 61.035. OATH. (a) Before serving as an interpreter,
17 the person selected as interpreter must take the following oath
18 administered by an election officer:

19 "I swear (or affirm) that, to the best of my ability, I will
20 correctly interpret and translate each question, answer, or
21 statement addressed either to the voter by any election officer or
22 to an election officer by the voter."

23 (b) A person who will be providing ballot assistance under
24 Section 61.034 must also take the oath required by Subchapter B,
25 Chapter 64, and meet all other requirements of that subchapter.

26 Sec. 61.036. TRANSLATION REQUIRED. (a) If an election
27 officer and a voter communicate in a language other than English,

1 any other election officer or watcher may request an English
2 translation of anything communicated in the other language.

3 (b) If a translation request is made, the election officer
4 communicating with the voter shall make the translation.

5 SUBCHAPTER C. VOTING BY DISABLED VOTER FROM VOTING SYSTEM PRECINCT

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

12 Sec. 61.042. FORM AND CONTENTS OF APPLICATION. An
13 application to vote by mail under this subchapter must:

14 (1) be in the form of an affidavit; and

15 (2) include, in addition to the information required
16 by the applicable provisions of Section 72.002, a statement that
17 the applicant has not previously voted in the election.

18 Sec. 61.043. TIME AND PLACE FOR VOTING. Voting under this
19 subchapter shall be conducted on election day, beginning at 7 a.m.
20 and concluding at 7 p.m., at the county clerk's office. However, if
21 the mail ballots are processed at a location other than the county
22 clerk's office, the county clerk may require the voting to be
23 conducted at that location.

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

1 (b) The voting shall be conducted with the balloting
2 materials for voting by mail.

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

6 (d) On sealing the carrier envelope, the voter must give it
7 to the clerk, who shall note on the envelope that the ballot is
8 voted under this subchapter.

9 (e) If the voter is physically unable to enter the county
10 clerk's office without personal assistance or a likelihood of
11 injuring the voter's health, the clerk shall deliver the balloting
12 materials to the voter at the office's entrance or curb following
13 the procedures prescribed by Section [64.009](#).

14 Sec. 61.045. PROCESSING RESULTS. The results of voting
15 under this subchapter shall be processed in accordance with the
16 procedures applicable to processing mail ballots.

17 Sec. 61.046. ENTRY ON SIGNATURE ROSTER. The signature
18 roster must include the name of each person voting under this
19 subchapter with a notation indicating that the person voted under
20 this subchapter.

21 CHAPTER 62. PRELIMINARY ARRANGEMENTS

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

27 (b) If the polling place is left unattended at any time

1 after the preparations for voting begin, the presiding judge shall
2 take appropriate steps to provide for the security of the polling
3 place. This subsection does not affect the security requirements
4 for a polling place after the polls open.

5 Sec. 62.002. TIME FOR COMPLETING ARRANGEMENTS. Except as
6 otherwise provided by this chapter, the arrangements prescribed by
7 this chapter shall be completed at a polling place before it is
8 opened for voting.

9 Sec. 62.003. ELECTION OFFICERS: OATH AND IDENTIFICATION.

10 (a) The presiding judge and the election clerks present at the
11 polling place before the polls open shall repeat the following oath
12 aloud:

13 "I swear (or affirm) that I will not in any manner request or
14 seek to persuade or induce any voter to vote for or against any
15 candidate or measure to be voted on, and that I will faithfully
16 perform my duty as an officer of the election and guard the purity
17 of the election."

18 (b) A clerk who arrives after the oath is made shall repeat
19 the oath aloud before performing any duties as an election officer.

20 (c) Following administration of the oath, each election
21 officer shall be issued a form of identification, prescribed by the
22 secretary of state, to be displayed by the officer during the
23 officer's hours of service at the polling place.

24 Sec. 62.004. ARRANGING VOTING STATIONS. The voting
25 stations shall be arranged so that:

26 (1) the voting area is in view of the election
27 officers, watchers, and persons waiting to vote but is separated

1 from the persons waiting to vote;

2 (2) access to the voting area through any entrance
3 other than one designated by the presiding judge is prevented; and

4 (3) the voting area is adequately lighted.

5 Sec. 62.005. EXAMINING BALLOT BOXES. An election officer
6 shall open and examine the ballot boxes and remove any contents from
7 the boxes.

8 Sec. 62.006. PLACING BOX FOR DEPOSIT OF MARKED BALLOTS. The
9 ballot box to be used by the voters to deposit marked ballots shall
10 be locked. The ballot box and the box used for the deposit of
11 provisional ballots shall be placed where they will be in plain view
12 of the election officers, watchers, and persons waiting to vote.

13 Sec. 62.007. EXAMINING BALLOTS. (a) An election officer
14 shall unseal the ballot package, remove the ballots, and examine
15 them to determine whether they are properly numbered and printed.

16 (b) An unnumbered or otherwise defectively printed ballot
17 shall be placed in ballot box no. 4.

18 Sec. 62.008. PRESIDING JUDGE TO SIGN BALLOTS. (a) The
19 presiding judge's signature shall be placed on the back of each
20 ballot to be used at the polling place.

21 (b) The judge shall sign each ballot or an election officer
22 shall stamp a facsimile of the judge's signature on each ballot.

23 (c) The signing of ballots need not be completed before the
24 polls open, but an unsigned ballot may not be made available for
25 selection by the voters.

26 Sec. 62.009. DISARRANGING BALLOTS FOR VOTERS' SELECTION.

27 (a) As needed for voting, an election officer shall disarrange a

1 supply of the ballots so that they are in random numerical order.

2 (b) The disarranged ballots shall be placed face down on a
3 table in a manner preventing an election officer or other person
4 from ascertaining the number of a ballot selected by a voter.

5 (c) The provisional ballots shall be placed separately from
6 the regular ballots.

7 Sec. 62.010. DISTANCE MARKER. (a) An election officer
8 shall place one or more distance markers at the outer limits of the
9 area within which electioneering is prohibited.

10 (b) A distance marker must contain the following language
11 printed in large letters: "Distance Marker. No electioneering or
12 loitering between this point and the entrance to the polling
13 place."

14 Sec. 62.011. INSTRUCTION POSTER. (a) An election officer
15 shall post an instruction poster:

- 16 (1) in each voting station; and
17 (2) in one or more other locations in the polling place
18 where it can be read by persons waiting to vote.

19 (b) The secretary of state shall prescribe the form and
20 content of the instruction poster. If it is not practical to fit all
21 of the information required by this section on a single poster, the
22 secretary of state may provide for the use of two or more posters to
23 convey the information.

24 (c) The poster must include instructions applicable to the
25 election on:

- 26 (1) marking and depositing the ballot;
27 (2) voting for a write-in candidate;

1 (3) casting a provisional ballot; and
2 (4) securing an additional ballot if the voter's
3 original ballot is spoiled.

4 (d) The poster must also include the following information:

5 (1) the date of the election and the hours during which
6 the polling place is open;

7 (2) general information on voting rights under state
8 and federal laws, including information on the right of an
9 individual to cast a provisional ballot and the individuals to
10 contact if a person believes these rights have been violated; and

11 (3) general information on state and federal laws that
12 prohibit acts of fraud or misrepresentation.

13 Sec. 62.0111. NOTICE OF PROHIBITION OF CERTAIN DEVICES.

14 (a) At the discretion of the presiding judge, notice of the
15 prohibition of the use of certain devices under Section 61.014 may
16 be posted at one or more locations in the polling place where it can
17 be read by persons waiting to vote.

18 (b) The secretary of state shall prescribe the wording of a
19 notice posted under this section.

20 Sec. 62.0112. NOTICE OF VOTER COMPLAINT INFORMATION. (a)

21 At one or more locations in the polling place easily visible to
22 voters, the presiding judge shall post notice in a form prescribed
23 by the secretary of state that informs voters of whom ~~who~~ to call
24 or write to if a voter has a complaint about the conduct of the
25 election.

26 (b) The title of the notice must read "Voter Complaint
27 Information" and must be printed in at least 100-point Times New

Roman font. The notice must:

(1) include the telephone number for the voting rights hotline established by the secretary of state under Section 31.0055;

(2) include any available telephone number dedicated to reporting complaints about the local election official that is administering the election; and

(3) include mailing addresses or Internet websites, as available, to which voters may direct complaints to the federal, state, or local governments about the conduct of elections.

Sec. 62.0115. PUBLIC NOTICE OF VOTERS' RIGHTS. (a) The secretary of state shall adopt rules providing for publicizing voters' rights as prescribed by this section. The rules must require that a notice of those rights be publicized:

(1) by being posted by an election officer in a prominent location at each polling place;

(2) on the Internet website of the secretary of state;

(3) through material published by the secretary of state; or

(4) in another manner designed to give voters notice of their rights.

(b) Except as revised by the secretary of state under Subsection (d), the notice must state that a voter has the right to:

(1) vote a ballot and view written instructions on how to cast a ballot;

(2) vote in secret and free from intimidation;

(3) receive up to two additional ballots if the voter

1 mismarks, damages, or otherwise spoils a ballot;

2 (4) request instructions on how to cast a ballot, but
3 not to receive suggestions on how to vote;

4 (5) bring an interpreter to translate the ballot and
5 any instructions from election officials;

6 (6) receive assistance in casting the ballot if the
7 voter:

8 (A) has a physical disability that renders the
9 voter unable to write or see; or

10 (B) cannot read the language in which the ballot
11 is written;

12 (7) cast a ballot on executing an affidavit as
13 provided by law, if the voter's eligibility to vote is questioned;

14 (8) report an existing or potential abuse of voting
15 rights to the secretary of state or the local election official;

16 (9) ~~[except as provided by Section 85.066(b), Election~~
17 ~~Code,~~] vote during the [at any early] voting period [location in the
18 ~~county in which the voter resides]~~ in an election held at county
19 expense, a primary election, or a special election ordered by the
20 governor at a location in which the voter would be eligible to vote
21 on election day; and

22 (10) file an administrative complaint with the
23 secretary of state concerning a violation of federal or state
24 voting procedures.

25 (c) The notice must also state:

26 (1) the information relating to the voting rights
27 hotline required under Section 31.0055; and

1 (2) any other information that the secretary of state
2 considers important for a voter to know.

3 (d) The secretary of state shall prescribe the form and
4 content of the notice in accordance with this section. The
5 secretary of state shall revise the content of the notice as
6 necessary to ensure that the notice accurately reflects the law in
7 effect at the time the notice is publicized.

8 Sec. 62.012. POSTING SAMPLE BALLOT. An election officer
9 shall post a sample ballot in one or more locations in the polling
10 place where it can be read by persons waiting to vote.

11 Sec. 62.013. UNAUTHORIZED POSTING OF SIGNS PROHIBITED. (a)
12 An election officer commits an offense if the officer knowingly
13 posts at a polling place, including the area within 100 feet of an
14 outside door through which a voter may enter the building in which
15 the polling place is located, a sign, card, poster, or other similar
16 material that:

17 (1) is not authorized or required by law; or

18 (2) is in a form or contains information that is not
19 authorized or required by law.

20 (b) A person other than an election officer commits an
21 offense if the person posts a sign, card, poster, or other similar
22 material at a polling place, including the 100-foot area described
23 by Subsection (a).

24 (c) An offense under this section is a Class C misdemeanor.

25 Sec. 62.014. MODIFICATION OF LIST OF REGISTERED VOTERS.

26 (a) If a registration correction list is provided for a polling
27 place, an election officer shall make the changes to the list of

1 registered voters that are necessary to make it conform to the
2 registration correction list.

3 (c) An election officer may make the changes to the list of
4 registered voters required by this section at a location other than
5 the polling place before it is opened for voting.

6 Sec. 62.015. PLACING INDELIBLE MARKING INSTRUMENT IN
7 STATION. (a) An indelible marking instrument shall be placed in
8 each voting station.

9 (b) In this section, "indelible marking instrument" means
10 an instrument that makes marks that cannot easily be removed or
11 erased.

12 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
13 POLLING PLACES. The presiding judge shall post in a prominent place
14 on the outside of each polling location a list of the acceptable
15 forms of identification. The list must be printed using a font that
16 is at least 24-point. The notice required under this section must be
17 posted separately from any other notice required by state or
18 federal law.

19 CHAPTER 63. ACCEPTING VOTER

20 Sec. 63.001. REGULAR PROCEDURE FOR ACCEPTING VOTER. (a)
21 Except as otherwise provided by this code, acceptance of voters
22 shall be conducted as provided by this section and Section 63.0011.

23 (b) Except as provided by Subsection (h), on offering to
24 vote, a voter must present to an election officer at the polling
25 place:

26 (1) one form of photo identification listed in Section
27 63.0101(a); or

1 (2) one form of identification listed in Section
2 63.0101(b) accompanied by the declaration described by Subsection
3 (i).

4 (c) On presentation of the documentation required under
5 Subsection (b), an election officer shall determine whether the
6 voter's name on the documentation is on the list of registered
7 voters for the precinct. If in making a determination under this
8 subsection the election officer determines under standards adopted
9 by the secretary of state that the voter's name on the documentation
10 is substantially similar to but does not match exactly with the name
11 on the list, the voter shall be accepted for voting under Subsection
12 (d) if the voter submits an affidavit stating that the voter is the
13 person on the list of registered voters.

14 (c-1) An election officer may not refuse to accept
15 documentation presented to meet the requirements of Subsection (b)
16 solely because the address on the documentation does not match the
17 address on the list of registered voters.

18 (d) If, as determined under Subsection (c), the voter's name
19 is on the precinct list of registered voters and the voter's
20 identity can be verified from the documentation presented under
21 Subsection (b), the voter shall be accepted for voting. An election
22 officer may not question the reasonableness of an impediment sworn
23 to by a voter in a declaration described by Subsection (i).

24 (e) On accepting a voter, an election officer shall indicate
25 beside the voter's name on the list of registered voters that the
26 voter is accepted for voting. If the voter executes a declaration of
27 reasonable impediment to meet the requirement for identification

1 under Subsection (b), the election officer must affix the voter's
2 voter registration number to the declaration either in numeric or
3 bar code form.

4 (f) After determining whether to accept a voter, an election
5 officer shall return the voter's documentation to the voter.

6 (g) If the requirements for identification prescribed by
7 Subsection (b) are not met, the voter may be accepted for
8 provisional voting only under Section 63.011. For a voter who is not
9 accepted for voting under this section, an election officer shall:

10 (1) inform the voter of the voter's right to cast a
11 provisional ballot under Section 63.011; and

12 (2) provide the voter with written information, in a
13 form prescribed by the secretary of state, that:

14 (A) lists the requirements for identification;

15 (B) states the procedure for presenting
16 identification under Section 92.1541 [~~65.0541~~];

17 (C) includes a map showing the location where
18 identification must be presented; and

19 (D) includes notice that if all procedures are
20 followed and the voter is found to be eligible to vote and is voting
21 in the correct precinct, the voter's provisional ballot will be
22 accepted.

23 (h) The requirements for identification prescribed by
24 Subsection (b) do not apply to a voter who is disabled and presents
25 the voter's voter registration certificate containing the
26 indication described by Section 15.001(c) on offering to vote.

27 (i) If the requirement for identification prescribed by

1 Subsection (b)(1) is not met, an election officer shall notify the
2 voter that the voter may be accepted for voting if the voter meets
3 the requirement for identification prescribed by Subsection (b)(2)
4 and executes a declaration declaring the voter has a reasonable
5 impediment to meeting the requirement for identification
6 prescribed by Subsection (b)(1). A person is subject to prosecution
7 for perjury under Chapter 37, Penal Code, or Section 63.0013 for a
8 false statement or false information on the declaration. The
9 secretary of state shall prescribe the form of the declaration. The
10 form shall include:

11 (1) a notice that a person is subject to prosecution
12 for perjury under Chapter 37, Penal Code, or Section 63.0013 for a
13 false statement or false information on the declaration;

14 (2) a statement that the voter swears or affirms that
15 the information contained in the declaration is true, that the
16 person described in the declaration is the same person appearing at
17 the polling place to sign the declaration, and that the voter faces
18 a reasonable impediment to procuring the identification prescribed
19 by Subsection (b)(1);

20 (3) a place for the voter to indicate one of the
21 following impediments:

22 (A) lack of transportation;

23 (B) lack of birth certificate or other documents
24 needed to obtain the identification prescribed by Subsection
25 (b)(1);

26 (C) work schedule;

27 (D) lost or stolen identification;

- 1 (E) disability or illness;
- 2 (F) family responsibilities; and
- 3 (G) the identification prescribed by Subsection
- 4 (b)(1) has been applied for but not received;
- 5 (4) a place for the voter to sign and date the
- 6 declaration;
- 7 (5) a place for the election judge to sign and date the
- 8 declaration;
- 9 (6) a place to note the polling place at which the
- 10 declaration is signed; and
- 11 (7) a place for the election judge to note which form
- 12 of identification prescribed by Subsection (b)(2) the voter
- 13 presented.

14 Sec. 63.0011. STATEMENT OF RESIDENCE REQUIRED. (a) Before

15 a voter may be accepted for voting, an election officer shall ask

16 the voter if the voter's residence address on the precinct list of

17 registered voters is current and whether the voter has changed

18 residence within the county. If the voter's address is omitted from

19 the precinct list under Section 18.005(c), the officer shall ask

20 the voter if the voter's residence, if listed, on identification

21 presented by the voter under Section 63.001(b) is current and

22 whether the voter has changed residence within the county.

23 (b) If the voter's residence address is not current because

24 the voter has changed residence within the county, the voter may

25 vote, if otherwise eligible, in the election precinct in which the

26 voter is registered if the voter resides in the county in which the

27 voter is registered and, if applicable:

1 (1) resides in the political subdivision served by the
2 authority ordering the election if the political subdivision is
3 other than the county; or

4 (2) resides in the territory covered by the election
5 in a less-than-countywide election ordered by the governor or a
6 county authority.

7 (c) Before being accepted for voting, the voter must execute
8 and submit to an election officer a statement including:

9 (1) a statement that the voter satisfies the
10 applicable residence requirements prescribed by Subsection (b);

11 (2) all of the information that a person must include
12 in an application to register to vote under Section 13.002; and

13 (3) the date the statement is submitted to the
14 election officer.

15 (d) [~~(c-1)~~] The statement described by Subsection (c) must
16 include a field for the voter to enter the voter's current county of
17 residence.

18 (e) [~~(d)~~] The voter registrar shall provide to the general
19 custodian of election records a sufficient number of statements of
20 residence for use in each election.

21 (f) [~~(e)~~] The voter registrar shall retain each statement
22 of residence on file with the voter's voter registration
23 application.

24 (g) [~~(f)~~] Information included on a statement of residence
25 under Subsection (c)(2) is subject to Section 13.004(c).

26 Sec. 63.0013. FALSE STATEMENT ON DECLARATION OF REASONABLE
27 IMPEDIMENT. (a) A person commits an offense if the person

1 intentionally makes a false statement or provides false information
2 on a declaration executed under Section 63.001(i).

3 (b) An offense under this section is a state jail felony.

4 Sec. 63.0015. ACCEPTING VOTERS WITH CERTAIN DISABILITIES.

5 (a) In this section, "mobility problem that substantially impairs a
6 person's ability to ambulate" has the meaning assigned by Section
7 681.001, Transportation Code.

8 (b) An election officer shall accept a person with a
9 mobility problem that substantially impairs a person's ability to
10 ambulate who is offering to vote before accepting others offering
11 to vote at the polling place who arrived before the person.

12 (c) Notice of the priority given to persons with a mobility
13 problem that substantially impairs a person's ability to ambulate
14 shall be posted:

15 (1) at each entrance to a polling place where it can be
16 read by persons waiting to vote;

17 (2) on the Internet website of the secretary of state;
18 and

19 (3) on each Internet website relating to elections
20 maintained by a county.

21 (d) The notice required by Subsection (c) must read:
22 "Pursuant to Section 63.0015, Election Code, an election officer
23 shall give voting order priority to individuals with a mobility
24 problem that substantially impairs the person's ability to move
25 around. A person assisting an individual with a mobility problem
26 may also, at the individual's request, be given voting order
27 priority. Disabilities and conditions that may qualify you for

1 voting order priority include paralysis, lung disease, the use of
2 portable oxygen, cardiac deficiency, severe limitation in the
3 ability to walk due to arthritic, neurological, or orthopedic
4 condition, wheelchair confinement, arthritis, foot disorder, the
5 inability to walk 200 feet without stopping to rest, or use of a
6 brace, cane, crutch, or other assistive device."

7 (e) A person assisting a voter in accordance with Section
8 64.032(c) may be accepted to vote concurrently with a person
9 accepted under Subsection (b) of this section at the voter's
10 request.

11 (f) All procedures and accommodations available for voters
12 with disabilities, including voting under Section 64.009, shall be
13 posted in an accessible manner on the county clerk's Internet
14 website.

15 Sec. 63.002. SIGNATURE ROSTER. (a) A signature roster
16 shall be maintained by an election officer at the polling place
17 during the voting period and on election day.

18 (b) A voter who is accepted for voting must sign the roster
19 before the voter is permitted to vote.

20 (c) If the voter cannot sign the voter's name, an election
21 officer shall enter the voter's name with a notation of the reason
22 for the voter's inability to sign the roster.

23 (d) The signature roster may be in the form of an electronic
24 device approved by the secretary of state that is capable of
25 capturing a voter's signature next to the voter's name on the
26 device. The secretary of state shall adopt rules governing the
27 processing of electronic signatures captured under this

subsection.

Sec. 63.003. POLL LIST. (a) A poll list shall be maintained by an election officer at the polling place during the voting period and on election day.

(b) The poll list shall be maintained as an original and two copies.

(c) An election officer shall enter each accepted voter's name on the list after the voter signs the signature roster. The voters' names shall be entered on the poll list in the same order in which they appear on the signature roster.

(d) The poll list may be in the form of an electronic device approved by the secretary of state. The secretary of state shall adopt rules governing the use of electronic poll lists.

Sec. 63.004. COMBINATION FORM. (a) The secretary of state may prescribe forms that combine the poll list, the signature roster, or any other form used in connection with the acceptance of voters at polling places with each other or with the list of registered voters. The secretary shall prescribe any special instructions necessary for using the combination forms. The combination forms must include space for an election officer to indicate whether a voter executed a declaration of reasonable impediment under Section 63.001(i).

(b) The authority responsible for procuring the supplies for an election may furnish combination forms for use at the polling places.

(c) If a combination form is used, it shall be maintained in the number of copies specified by this code for the separate form

1 incorporated into it for which the largest number of copies is
2 required.

3 (d) An authority procuring lists of registered voters for
4 use in an election may not require the voter registrar to furnish
5 the lists in combination form without the registrar's consent. A
6 registrar may not require an authority requesting the lists to
7 accept them in combination form without the authority's consent.

8 (e) A combination form may be in the form of an electronic
9 device approved by the secretary of state. The secretary of state
10 shall adopt rules governing the minimum requirements and approval
11 of an electronic device used for any form used in connection with
12 the acceptance of voters at a polling place.

13 Sec. 63.005. REGISTRATION OMISSIONS LIST. (a) A
14 registration omissions list shall be maintained by an election
15 officer at the polling place.

16 (b) With respect to each voter who is accepted for voting
17 but whose name is not on the list of registered voters for the
18 precinct in which the voter is accepted, the election officer shall
19 record:

20 (1) the voter's name, residence address, and voter
21 registration number, if known; and

22 (2) a notation of the section of this code under which
23 the voter is accepted that provides for accepting voters who are not
24 on the list.

25 Sec. 63.0051. CONFIRMING REGISTRATION STATUS OF VOTER. (a)
26 If the name of a voter who is offering to vote is not on the precinct
27 list of registered voters, an election officer may contact the

1 voter registrar regarding the voter's registration status.

2 (b) If the election officer determines the voter is a
3 registered voter of the territory covered by the election but is
4 offering to vote in the incorrect precinct, the election officer
5 shall provide the correct precinct location information to the
6 voter.

7 (c) Notwithstanding Section 63.009, a voter shall be
8 accepted for voting if the voter's identity has been verified from
9 documentation as required by Section 63.001(b) and it can be
10 determined from the voter registrar that:

11 (1) the voter's registration was improperly canceled
12 and has been reinstated under Section 16.037;

13 (2) an error in the voter registration record caused
14 the voter's name to not appear on the list of registered voters, and
15 the error has been corrected under Section 15.022; or

16 (3) the voter's name has been inadvertently left off
17 the list of registered voters for the precinct.

18 (d) After the voter is accepted under Subsection (c), an
19 election officer shall enter the voter's name on the registration
20 omissions list.

21 (e) The voter shall be accepted for provisional voting under
22 Section 63.011 if the election officer cannot determine that the
23 voter is a registered voter of the territory covered by the election
24 in which the voter is offering to vote.

25 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION WHO IS NOT
26 ON LIST. (a) A voter who, when offering to vote, presents the
27 documentation required under Section 63.001(b) but whose name is

not on the precinct list of registered voters shall be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered:

(1) in the precinct in which the voter is offering to vote; or

(2) in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter:

(A) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(B) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(C) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(D) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and

(2) enter the voter's name on the registration omissions list.

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

A voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote,

1 shall be accepted for provisional voting if the voter executes an
2 affidavit in accordance with Section 63.011.

3 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

4 (a) The following documentation is an acceptable form of photo
5 identification under this chapter:

6 (1) a driver's license, election identification
7 certificate, or personal identification card issued to the person
8 by the Department of Public Safety that has not expired or that
9 expired no earlier than four years before the date of presentation;

10 (2) a United States military identification card that
11 contains the person's photograph that has not expired or that
12 expired no earlier than four years before the date of presentation;

13 (3) a United States citizenship certificate issued to
14 the person that contains the person's photograph;

15 (4) a United States passport book or card issued to the
16 person that has not expired or that expired no earlier than four
17 years before the date of presentation; or

18 (5) a license to carry a handgun issued to the person
19 by the Department of Public Safety that has not expired or that
20 expired no earlier than four years before the date of presentation.

21 (b) The following documentation is acceptable as proof of
22 identification under this chapter:

23 (1) a government document that shows the name and
24 address of the voter, including the voter's voter registration
25 certificate;

26 (2) one of the following documents that shows the name
27 and address of the voter:

(A) a copy of a current utility bill;

(B) a bank statement;

(C) a government check; or

(D) a paycheck; or

(3) a certified copy of a domestic birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity.

(c) A person 70 years of age or older may use a form of identification listed in Subsection (a) that has expired for the purposes of voting if the identification is otherwise valid.

(d) Pursuant to Section 63.001(c), proof of identification is presented only for the purpose of identifying a voter and not for verification of residence.

Sec. 63.0102. USE OF CERTAIN ELECTRONICALLY READABLE INFORMATION. (a) An election officer may access electronically readable information on a driver's license or personal identification card for proof of identification when determining whether a voter shall be accepted for voting.

(b) The secretary of state shall prescribe any necessary procedures to implement this section.

Sec. 63.011. PROVISIONAL VOTING. (a) A person to whom Section 63.001(g) or 63.009 applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) [~~(a-1)~~] A person to whom the county [~~early voting~~] clerk

1 was required to provide a mail [~~an early voting~~] ballot [~~by mail~~]
2 under Section 73.001 [~~86.001~~] and who did not vote [~~early~~] by mail
3 may cast a provisional ballot on election day if the person executes
4 an affidavit stating that the person:

5 (1) is a registered voter in the precinct in which the
6 person seeks to vote; and

7 (2) did not vote [~~early~~] by mail.

8 (c) [~~(b)~~] A form for an affidavit required by this section
9 must be printed on an envelope in which the provisional ballot voted
10 by the person may be placed and must include:

11 (1) a space for entering the identification number of
12 the provisional ballot voted by the person; and

13 (2) a space for an election officer to indicate
14 whether the person presented a form of identification described by
15 Section 63.0101.

16 (d) [~~(b-1)~~] The affidavit form may include space for
17 disclosure of any necessary information to enable the person to
18 register to vote under Chapter 13. The secretary of state shall
19 prescribe the form of the affidavit under this section.

20 (e) [~~(c)~~] After executing the affidavit, the person shall
21 be given a provisional ballot for the election. An election officer
22 shall record the number of the ballot on the space provided on the
23 affidavit.

24 (f) [~~(d)~~] An election officer shall enter "provisional
25 vote" on the poll list beside the name of each voter who is accepted
26 for voting under this section.

27 (g) [~~(e)~~] A person who is permitted under a state or federal

1 court order to cast a ballot in an election for a federal office
2 after the time allowed by Subchapter B, Chapter 41, must cast the
3 ballot as a provisional vote in the manner required by this section.

4 Sec. 63.0111. OFFENSES RELATED TO PROVISIONAL VOTING. (a)
5 An election judge commits an offense if the judge knowingly
6 provides a voter with a form for an affidavit required by Section
7 63.001 if the form contains information that the judge entered on
8 the form knowing it was false.

9 (b) An offense under this section is a state jail felony.

10 Sec. 63.012. UNLAWFULLY ACCEPTING OR REFUSING TO ACCEPT
11 VOTER. (a) An election officer commits an offense if the officer
12 knowingly:

13 (1) permits an ineligible voter to vote other than as
14 provided by Section 63.011; or

15 (2) refuses to accept a person for voting whose
16 acceptance is required by this code.

17 (b) An offense under this section is a Class A misdemeanor.

18 CHAPTER 64. VOTING PROCEDURES

19 SUBCHAPTER A. VOTING GENERALLY

20 Sec. 64.001. VOTER TO SELECT AND PREPARE BALLOT. (a) After
21 a voter is accepted for voting, the voter shall select a ballot, go
22 to a voting station, and prepare the ballot.

23 (b) A voter who executes an affidavit in accordance with
24 Section 63.011 shall select a provisional ballot.

25 Sec. 64.002. OCCUPANCY OF VOTING STATION. (a) Except as
26 otherwise provided by this code, only one person at a time may
27 occupy a voting station.

1 (b) A child under 18 years of age may accompany the child's
2 parent to a voting station.

3 Sec. 64.003. MARKING THE BALLOT FOR CANDIDATE ON BALLOT. A
4 vote for a particular candidate whose name is on the ballot must be
5 indicated by placing an "X" or other mark that clearly shows the
6 voter's intent in the square beside the name of the candidate for
7 whom the voter desires to vote.

8 Sec. 64.005. MARKING THE BALLOT FOR WRITE-IN CANDIDATE. In
9 an election in which write-in voting is permitted, a vote for a
10 candidate who is not on the ballot must be indicated by writing the
11 candidate's name in the appropriate place provided on the ballot.

12 Sec. 64.006. MARKING THE BALLOT FOR MEASURE. A vote on a
13 particular measure must be indicated by placing an "X" or other mark
14 that clearly shows the voter's intent in the appropriate square
15 that is beside the proposition and that indicates the way the voter
16 desires to vote on the measure.

17 Sec. 64.007. SPOILED BALLOT. (a) If a voter mismarks,
18 damages, or otherwise spoils the ballot in the process of voting,
19 the voter is entitled to receive a new ballot by returning the
20 spoiled ballot to an election officer.

21 (b) A voter is not entitled to receive more than three
22 ballots.

23 (c) An election officer shall maintain a register of spoiled
24 ballots at the polling place. An election officer shall enter on
25 the register the name of each voter who returns a spoiled ballot and
26 the spoiled ballot's number. The secretary of state shall create
27 and promulgate a form to be used for this purpose.

1 (d) After making the appropriate entry on the register, the
2 election officer shall deposit the spoiled ballot in ballot box no.
3 4.

4 Sec. 64.008. DEPOSITING BALLOT. (a) Except as provided by
5 Subsection (b), after a voter has marked the ballot, the voter shall
6 fold the ballot to conceal the way it is marked but to expose the
7 presiding judge's signature, and shall deposit it in the ballot box
8 used for the deposit of marked ballots.

9 (b) After a voter has marked a provisional ballot, the voter
10 shall enclose the ballot in the envelope on which the voter's
11 executed affidavit is printed. The person shall seal the envelope
12 and deposit it in a box available for the deposit of provisional
13 ballots.

14 (c) At the time a person casts a provisional ballot under
15 Subsection (b), an election officer shall give the person written
16 information describing how the person may use the free access
17 system established under Section 92.159 [~~65.059~~] to obtain
18 information on the disposition of the person's vote.

19 Sec. 64.009. VOTER UNABLE TO ENTER POLLING PLACE. (a) If a
20 voter is physically unable to enter the polling place without
21 personal assistance or likelihood of injuring the voter's health,
22 on the voter's request, an election officer shall deliver a ballot
23 to the voter at the polling place entrance or curb.

24 (b) [~~(a-1)~~] At each polling place an area for parking not
25 smaller than the size of one parking space shall be reserved for
26 voting under this section. The area may not be designated
27 specifically for persons with disabilities. The area must be

1 clearly marked with a sign:

2 (1) indicating that the space is reserved for use by a
3 voter who is unable to enter the polling place; and

4 (2) displaying, in large font that is clearly readable
5 from a vehicle, a telephone number that a voter may call or text to
6 request assistance from an election officer at the polling place.

7 (c) [~~(a-2)~~] As an alternative to displaying a telephone
8 number under Subsection (b)(2) [~~(a-1)(2)~~], a parking space may
9 comply with the requirements of this section by providing the voter
10 with a button or intercom that the voter may use to request
11 assistance from an election officer.

12 (d) [~~(b)~~] The regular voting procedures, except those in
13 Subchapter B, may be modified by the election officer to the extent
14 necessary to conduct voting under this section.

15 (e) [~~(c)~~] After the voter is accepted for voting, the voter
16 shall mark the ballot and give it to the election officer who shall
17 deposit it in the ballot box.

18 (f) [~~(d)~~] On the voter's request, a person accompanying the
19 voter shall be permitted to select the voter's ballot and deposit
20 the ballot in the ballot box.

21 (g) [~~(e)~~] Except as provided by Section 33.057, a poll
22 watcher is entitled to observe any activity conducted under this
23 section.

24 (h) [~~(f)~~] A person who simultaneously assists seven or more
25 voters voting under this section by providing the voters with
26 transportation to the polling place must complete and sign a form,
27 provided by an election officer, that contains the person's name

1 and address and whether the person is providing assistance solely
2 under this section or under both this section and Subchapter B.

3 (i) [~~(f-1)~~] Subsection (h) [~~(f)~~] does not apply if the
4 person is related to each voter within the second degree by affinity
5 or the third degree by consanguinity, as determined under
6 Subchapter B, Chapter 573, Government Code.

7 (j) [~~(g)~~] A form completed under Subsection (h) [~~(f)~~] shall
8 be delivered to the secretary of state as soon as practicable. The
9 secretary shall retain a form delivered under this section for the
10 period for preserving the precinct election records and shall make
11 the form available to the attorney general for inspection upon
12 request.

13 (k) [~~(h)~~] The secretary of state shall prescribe the form
14 described by Subsection (h) [~~(f)~~].

15 Sec. 64.010. UNLAWFULLY PERMITTING OR PREVENTING DEPOSIT OF
16 BALLOT. (a) An election officer commits an offense if the officer:

17 (1) permits a person to deposit in the ballot box a
18 ballot that the officer knows was not provided at the polling place
19 to the voter who is depositing the ballot or for whom the deposit is
20 made; or

21 (2) prevents the deposit in the ballot box of a marked
22 and properly folded ballot that was provided at the polling place to
23 the voter who is depositing it or for whom the deposit is attempted.

24 (b) An offense under this section is a Class B misdemeanor.

25 Sec. 64.011. UNLAWFULLY DEPOSITING BALLOT. (a) A person
26 commits an offense if the person deposits or attempts to deposit in
27 a ballot box a ballot that was not provided to the person who is

1 depositing the ballot or for whom the deposit is made or attempted.

2 (b) An offense under this section is a Class A misdemeanor
3 unless the person is convicted of an attempt. In that case, the
4 offense is a Class B misdemeanor.

5 Sec. 64.012. ILLEGAL VOTING. (a) A person commits an
6 offense if the person knowingly or intentionally:

7 (1) votes or attempts to vote in an election in which
8 the person knows the person is not eligible to vote;

9 (2) votes or attempts to vote more than once in an
10 election;

11 (3) votes or attempts to vote a ballot belonging to
12 another person, or by impersonating another person;

13 (4) marks or attempts to mark any portion of another
14 person's ballot without the consent of that person, or without
15 specific direction from that person how to mark the ballot; or

16 (5) votes or attempts to vote in an election in this
17 state after voting in another state in an election in which a
18 federal office appears on the ballot and the election day for both
19 states is the same day.

20 (b) An offense under this section is a felony of the second
21 degree unless the person is convicted of an attempt, in which event
22 it is a state jail felony.

23 (c) A person may not be convicted solely upon the fact that
24 the person signed a provisional ballot affidavit under Section
25 63.011 unless corroborated by other evidence that the person
26 knowingly committed the offense.

27 (d) If conduct that constitutes an offense under this

section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

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

Sec. 64.014. PUBLICATION OF VOTING INFORMATION. (a) Information on the poll list for a person who votes a ballot during the voting period shall 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) The information under Subsection (a) must be made available:

(1) on the publicly accessible Internet website of the county; or

(2) if the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court.

(c) The county clerk for a primary election or the general election for state and county officers shall submit to the secretary of state for posting on the secretary of state'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.

1 (d) The secretary of state shall post the information
2 described by Subsection (c) on the secretary of state's Internet
3 website in a downloadable format not later than 11 a.m. on the day
4 following the day of receipt of the information.

5 (e) The secretary of state shall create a system for a
6 county clerk for a primary election or the general election for
7 state and county officers to provide the information to the
8 secretary of state for posting on the secretary of state's Internet
9 website under Subsection (c).

10 (f) A person registered to vote in the county may submit a
11 complaint to the secretary of state stating that a county clerk has
12 not complied with this section.

13 (g) The secretary of state by rule shall create and maintain
14 a system for receiving and recording complaints made under this
15 section.

16 (h) The secretary of state shall maintain a record
17 indicating county clerks who have failed to comply with the
18 requirements of this section.

19 SUBCHAPTER B. ASSISTING VOTER

20 Sec. 64.031. ELIGIBILITY FOR ASSISTANCE. A voter is
21 eligible to receive assistance in marking or reading the ballot, as
22 provided by this subchapter, if the voter cannot prepare or read the
23 ballot because of:

24 (1) a physical disability that renders the voter
25 unable to write or see; or

26 (2) an inability to read the language in which the
27 ballot is written.

1 Sec. 64.032. PERSONS PROVIDING ASSISTANCE. (a) Except as
2 provided by Subsection (c), on a voter's request for assistance in
3 marking the ballot, two election officers shall provide the
4 assistance.

5 (b) If a voter is assisted by election officers in the
6 general election for state and county officers, each officer must
7 be aligned with a different political party unless there are not two
8 or more election officers serving the polling place who are aligned
9 with different parties.

10 (c) On the voter's request, the voter may be assisted by any
11 person selected by the voter other than the voter's employer, an
12 agent of the voter's employer, or an officer or agent of a labor
13 union to which the voter belongs.

14 (d) If assistance is provided by a person of the voter's
15 choice, an election officer shall enter the person's name and
16 address on the poll list beside the voter's name.

17 Sec. 64.0321. DEFINITION. For purposes of this subchapter
18 and Section 73.010 [~~Sections 85.035 and 86.010~~], assisting a voter
19 includes the following conduct by a person other than the voter that
20 occurs while the person is in the presence of the voter's ballot or
21 carrier envelope:

- 22 (1) reading the ballot to the voter;
- 23 (2) directing the voter to read the ballot;
- 24 (3) marking the voter's ballot; or
- 25 (4) directing the voter to mark the ballot.

26 Sec. 64.0322. SUBMISSION OF FORM BY ASSISTANT. (a) A
27 person, other than an election officer, who assists a voter in

1 accordance with this chapter is required to complete a form
2 stating:

3 (1) the name and address of the person assisting the
4 voter;

5 (2) the relationship to the voter of the person
6 assisting the voter; and

7 (3) whether the person assisting the voter received or
8 accepted any form of compensation or other benefit from a
9 candidate, campaign, or political committee.

10 (b) The secretary of state shall prescribe the form required
11 by this section. The form must be incorporated into the official
12 carrier envelope if the voter is voting [~~an early voting ballot~~] by
13 mail and receives assistance under Section 73.010 [~~86.010~~], or must
14 be submitted to an election officer at the time the voter casts a
15 ballot if the voter is voting at a polling place or under Section
16 64.009.

17 Sec. 64.033. READING BALLOT TO VOTER. (a) If a voter is
18 assisted by election officers, one of them shall read the entire
19 ballot to the voter unless the voter tells the officer that the
20 voter desires to vote only on certain offices or measures. In that
21 case, the officer shall read those items on the ballot specified by
22 the voter.

23 (b) If a voter is assisted by a person of the voter's choice,
24 an election officer shall ask the voter being assisted whether the
25 voter wants the entire ballot read to the voter. If so, the officer
26 shall instruct the person assisting the voter to read the entire
27 ballot to the voter.

1 Sec. 64.034. OATH. A person, other than an election
2 officer, selected to provide assistance to a voter must take the
3 following oath, administered by an election officer at the polling
4 place, before providing assistance:

5 "I swear (or affirm) under penalty of perjury that the voter I
6 am assisting represented to me they are eligible to receive
7 assistance; I will not suggest, by word, sign, or gesture, how the
8 voter should vote; I will confine my assistance to reading the
9 ballot to the voter, directing the voter to read the ballot, marking
10 the voter's ballot, or directing the voter to mark the ballot; I
11 will prepare the voter's ballot as the voter directs; I did not
12 pressure or coerce the voter into choosing me to provide
13 assistance; I am not the voter's employer, an agent of the voter's
14 employer, or an officer or agent of a labor union to which the voter
15 belongs; I will not communicate information about how the voter has
16 voted to another person; and I understand that if assistance is
17 provided to a voter who is not eligible for assistance, the voter's
18 ballot may not be counted."

19 Sec. 64.035. DEPOSITING BALLOT. After assistance has been
20 provided in marking a ballot, the ballot shall be folded and
21 deposited in the ballot box by the voter or, on the voter's request,
22 by the person assisting the voter.

23 Sec. 64.036. UNLAWFUL ASSISTANCE. (a) A person commits an
24 offense if the person knowingly:

25 (1) provides assistance to a voter who is not eligible
26 for assistance;

27 (2) while assisting a voter prepares the voter's

1 ballot in a way other than the way the voter directs or without
2 direction from the voter;

3 (3) while assisting a voter suggests by word, sign, or
4 gesture how the voter should vote; or

5 (4) provides assistance to a voter who has not
6 requested assistance or selected the person to assist the voter.

7 (b) A person commits an offense if the person knowingly
8 assists a voter in violation of Section 64.032(c).

9 (c) An election officer commits an offense if the officer
10 knowingly permits a person to provide assistance:

11 (1) to a voter who is not eligible for assistance; or

12 (2) in violation of Section 64.032(c).

13 (d) An offense under this section is a Class A misdemeanor.

14 Sec. 64.037. UNAUTHORIZED ASSISTANCE VOIDS BALLOT. If
15 assistance is provided to a voter who is not eligible for
16 assistance, the voter's ballot may not be counted.

17 SECTION 1.011. Title 6, Election Code, is amended by adding
18 Subtitles B, C, and D to read as follows:

19 SUBTITLE B. VOTING BY MAIL

20 CHAPTER 71. ELIGIBILITY FOR VOTING BY MAIL

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

27 (b) If a voter's application to vote by mail is submitted on

1 or after the first day of the voting period, the voter is ineligible
2 to vote by mail unless the voter is absent from the county when the
3 application is submitted and satisfies the requirements prescribed
4 by Subsection (a).

5 Sec. 71.002. DISABILITY OR CONFINEMENT FOR CHILDBIRTH. (a)

6 A qualified voter is eligible to vote by mail if the voter:

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

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

13 (b) The following do not constitute sufficient cause to
14 entitle a voter to vote under Subsection (a):

15 (1) a lack of transportation;

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

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

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

25 Sec. 71.003. CONFINEMENT IN JAIL. (a) A qualified voter is
26 eligible to vote by mail if, at the time the voter's application to
27 vote by mail is submitted, the voter is confined in jail:

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

3 (2) pending trial after denial of bail;

4 (3) without bail pending an appeal of a felony
5 conviction; or

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

8 (b) A voter confined in jail who is eligible to vote may not
9 vote in person unless the authority in charge of the jail, in the
10 authority's discretion, permits the voter to do so.

11 Sec. 71.004. PARTICIPATION IN ADDRESS CONFIDENTIALITY
12 PROGRAM. A qualified voter is eligible to vote by mail if:

13 (1) the voter submitted a registration application by
14 personal delivery as required by Section 13.002(e); and

15 (2) at the time the voter's application to vote by mail
16 is submitted, the voter is certified for participation in the
17 address confidentiality program administered by the attorney
18 general under Subchapter B, Chapter 58, Code of Criminal Procedure.

19 Sec. 71.005. INVOLUNTARY CIVIL COMMITMENT. A qualified
20 voter is eligible to vote by mail if, at the time the voter's
21 application to vote by mail is submitted, the voter is a person who
22 is civilly committed as a sexually violent predator under Chapter
23 841, Health and Safety Code, and is ordered as a condition of civil
24 commitment to reside in a facility operated by or under contract
25 with the Texas Civil Commitment Office.

1 CHAPTER 72. APPLICATION TO VOTE BY MAIL

2 SUBCHAPTER A. APPLICATION REQUIRED

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

6 (b) Subject to Section 1.011, an application must be
7 submitted in writing and signed by the applicant using ink on paper.
8 An electronic signature or photocopied signature is not permitted.

9 (c) An applicant is not required to use an official
10 application form.

11 (d) An application must be submitted by mail to the county
12 clerk for the election who serves the election precinct of the
13 applicant's residence.

14 (e) A timely application that is addressed to the wrong
15 county clerk shall be forwarded to the proper county clerk not later
16 than the day after the date it is received by the wrong clerk.

17 (f) An applicant to vote by mail may apply for ballots for
18 the main election and any resulting runoff election on the same
19 application. If an application for the main election and any
20 resulting runoff is not timely for the main election, it will be
21 considered timely for any resulting runoff if received not later
22 than the deadline, determined using the date of the runoff
23 election, for submitting a regular application to vote by mail.

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

26 Sec. 72.002. CONTENTS OF APPLICATION. (a) An application
27 to vote by mail must include:

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

3 (2) the following information:

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

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

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

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

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

17 (5) for an application to vote by mail on the ground of
18 absence from the county of residence:

19 (A) the address to which the ballot is to be
20 mailed; and

21 (B) an indication that the applicant satisfies
22 the requirements prescribed by Section 71.001;

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

25 (A) the address of the hospital or long-term care
26 facility, or of a person related to the applicant within the second
27 degree by affinity or the third degree by consanguinity, as

1 determined under Chapter 573, Government Code, if the applicant is
2 living at that address and that address is different from the
3 address at which the applicant is registered to vote; and

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

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

13 (8) for an application to vote by mail on the ground of
14 involuntary civil commitment, the address of the facility operated
15 by or under contract with the Texas Civil Commitment Office or of a
16 person related to the applicant within the degree of consanguinity
17 described by Subdivision (6)(A).

18 (b) A person may use the number of a driver's license,
19 election identification certificate, or personal identification
20 card that has expired for the purpose of fulfilling the requirement
21 under Subsection (a)(2) if the license or identification is
22 otherwise valid.

23 (c) An applicant to vote by mail on the ground of absence
24 from the county of residence may receive that ballot at:

25 (1) an address outside the applicant's county of
26 residence; or

27 (2) the applicant's own residence.

1 Sec. 72.0021. CONTENTS OF APPLICATION FOR PARTICIPANT IN
2 ADDRESS CONFIDENTIALITY PROGRAM; CONFIDENTIAL INFORMATION. (a) An
3 application to vote by mail submitted by a qualified voter who is
4 eligible to vote by mail under Section 71.004 must include:

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

7 (2) the substitute post office box address designated
8 by the attorney general under Article 58.052(b), Code of Criminal
9 Procedure, for use by the voter in place of the voter's true
10 residential, business, or school address; and

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

13 (b) The information contained in an application under this
14 section relating to the address at which the applicant is
15 registered to vote is confidential, except that the information
16 must be disclosed if:

17 (1) requested by a law enforcement agency; or

18 (2) required by court order.

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

24 (b) A person who acts as a witness for an applicant
25 submitting an application to vote by mail commits an offense if the
26 person knowingly fails to comply with Section 1.011. A person who
27 in the presence of the applicant otherwise assists an applicant in

1 completing an application to vote by mail commits an offense if the
2 person knowingly fails to comply with Section 1.011(d) in the same
3 manner as a witness.

4 (c) An offense under this section is a Class A misdemeanor.

5 (d) Subsection (b) does not apply if the person is related
6 to the applicant within the second degree by affinity or the third
7 degree by consanguinity, as determined under Subchapter B, Chapter
8 573, Government Code, or is registered to vote at the same address
9 as the applicant.

10 Sec. 72.004. UNLAWFULLY WITNESSING APPLICATION FOR MORE
11 THAN ONE APPLICANT. (a) A person commits an offense if:

12 (1) the person signs an application to vote by mail as
13 a witness for more than one applicant in the same election; or

14 (2) the person signs an application to vote annually
15 by mail as a witness for more than one applicant in the same
16 calendar year.

17 (b) A person does not commit an offense under Subsection (a)
18 if the person signs applications to vote by mail for more than one
19 applicant and the person:

20 (1) signed the applications in the person's capacity
21 as a county clerk or deputy county clerk; or

22 (2) is related to the additional applicants as a
23 parent, grandparent, spouse, child, or sibling.

24 (c) A violation of this section does not affect the validity
25 of an application involved in the offense.

26 (d) Each application signed by the witness in violation of
27 this section constitutes a separate offense.

1 (e) An offense under this section is a Class B misdemeanor.
2 Sec. 72.0041. FRAUDULENT USE OF APPLICATION TO VOTE BY
3 MAIL. (a) A person commits an offense if the person:

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

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

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

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

13 (b) An offense under this section is a state jail felony.

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

17 (d) An offense under this section is increased to the next
18 higher category of offense if it is shown on the trial of an offense
19 under this section that:

20 (1) the defendant was previously convicted of an
21 offense under this code;

22 (2) the offense involved a voter 65 years of age or
23 older; or

24 (3) the defendant committed another offense under this
25 section in the same election.

26 Sec. 72.005. APPLICATION COMPONENTS. Each document that
27 contains information required for an application to vote by mail

1 and that is submitted to the county clerk, and any envelope in which
2 an application is submitted, is part of the application to vote by
3 mail.

4 Sec. 72.006. SUBMITTING APPLICATION TO VOTE BY MAIL:
5 GENERAL RULE. (a) Except as provided by Sections 72.007 and
6 72.008, an application to vote by mail must be submitted as provided
7 by this section.

8 (b) An application must be submitted to the county clerk by:

9 (1) mail;

10 (2) common or contract carrier;

11 (3) subject to Subsection (c), telephonic facsimile
12 machine, if a machine is available in the clerk's office; or

13 (4) subject to Subsection (c), electronic
14 transmission of a scanned application containing an original
15 signature.

16 (c) For an application to vote by mail submitted by
17 telephonic facsimile machine or electronic transmission to be
18 effective, the application also must be submitted by mail and be
19 received by the county clerk not later than the fourth business day
20 after the transmission by telephonic facsimile machine or
21 electronic transmission is received.

22 (d) Except as provided by Section 73.0012(b), an
23 application may be submitted at any time in the year of the election
24 for which a ballot is requested, but not later than the close of
25 regular business in the county clerk's office or 12 noon, whichever
26 is later, on the 11th day before election day unless that day is a
27 Saturday, Sunday, or legal state or national holiday, in which case

1 the last day is the first preceding regular business day.

2 (e) An application is considered to be submitted at the time
3 of its receipt by the county clerk.

4 (f) The county clerk shall designate an e-mail address for
5 receipt of an application under Subsection (b)(4). The secretary
6 of state shall include the e-mail address designated by each county
7 clerk on the secretary of state's Internet website.

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

13 Sec. 72.008. SUBMITTING APPLICATION TO VOTE BY MAIL:
14 CONFINEMENT IN JAIL. On request of the applicant, an application to
15 vote by mail on the ground of confinement in jail may be submitted
16 to the county clerk, at the discretion of the authority in charge of
17 the jail, by personal delivery by the jail authority or by a
18 designated subordinate of the authority.

19 Sec. 72.009. PRESERVATION OF APPLICATION. Each application
20 to vote by mail shall be preserved after the election for the period
21 for preserving the precinct election records.

22 Sec. 72.010. OFFICIAL APPLICATION FORM. (a) The
23 officially prescribed application form to vote by mail must
24 include:

25 (1) immediately preceding the signature space the
26 statement: "I certify that the information given in this
27 application is true, and I understand that giving false information

1 in this application is a crime.";

2 (2) a statement informing the applicant of the
3 offenses prescribed by Sections 72.003 and 72.004;

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

8 (4) a space for entering the information required under
9 Section 72.002(a)(2);

10 (5) a space for an applicant applying on the ground of
11 absence from the county of residence to indicate the date on or
12 after which the applicant can receive mail at the address described
13 by Section 72.002(c);

14 (6) a space for indicating the fact that an applicant
15 whose application is signed by a witness cannot make the
16 applicant's mark and a space for indicating the relationship or
17 lack of relationship of the witness to the applicant;

18 (7) a space for entering an applicant's telephone
19 number, with:

20 (A) a statement informing the applicant that
21 failure to furnish that information does not invalidate the
22 application; and

23 (B) a statement prescribed by the secretary of
24 state explaining the benefits of furnishing that information,
25 including how that information assists the county clerk;

26 (8) a space or box for an applicant applying on the
27 ground of disability to indicate that the address to which the

ballot is to be mailed is the address of a facility or relative described by Section 72.002(a)(6)(A), if applicable;

(9) a space or box for an applicant applying on the ground of confinement in jail or involuntary civil commitment to indicate that the address to which the ballot is to be mailed is the address of a relative described by Section 72.002(a)(7) or (8), if applicable;

(10) a space for an applicant applying on the ground of disability to indicate if the application is an application under Section 73.0012;

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

(12) a statement informing the applicant of the condition prescribed by Section 73.0011; and

(13) a statement informing the applicant of the requirement prescribed by Section 73.003(c).

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

(c) The secretary of state shall make the statement prescribed by Subsection (a)(7)(A) available on the secretary's Internet website.

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

1 Section 72.001.

2 (b) An officer or employee of this state or of a political
3 subdivision of this state may not use public funds to facilitate the
4 distribution by another person of an application form to vote by
5 mail to a person who did not request an application under Section
6 72.001.

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

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

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

19 (b) The county clerk may use the application form provided
20 by the secretary of state under Section 72.013 or the county clerk's
21 own application form.

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

27 (b) The secretary of state shall 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. 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, the county clerk shall notify the voter registrar. The voter registrar shall 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) An application to vote by mail that has been submitted to the county clerk may be canceled only as provided by this subchapter.

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

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

(b) A request must:

(1) be in writing and signed by the applicant;
(2) specify the election for which the application was made; and

(3) except as provided by Subsection (c), (d), or (f), be received by the county clerk:

1 (A) not later than the third day before election
2 day; and

3 (B) if a mail ballot sent to the applicant is
4 returned to the clerk as a marked ballot, before the marked ballot's
5 arrival at the address on the carrier envelope.

6 (c) An applicant may submit a request after the third day
7 before election day by appearing in person and:

8 (1) returning the mail ballot to the county clerk; or

9 (2) executing an affidavit that the applicant:

10 (A) has not received the mail ballot;

11 (B) never requested a mail ballot; or

12 (C) received notice of a defect under Section
13 92.0412(b) or (d).

14 (d) An applicant may also submit a request by appearing in
15 person and returning the mail ballot or presenting a notice
16 received under Section 73.006(k) to:

17 (1) the county clerk or deputy county clerk at the
18 county clerk's office; or

19 (2) the presiding election judge on election day or
20 during the voting period at the applicant's precinct polling place.

21 (e) An election officer shall maintain a register of mail
22 ballots returned at a polling place under Subsection (d). An
23 election officer shall enter on the register the name of each voter
24 who returns a mail ballot and the ballot's number. The secretary of
25 state shall adopt a form to be used for this purpose.

26 (f) An applicant may also submit a request at any time after
27 the mail ballot is returned to the county clerk as a marked ballot

1 and before the ballot is delivered to the mail ballot board by
2 appearing in person and executing an affidavit that the applicant
3 did not mark the ballot.

4 (g) A request for cancellation in a manner other than as
5 authorized by this section, including a request by letter, has no
6 effect.

7 Sec. 72.033. ACTION ON REQUEST. (a) The election officer
8 shall review each cancellation request to determine whether it
9 complies with Section 72.032.

10 (b) If the request complies, the county clerk shall cancel
11 the application and enter on the application "canceled" and the
12 date of cancellation.

13 (c) If the request complies, the presiding election judge
14 shall enter on the returned ballot or the notice, as applicable,
15 "canceled," place it and the request in an envelope, and deposit the
16 envelope in ballot box no. 4. The applicant's application is
17 considered to be canceled.

18 (d) If the request does not comply, the election officer
19 shall deny the request and enter on the request "denied" and the
20 date of and reason for the denial. The presiding election judge
21 shall place the request in an envelope and deposit the envelope in
22 ballot box no. 4.

23 Sec. 72.034. NOTICE OF DENIAL. Immediately after denying a
24 cancellation request, the election officer shall notify the
25 applicant of the denial. The notice must state the reason for the
26 denial.

27 Sec. 72.035. BALLOT SENT TO APPLICANT. (a) If the county

1 clerk cancels an application by an applicant to whom a mail ballot
2 has been sent, the clerk shall:

3 (1) remove the applicant's name from the mail voting
4 roster; and

5 (2) make any other entries in the records and take any
6 other action necessary to prevent the ballot from being counted if
7 returned.

8 (b) An election judge may permit a person to whom a mail
9 ballot has been sent who cancels the person's application to vote by
10 mail in accordance with Section 72.032 but fails to return the mail
11 ballot to the county clerk, deputy county clerk, or presiding judge
12 as provided by that section to vote only a provisional ballot under
13 Section [63.011](#).

14 Sec. 72.036. DISPOSITION OF RETURNED BALLOT. (a) If a mail
15 ballot sent to an applicant whose application is canceled is
16 returned to the county clerk as a marked ballot, the ballot shall be
17 treated as a marked ballot not timely returned.

18 (b) After making the appropriate entry on a register
19 maintained under Section 72.032(e), an election officer shall
20 deposit a mail ballot returned at a polling place under Section
21 72.032(d) in ballot box no. 4.

22 Sec. 72.037. PRESERVATION OF DOCUMENTS. (a) The county
23 clerk shall deliver each cancellation request to the general
24 custodian of election records. If the application is canceled, the
25 clerk shall attach it and the corresponding ballot materials, if
26 available, to the cancellation request and deliver it with the
27 request.

1 (b) The general custodian of election records shall
2 preserve cancellation requests delivered under Subsection (a) for
3 the period for preserving the precinct election records.

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

9 (d) The attorney general shall prescribe the form and manner
10 of submission under Subsection (c). The secretary of state shall
11 adopt rules as necessary to implement the requirements prescribed
12 under this subsection.

13 Sec. 72.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION.
14 The cancellation of an application to vote by mail under Section
15 72.032(c), (d), or (f) is effective for a single ballot only and
16 does not cancel the application with respect to a subsequent
17 election, including a subsequent election to which the same
18 application applies under Section 72.001(f) or 73.0012(b).

19 CHAPTER 73. CONDUCT OF VOTING BY MAIL

20 Sec. 73.001. REVIEWING APPLICATION AND PROVIDING BALLOT.
21 (a) The county clerk shall review each application to vote by mail.

22 (b) If the applicant is entitled to vote a mail ballot, the
23 clerk shall provide an official ballot to the applicant as provided
24 by this chapter.

25 (c) Except as provided by Section 73.008, if the applicant
26 is not entitled to vote by mail, the clerk shall reject the
27 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. A ballot may not be provided to an applicant whose application is rejected.

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

(e) If the applicant does not have an effective voter registration for the election, the clerk shall 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) 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), the clerk shall reject the application.

(g) If an application is rejected under Subsection (f), the clerk shall provide notice of the rejection in accordance with Subsection (c). The notice must 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) 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, the clerk shall provide a ballot to the applicant as provided by

1 this chapter.

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

7 Sec. 73.0011. COMMON OR CONTRACT CARRIER. (a) A common or
8 contract carrier may not be used to perform an act related to voting
9 by mail unless the carrier:

10 (1) is a bona fide, for-profit carrier, the primary
11 business of which is transporting or delivering property for
12 compensation and the business practices of which are reasonable and
13 prudent according to the usual standards for the business in which
14 it is engaged;

15 (2) routinely uses receipts that:

16 (A) permit the carrier to retrieve a receipt or
17 information contained in a receipt;

18 (B) provide space for the name and residence
19 address of a person who delivers a parcel to the carrier; and

20 (C) provide space for the date, time, and address
21 at which parcels are received by the carrier; and

22 (3) complies with laws requiring the carrier to file
23 an assumed name with each county in which the carrier receives or
24 delivers parcels or with the secretary of state, as appropriate.

25 (b) A common or contract carrier may not be used to perform
26 an act related to voting by mail if the carrier transports property
27 as an incidental activity of a nontransportation business activity

1 regardless of whether the carrier imposes a separate charge for the
2 transportation.

3 Sec. 73.0012. ANNUAL MAIL BALLOTS. (a) This section
4 applies only to an application to vote by mail that:

5 (1) indicates the ground of eligibility is disability;
6 and

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

10 (b) An application described by Subsection (a) is
11 considered to be an application to vote by mail for each election,
12 including any ensuing runoff:

13 (1) in which the applicant is eligible to vote; and

14 (2) that occurs before the earlier of:

15 (A) except as provided by Subsection (d), the end
16 of the calendar year in which the application was submitted;

17 (B) the date the county clerk receives notice
18 from the voter registrar under Subsection (h) that the voter has
19 changed residence to another county; or

20 (C) the date the voter's registration is
21 canceled.

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

1 (d) An application is considered to be submitted in the
2 following calendar year for purposes of this section if:

3 (1) the applicant is eligible to vote in an election
4 occurring in January or February of the next calendar year; and

5 (2) the application is submitted in the last 60 days of
6 a calendar year but not earlier than the 60th day before the date of
7 the January or February election.

8 (e) In an election of a political subdivision located in a
9 county in which the county clerk is not the authority performing the
10 functions of the county clerk with regard to voting by mail, the
11 county clerk shall provide the authority responsible for voting by
12 mail in the political subdivision that is holding the election a
13 list of voters in the portion of the political subdivision located
14 in the county who have ballot applications on file under this
15 section along with copies of the applications submitted by those
16 voters. The authority shall provide a mail ballot to each voter on
17 the list for whom the authority received a copy of an application
18 submitted under this section.

19 (f) The secretary of state shall provide a method by which
20 counties and political subdivisions located in the county can
21 exchange and update information on applications received under this
22 section.

23 (g) An application described by Subsection (a) shall be
24 preserved for the period for preserving the precinct election
25 records for the last election for which the application is
26 effective.

27 (h) The voter registrar shall notify the county clerk when a

1 voter's voter registration has been canceled or a voter's address or
2 name has changed. The county clerk must update any list of voters
3 who have ballot applications on file under this section based on the
4 information received from the voter registrar. A voter's ballot
5 application on file under this section may not be canceled if a
6 correction in registration information for the voter is a change of
7 address within the county in which the voter is registered or a
8 change of the voter's name.

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

17 (b) Before providing the balloting materials to the voter,
18 the clerk shall enter on the carrier envelope the identity and date
19 of the election.

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

24 (d) The secretary of state shall prescribe instructions to
25 be printed on the balloting materials for the execution and return
26 of a statement of residence. The instructions must include an
27 explanation of the circumstances under which the ballot must be

1 rejected with respect to the statement.

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

8 (f) The clerk shall include with the balloting materials:

9 (1) a notice of the clerk's physical address for
10 purposes of return by common or contract carrier or personal
11 delivery in accordance with Section 73.006(b); and

12 (2) the list of declared write-in candidates for the
13 election, if applicable.

14 (g) The carrier envelope must include a space that is hidden
15 from view when the envelope is sealed for the voter to enter the
16 following information:

17 (1) the number of the voter's driver's license,
18 election identification certificate, or personal identification
19 card issued by the Department of Public Safety;

20 (2) if the voter has not been issued a number described
21 by Subdivision (1), the last four digits of the voter's social
22 security number; or

23 (3) a statement by the applicant that the applicant
24 has not been issued a number described by Subdivision (1) or (2).

25 (h) A person may use the number of a driver's license,
26 election identification certificate, or personal identification
27 card that has expired for purposes of Subsection (g) if the license

1 or identification is otherwise valid.

2 (i) No record associating an individual voter with a ballot
3 may be created.

4 Sec. 73.003. METHOD OF PROVIDING BALLOT TO VOTER: REQUIRED
5 ADDRESS. (a) The balloting materials for voting by mail shall be
6 provided to the voter by mail. A ballot provided by any other
7 method may not be counted.

8 (b) Subject to Subsection (c), the balloting materials
9 shall be addressed to the applicable address specified in the
10 voter's application. The election officer providing the ballot may
11 not knowingly mail the materials to an address other than that
12 prescribed by this section.

13 (c) The address to which the balloting materials must be
14 addressed is the address at which the voter is registered to vote,
15 or the registered mailing address if different, unless the ground
16 for voting by mail is:

17 (1) absence from the county of residence, in which
18 case the address may be an address outside the voter's county of
19 residence;

20 (2) disability and the voter is living at a hospital or
21 long-term care facility or with a relative described by Section
22 72.002(a)(6)(A), in which case the address must be the address of
23 that facility or relative;

24 (3) confinement in jail, in which case the address
25 must be the address of the jail or of a relative described by
26 Section 72.002(a)(7); or

27 (4) involuntary civil commitment, in which case the

address must be the address of the facility or of a relative described by Section 72.002(a)(8).

(d) 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), the voter's application shall be rejected in accordance with Section 73.001(c).

Sec. 73.004. TIME FOR PROVIDING BALLOT TO VOTER. (a) Except as provided by Subsection (b), the balloting materials for voting by mail shall 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 shall be mailed not later than the 30th day before election day.

(b) For an election to which Section 74.104 applies, 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 shall 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. However, if it is not possible to mail the ballots by the deadline of the 45th day before election day, the clerk shall notify the secretary of state within 24 hours of knowing that the deadline will not be met. The secretary of state shall monitor the situation and advise the clerk, who shall mail the ballots as soon as possible in accordance

1 with the secretary of state's guidelines.

2 Sec. 73.005. MARKING AND SEALING BALLOT. (a) A voter must
3 mark a mail ballot in accordance with the instructions on the ballot
4 envelope.

5 (b) A voter may mark the ballot at any time after receiving
6 it.

7 (c) After marking the ballot, the voter must place it in the
8 official ballot envelope and then seal the ballot envelope, place
9 the ballot envelope in the official carrier envelope and then seal
10 the carrier envelope, and sign the certificate on the carrier
11 envelope using ink on paper. An electronic signature or
12 photocopied signature is not permitted.

13 (d) Failure to use the official ballot envelope does not
14 affect the validity of the ballot.

15 (e) After the carrier envelope is sealed by the voter, it
16 may not be opened except as provided by Chapter 92.

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

21 (b) A person other than the voter who assists a voter by
22 depositing the carrier envelope in the mail or with a common or
23 contract carrier or who obtains the carrier envelope for that
24 purpose must provide the person's signature, printed name, and
25 residence address on the reverse side of the envelope. The person
26 must sign the envelope using ink on paper. An electronic signature
27 or photocopied signature is not permitted.

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

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

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

15 (f) If conduct that constitutes an offense under this
16 section also constitutes an offense under any other law, the actor
17 may be prosecuted under this section, the other law, or both.

18 Sec. 73.0052. COMPENSATION FOR CARRIER ENVELOPE ACTION
19 PROHIBITED. (a) A person commits an offense if the person:

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

26 (2) engages in another practice that causes another
27 person's compensation from or employment status with the person to

1 be dependent on the number of ballots deposited as provided by
2 Section 73.0051(b); or

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

6 (b) Except as provided by Subsection (c), an offense under
7 this section is a misdemeanor punishable by:

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

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

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

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

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

22 Sec. 73.006. METHOD OF RETURNING MARKED BALLOT. (a) A
23 marked ballot voted under this chapter must be returned to the
24 county clerk in the official carrier envelope. The carrier
25 envelope may be delivered in another envelope and must be
26 transported and delivered only by:

27 (1) mail;

1 (2) common or contract carrier; or

2 (3) subject to Subsections (b) and (c), in-person
3 delivery by the voter who voted the ballot.

4 (b) The voter may deliver a marked ballot in person to the
5 county clerk's office only while the polls are open on election day.
6 A voter who delivers a marked ballot in person must present an
7 acceptable form of identification described by Section [63.0101](#).

8 (c) An in-person delivery of a marked ballot voted under
9 this chapter must be received by an election official at the time of
10 delivery. The receiving official shall record the voter's name,
11 signature, and type of identification provided under Section
12 [63.0101](#) on a roster prescribed by the secretary of state. The
13 receiving official shall attest on the roster that the delivery
14 complies with this section.

15 (d) Except as provided by Subsection (e), a carrier envelope
16 may not be returned in an envelope or package containing another
17 carrier envelope.

18 (e) The carrier envelopes of persons who are registered to
19 vote at the same address may be returned in the same envelope or
20 package.

21 (f) Each carrier envelope that is delivered by a common or
22 contract carrier must be accompanied by an individual delivery
23 receipt for that particular carrier envelope that indicates the
24 name and residence address of the individual who actually delivered
25 the envelope to the carrier and the date, hour, and address at which
26 the carrier envelope was received by the carrier. A delivery of
27 carrier envelopes is prohibited by a common or contract carrier if

1 the delivery originates from the address of:

2 (1) an office of a political party or a candidate in
3 the election;

4 (2) a candidate in the election unless the address is
5 the residence of the voter voting by mail;

6 (3) a specific-purpose or general-purpose political
7 committee involved in the election; or

8 (4) an entity that requested that the election be
9 held, unless the delivery is a forwarding to the county clerk.

10 (g) Carrier envelopes may not be collected and stored at
11 another location for subsequent delivery to the county clerk. The
12 secretary of state shall prescribe appropriate procedures to
13 implement this subsection and to provide accountability for the
14 delivery of the carrier envelopes from the voting place to the
15 county clerk.

16 (h) A person commits an offense if the person knowingly
17 possesses an official ballot or official carrier envelope provided
18 under this code to another. Unless the person possessed the ballot
19 or carrier envelope with intent to defraud the voter or the election
20 authority, this subsection does not apply to a person who, on the
21 date of the offense, was:

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

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

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

1 (4) a person who possesses a ballot or carrier
2 envelope solely for the purpose of lawfully assisting a voter who
3 was eligible for assistance under Section 73.010 and complied fully
4 with:

5 (A) Section 73.010; and

6 (B) Section 73.0051, if assistance was provided
7 in order to deposit the envelope in the mail or with a common or
8 contract carrier;

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

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

16 (i) An offense under Subsection (h) is a Class A misdemeanor
17 unless the defendant possessed the ballot or carrier envelope
18 without the request of the voter, in which case it is a felony of the
19 third degree. If conduct that constitutes an offense under this
20 section also constitutes an offense under any other law, the actor
21 may be prosecuted under this section, the other law, or both.

22 (j) An offense under Subsection (i) is increased to the next
23 higher category of offense if it is shown on the trial of an offense
24 under this section that:

25 (1) the defendant was previously convicted of an
26 offense under this code;

27 (2) the offense involved an individual 65 years of age

1 or older; or

2 (3) the defendant committed another offense under this
3 section in the same election.

4 (k) A ballot returned in violation of this section may not
5 be counted. If the county clerk determines that the ballot was
6 returned in violation of this section, the clerk shall make a
7 notation on the carrier envelope and treat it as a ballot not timely
8 returned in accordance with Section 73.011(c). If the ballot is
9 returned before the end of the voting period, the county clerk shall
10 promptly mail or otherwise deliver to the voter a written notice
11 informing the voter that:

12 (1) the voter's ballot will not be counted because of a
13 violation of this code; and

14 (2) the voter may vote if otherwise eligible during
15 the voting period or on election day at the voter's precinct polling
16 place on presentation of the notice.

17 (1) In the prosecution of an offense under Subsection (h):

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

21 (2) the issue of the applicability of a provision of
22 Subsection (h)(1), (2), (3), (4), (5), or (6) is not submitted to
23 the jury unless evidence of that provision is admitted; and

24 (3) if the issue of the applicability of a provision of
25 Subsection (h)(1), (2), (3), (4), (5), or (6) is submitted to the
26 jury, the court shall charge that a reasonable doubt on the issue
27 requires that the defendant be acquitted.

1 Sec. 73.007. DEADLINE FOR RETURNING MARKED BALLOT. (a)
2 Except as provided by Subsection (d), a marked mail ballot must
3 arrive at the address on the carrier envelope:

4 (1) before the time the polls are required to close on
5 election day; or

6 (2) not later than 5 p.m. on the day after election
7 day, if the carrier envelope was placed for delivery by mail or
8 common or contract carrier before election day and bears a
9 cancellation mark of a common or contract carrier or a courier
10 indicating a time not later than 7 p.m. at the location of the
11 election on election day.

12 (b) If the county clerk cannot determine whether a ballot
13 arrived before the deadline, the ballot is considered to have
14 arrived at the time the place at which the carrier envelopes are
15 deposited was last inspected for removal of returned ballots. The
16 clerk shall check for returned ballots, at least once before the
17 deadline, after the normal delivery time on the last day at the
18 place at which the carrier envelopes are deposited.

19 (c) A marked ballot that is not timely returned may not be
20 counted.

21 (d) A marked mail ballot that arrives after the time
22 prescribed by Subsection (a) shall be counted if:

23 (1) the ballot was cast from an address outside the
24 United States;

25 (2) the carrier envelope was placed for delivery
26 before the time the ballot is required to arrive under Subsection
27 (a)(1); and

1 (3) the ballot arrives at the address on the carrier
2 envelope not later than the fifth day after the date of the
3 election.

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

7 (f) A delivery under Subsection (a)(2) or (d) is timely,
8 except as otherwise provided by this title, if the carrier envelope
9 or, if applicable, the envelope containing the carrier envelope:

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

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

15 (g) The envelope must bear the cancellation mark or receipt
16 mark as required by Subsection (f)(2) to be timely under this
17 section.

18 (h) The secretary of state shall prescribe procedures as
19 necessary to implement Subsection (d).

20 Sec. 73.008. OPPORTUNITY TO CORRECT DEFECT: APPLICATION.

21 (a) This section applies to an application to vote by mail for
22 which the applicant failed to comply with a requirement provided by
23 Section 72.002, 72.0021, or 72.003(a) in a manner that would lead,
24 if not corrected, to the rejection of the applicant's application.

25 (b) Not later than the second day after the county clerk
26 discovers a defect described by Subsection (a), the county clerk
27 shall:

1 (1) determine if it would be possible for the
2 applicant to correct the defect and return an application form by
3 mail before the deadline provided by Section 72.006(d) or
4 73.0012(c), as applicable; and

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

10 (c) The clerk shall include with the returned application or
11 an application form delivered to the applicant under Subsection
12 (b)(2) a written notice containing:

13 (1) a brief explanation of each defect in the
14 noncomplying application;

15 (2) a statement informing the voter that the voter is
16 not entitled to vote a mail ballot unless the application complies
17 with all legal requirements; and

18 (3) instructions for submitting the corrected or
19 second application.

20 (d) If the county clerk determines that it would not be
21 possible for the applicant to correct the defect and return an
22 application form by mail before the deadline provided by Section
23 72.006(d) or 73.0012(c), as applicable, the clerk may notify the
24 applicant by telephone or e-mail of the defect, including the
25 information required under Subsection (c), and inform the applicant
26 that the applicant may come to the county clerk's office before the
27 deadline provided by Section 72.006(d) or 73.0012(c), as

1 applicable, and correct the defect in person.

2 (e) The clerk shall:

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

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

11 (f) Notwithstanding any other provisions of this code, the
12 clerk may deliver in person to the voter a second application if the
13 defective original application is timely and may receive, before
14 the deadline, the corrected application in person from the voter.
15 If a procedure authorized by this subsection is used, it must be
16 applied uniformly to all applications covered by this subsection.
17 The clerk shall enter a notation on the application indicating any
18 information added by the clerk under this subsection. A poll
19 watcher is entitled to accompany the clerk and observe the
20 procedures under this subsection. The secretary of state may
21 prescribe any other procedures necessary to implement this
22 subsection including requirements for posting notice of any
23 deliveries.

24 Sec. 73.009. PROVIDING CORRECTED BALLOT TO VOTER. (a) If,
25 after a mail ballot is provided to a voter, the official ballot is
26 changed in a way that affects the choices available to the voter in
27 the election or the validity of the ballot provided to the voter if

1 cast, the county clerk shall mail a corrected ballot and
2 corresponding balloting materials to the voter unless in the
3 clerk's opinion there is not sufficient time for the voter to timely
4 return the corrected ballot to the clerk.

5 (b) The clerk shall include with the balloting materials
6 provided to the voter a written notice containing:

7 (1) a brief explanation of the reason for providing
8 another ballot; and

9 (2) an instruction to destroy the defective ballot if
10 it has not already been returned to the clerk.

11 (c) Before mailing the corrected ballot to the voter, the
12 clerk shall place a notation on the carrier envelope indicating
13 that the ballot is a corrected ballot being provided under this
14 section. The clerk shall also indicate on the voter's application
15 that the voter was provided a corrected ballot.

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

21 (e) Except as provided by Subsection (f), a voter's
22 defective ballot that is timely returned to the clerk as a marked
23 ballot shall be treated as:

24 (1) a marked ballot not timely returned if the
25 corrected ballot is timely returned as a marked ballot by the close
26 of the polls on election day; or

27 (2) 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) A mail ballot under Subchapter A, Chapter 74, corrected under this section may be counted if it is timely returned as required by Section 74.057.

Sec. 73.010. UNLAWFULLY ASSISTING VOTER VOTING BY MAIL.

(a) A voter casting a mail ballot who would be eligible under Section 64.031 to receive assistance at a polling place may select a person as provided by Section 64.032(c) to assist the voter in preparing the ballot.

(b) 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 may 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) The person assisting the voter must sign a written oath prescribed by Section 64.034 that is part of the certificate on the official carrier envelope.

(d) If a voter is assisted in violation of this section, the voter's ballot may not be counted.

(e) A person who assists a voter to prepare a mail ballot shall enter on the official carrier envelope of the voter:

(1) the person's signature, printed name, and residence address;

(2) the relationship of the person providing the assistance to the voter; and

1 (3) whether the person received or accepted any form
2 of compensation or other benefit from a candidate, campaign, or
3 political committee in exchange for providing assistance.

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

6 (g) An offense under this section is a state jail felony.

7 (h) Subsection (f) does not apply:

8 (1) to a violation of Subsection (c), if the person is
9 related to the voter within the second degree by affinity or the
10 third degree by consanguinity, as determined under Subchapter B,
11 Chapter 573, Government Code, or was physically living in the same
12 dwelling as the voter at the time of the event; or

13 (2) to a violation of Subsection (e), if the person is
14 related to the voter within the second degree by affinity or the
15 third degree by consanguinity, as determined under Subchapter B,
16 Chapter 573, Government Code.

17 (i) An offense under this section for a violation of
18 Subsection (c) is increased to the next higher category of offense
19 if it is shown on the trial of the offense that:

20 (1) the defendant was previously convicted of an
21 offense under this code;

22 (2) the offense involved a voter 65 years of age or
23 older; or

24 (3) the defendant committed another offense under this
25 section in the same election.

26 (j) If conduct that constitutes an offense under this
27 section also constitutes an offense under any other law, the actor

may be prosecuted under this section, the other law, or both.

Sec. 73.0101. COMPENSATION FOR ASSISTING VOTERS
PROHIBITED. (a) 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) An offense under this section is a state jail felony.

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

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

(e) 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) The county clerk shall determine whether the return of a
voter's official carrier envelope for a mail ballot is timely.

(b) If the return is timely, the clerk shall enclose the
carrier envelope and the voter's application to vote by mail in a
jacket envelope. The clerk shall also include in the jacket
envelope:

(1) a copy of the voter's federal postcard application
if the ballot is voted under Subchapter A, Chapter 74; and

(2) the signature cover sheet, if the ballot is voted
under Subchapter C, Chapter 74.

(c) If the return is not timely, the clerk shall enter the

1 time of receipt on the carrier envelope, place it in a locked
2 container, and deliver the container to the general custodian of
3 election records to be preserved for the period for preserving the
4 precinct election records. The general custodian of election
5 records shall destroy the unopened envelope and its contents after
6 the preservation period.

7 (d) Notwithstanding any other provisions of this code, if
8 the clerk receives a timely carrier envelope that does not fully
9 comply with the applicable requirements prescribed by this title,
10 the clerk may deliver the carrier envelope in person or by mail to
11 the voter and may receive, before the deadline, the corrected
12 carrier envelope from the voter, or the clerk may notify the voter
13 of the defect by telephone and advise the voter that the voter may
14 come to the clerk's office in person to correct the defect or cancel
15 the voter's application to vote by mail and vote on election day.
16 If the procedures authorized by this subsection are used, they must
17 be applied uniformly to all carrier envelopes covered by this
18 subsection. A poll watcher is entitled to observe the procedures
19 under this subsection. The secretary of state may prescribe any
20 other procedures necessary to implement this subsection including
21 requirements for posting notice of any deliveries.

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

25 (b) The following textual material, as prescribed by the
26 secretary of state, must be printed on the face of each official
27 ballot envelope and may be continued on the reverse side if

1 necessary:

2 (1) instructions for marking the ballot and returning
3 the marked ballot to the county clerk;

4 (2) the deadline for returning the marked ballot to
5 the clerk;

6 (3) limitations on assistance to the voter; and

7 (4) criminal penalties for unlawful assistance in
8 preparing the ballot.

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

14 (b) Spaces must appear on the reverse side of the official
15 carrier envelope for:

16 (1) indicating the identity and date of the election;

17 (2) entering the signature, printed name, and
18 residence address of a person other than the voter who deposits the
19 carrier envelope in the mail or with a common or contract carrier;
20 and

21 (3) indicating the relationship of that person to the
22 voter.

23 (c) A certificate in substantially the following form must
24 be printed on the reverse side of the official carrier envelope in a
25 manner that requires the voter to sign across the flap of the
26 envelope:

27 "I certify that the enclosed ballot expresses my wishes

independent of any dictation or undue persuasion by any person.

Signature of voter

By: _____

Signature of person assisting
voter, if applicable (see Ballot
Envelope for restrictions and
penalties)

Printed name of person assisting
voter, if applicable

Residence address of person
assisting voter, if applicable"

(d) The following textual material, as prescribed by the
secretary of state, must be printed on the reverse side of the
official carrier envelope or on a separate sheet accompanying the
carrier envelope when it is provided:

- (1) the prohibition prescribed by Section 73.006(d);
- (2) the conditions for delivery by common or contract
carrier prescribed by Sections 73.0011 and 73.006;
- (3) the requirements for the legal execution and
delivery of the carrier envelope, including the prohibition on
compensation for depositing carrier envelopes containing ballots
voted by other persons under Section 73.0052;
- (4) the prohibition prescribed by Section 73.006(g);

and

1 (5) the offenses prescribed by Sections 73.006(h) and
2 73.010(f).

3 (e) The following notice must be printed on the reverse side
4 of the official carrier envelope, near the space provided for the
5 voter's signature: "This envelope must be sealed by the voter
6 before it leaves the voter's hands. Do not sign this envelope
7 unless the ballot has been marked by you or at your direction."

8 (f) The oath of a person assisting a voter must be included
9 on the official carrier envelope as part of the certificate
10 prescribed by Subsection (c).

11 (g) The secretary of state by rule shall require that a
12 notice informing voters of the telephone number established under
13 Section 31.0055 and the purpose of the telephone number be printed
14 on:

15 (1) the official carrier envelope; or
16 (2) an insert enclosed with the balloting materials
17 for voting by mail sent to the voter.

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

24 (b) Originals of the applications and carrier envelopes are
25 not available for public inspection until those materials are
26 delivered to the general custodian of election records after the
27 election.

1 Sec. 73.015. ELECTRONIC TRACKING OF MAIL BALLOT OR
2 APPLICATION TO VOTE BY MAIL. (a) The secretary of state shall
3 develop or otherwise provide an online tool to each county clerk on
4 the secretary's Internet website and on the county's Internet
5 website if the county clerk is the clerk of a county that maintains
6 an Internet website that enables a person who submits an
7 application to vote by mail to:

8 (1) track the location and status of the person's
9 application and ballot; and

10 (2) receive notice of and, if possible, correct a
11 defect in the person's application and ballot under Sections
12 73.008(e) and 92.0412(h).

13 (b) The online tool developed or provided under Subsection
14 (a) must require the voter to provide, before permitting the voter
15 to access information described by that subsection:

16 (1) the voter's name and date of birth and the last
17 four digits of the voter's social security number; and

18 (2) the voter's:

19 (A) driver's license number; or

20 (B) personal identification card number issued
21 by the Department of Public Safety.

22 (c) An online tool used under this section must:

23 (1) for each election, record:

24 (A) each application to vote by mail received by
25 the clerk; and

26 (B) each carrier envelope sent to a voter by the
27 clerk;

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

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

6 (A) receipt by the county clerk of the person's
7 application to vote by mail;

8 (B) acceptance or rejection by the county clerk
9 of the person's application to vote by mail;

10 (C) placement in the mail by the county clerk of
11 the person's official ballot;

12 (D) receipt by the county clerk of the person's
13 marked ballot; and

14 (E) acceptance or rejection by the mail ballot
15 board of a person's marked ballot; and

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

18 (d) The secretary of state shall adopt rules and prescribe
19 procedures as necessary to implement this section.

20 (e) The information contained in Subsection (c) is not
21 public information for purposes of Chapter 552, Government Code,
22 until after election day.

23 CHAPTER 74. OTHER FORMS OF VOTING BY MAIL

24 SUBCHAPTER A. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

25 PART 1. GENERAL PROVISIONS

26 Sec. 74.001. ELIGIBILITY. A person is eligible to vote by
27 mail as provided by this subchapter if:

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

4 (2) the person is:

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

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

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

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

17 Sec. 74.002. GENERAL CONDUCT OF VOTING. Voting under this
18 subchapter shall be conducted and the results shall be processed as
19 provided by this subtitle and Chapter 92 for voting by mail, except
20 as otherwise provided by this subchapter.

21 Sec. 74.003. DEFINITIONS. In this subchapter:

22 (1) "Federal postcard application" means an
23 application to vote by mail under this subchapter submitted on the
24 official federal form prescribed under the federal Uniformed and
25 Overseas Citizens Absentee Voting Act (52 U.S.C. Sections 20301
26 through 20311).

27 (2) "FPCA registrant" means a person registered to

1 vote under Section 74.055.

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

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

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

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

23 (b) The secretary of state is designated as the state
24 coordinator between military and overseas voters and county
25 election officials. A county election official shall:

26 (1) cooperate with the secretary of state to ensure
27 that military and overseas voters timely receive accurate balloting

1 materials that a voter is able to cast in time for the election; and

2 (2) otherwise comply with the federal Military and
3 Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title
4 V, Subt. H).

5 (c) The secretary of state may adopt rules as necessary to
6 implement this section.

7 (d) The secretary of state shall make a checklist or similar
8 guidelines available for optional use by county clerks in
9 processing an application and providing balloting materials under
10 this subchapter.

11 Sec. 74.008. STATUS OF APPLICATION OR BALLOT VOTED. The
12 secretary of state, in coordination with county election officials,
13 shall implement an electronic free-access system by which a person
14 eligible to vote by mail under this subchapter or Subchapter D,
15 Chapter 88, may determine by telephone, by e-mail, or over the
16 Internet whether:

17 (1) the person's federal postcard application or other
18 registration or ballot application has been received and accepted;
19 and

20 (2) the person's ballot has been received and the
21 current status of the ballot.

22 PART 2. SUBMISSION OF FEDERAL POSTCARD APPLICATION

23 Sec. 74.051. FORM AND CONTENTS OF APPLICATION. An
24 application to vote under this part must:

25 (1) be submitted on an official federal postcard
26 application form; and

27 (2) include the information necessary to indicate that

1 the applicant is eligible to vote in the election for which the
2 ballot is requested.

3 Sec. 74.052. SUBMITTING APPLICATION. (a) A federal
4 postcard application must be submitted to the county clerk for the
5 election who serves the election precinct of the applicant's
6 residence.

7 (b) A federal postcard application must be submitted by:

8 (1) mail;

9 (2) electronic transmission of an image of the
10 application under procedures prescribed by the secretary of state;

11 (3) in-person delivery in accordance with Section
12 72.007; or

13 (4) common or contract carrier.

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

19 (d) An application is considered submitted in the following
20 calendar year for purposes of this section if:

21 (1) the applicant is eligible to vote in an election
22 occurring in January or February of the next calendar year; and

23 (2) the application is submitted in the last 60 days of
24 a calendar year but not earlier than the 60th day before the date of
25 the January or February election.

26 (e) A timely application that is addressed to the wrong
27 county clerk shall be forwarded to the proper county clerk not later

1 than the day after the date it is received by the wrong clerk.

2 (f) An applicant who otherwise complies with applicable
3 requirements is entitled to receive a full mail ballot under this
4 subchapter if:

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

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

10 (g) The applicant is entitled to receive only a federal
11 ballot by mail under Subchapter D, Chapter 88, if:

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

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

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

23 (i) Except as provided by Subsections (l) and (m), for
24 purposes of determining the date a federal postcard application is
25 submitted to the county clerk, an application is considered to be
26 submitted on the date it is placed and properly addressed in the
27 United States mail. An application mailed from an Army/Air Force

Post Office (APO) or Fleet Post Office (FPO) is considered placed in the United States mail. 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. For purposes of an application made under Subsection (f):

(1) 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

(2) 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) If the county 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, the clerk shall notify the applicant of that fact. If the applicant has provided a telephone number or an address for receiving mail over the Internet, the clerk shall notify the applicant by that medium.

(k) 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. 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:

(1) in the same calendar year; and

1 (2) after the 30th day after the date the information
2 is submitted.

3 (1) For purposes of determining the end of the period that
4 an application may be submitted under Subsection (g)(1), an
5 application is considered to be submitted at the time it is received
6 by the county clerk.

7 (m) The secretary of state by rule shall establish the date
8 on which a federal postcard application is considered to be
9 electronically submitted to the county clerk.

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

15 (b) If an applicant provides a date of birth, driver's
16 license number, or social security number on the applicant's
17 federal postcard application that is different from or in addition
18 to the information maintained by the voter registrar in accordance
19 with Title 2, the county clerk shall notify the voter registrar.
20 The voter registrar shall update the voter's record with the
21 information provided by the applicant.

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

26 (b) An application that does not identify the election for
27 which a ballot is requested shall be treated as if it requests a

1 ballot for:

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

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

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

11 (c) If an application under Subsection (b) indicates the
12 person is eligible to vote in an election described by Subsection
13 (b)(3) in which the county clerk who received the application does
14 not conduct voting by mail, the clerk shall forward a copy of the
15 application in a form prescribed by the secretary of state to each
16 county clerk who conducts voting by mail for that election.

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

21 (e) An application requesting a ballot for more than one
22 election shall be preserved for the period for preserving the
23 precinct election records for the last election for which the
24 application is effective.

25 Sec. 74.055. FPCA VOTER REGISTRATION. (a) The submission
26 of a federal postcard application that complies with the applicable
27 requirements by an unregistered applicant constitutes registration

1 by the applicant:

2 (1) for the purpose of voting in the election for which
3 a ballot is requested; and

4 (2) under Title 2, unless the person indicates on the
5 application that the person is residing outside the United States
6 indefinitely.

7 (b) For purposes of registering to vote under this
8 subchapter, a person shall provide the address of the last place of
9 residence of the person in this state or the last place of residence
10 in this state of the person's parent or legal guardian.

11 (c) The registrar shall register the person at the address
12 provided under Subsection (b) unless that address no longer is
13 recognized as a residential address, in which event the registrar
14 shall assign the person to an address under procedures prescribed
15 by the secretary of state.

16 Sec. 74.056. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS.

17 (a) The balloting materials provided under this part shall be
18 airmailed to the voter free of United States postage, as provided by
19 the federal Uniformed and Overseas Citizens Absentee Voting Act (52
20 U.S.C. Sections 20301 through 20311), in an envelope labeled
21 "Official Election Balloting Material - via Airmail." The
22 secretary of state shall provide county clerks with instructions on
23 compliance with this subsection.

24 (b) The address to which the balloting materials are sent to
25 a voter must be:

26 (1) an address outside the county of the voter's
27 residence; or

1 (2) an address in the United States for forwarding or
2 delivery to the voter at a location outside the United States.

3 (c) If the address to which the balloting materials are to
4 be sent is within the county served by the county clerk, the federal
5 postcard application must indicate that the balloting materials
6 will be forwarded or delivered to the voter at a location outside
7 the United States.

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

11 (b) A ballot voted by a voter described by Section
12 74.001(2)(A), (B), or (C) shall be counted if the ballot arrives at
13 the address on the carrier envelope not later than the sixth day
14 after the date of the election, except that if that date falls on a
15 Saturday, Sunday, or legal state or national holiday, then the
16 deadline is extended to the next regular business day.

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

26 PART 3. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

27 Sec. 74.101. PURPOSE. The purpose of this part is to

1 implement the federal Military and Overseas Voter Empowerment Act
2 (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

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

7 (b) The county clerk shall grant a request made under this
8 section for the e-mail transmission of balloting materials if:

9 (1) the requestor has submitted a valid federal
10 postcard application and:

11 (A) if the requestor is a person described by
12 Section 74.001(2)(D), has provided a current mailing address that
13 is located outside the United States; or

14 (B) if the requestor is a person described by
15 Section 74.001(2)(A), (B), or (C), has provided a current mailing
16 address that is located outside the requestor's county of
17 residence;

18 (2) the requestor provides an e-mail address:

19 (A) that corresponds to the address on file with
20 the requestor's federal postcard application; or

21 (B) stated on a newly submitted federal postcard
22 application;

23 (3) the request is submitted on or before the deadline
24 prescribed by Section 72.006; and

25 (4) a marked ballot for the election from the
26 requestor has not been received by the county clerk.

27 Sec. 74.103. CONFIDENTIALITY OF E-MAIL ADDRESS. 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. A county clerk shall
ensure that a voter's e-mail address provided under this part is
excluded from public disclosure.

Sec. 74.104. ELECTIONS COVERED. Balloting materials may 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.
Balloting materials to be sent by e-mail under this part include:

- (1) the appropriate ballot;
- (2) ballot instructions, including instructions that
inform a voter that the ballot must be returned by mail to be
counted;
- (3) instructions prescribed by the secretary of state
on:
 - (A) how to print a return envelope from the
Federal Voting Assistance Program Internet website; and
 - (B) how to create a carrier envelope or signature
sheet for the ballot; and
- (4) a list of certified write-in candidates, if
applicable.

Sec. 74.106. METHODS OF TRANSMISSION TO VOTER. (a) The
balloting materials may 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 the secretary of state in
writing.

1 (b) The secretary of state shall prescribe procedures for
2 the retransmission of balloting materials following an
3 unsuccessful transmission of the materials to a voter.

4 Sec. 74.107. RETURN OF BALLOT. (a) A voter described by
5 Section 74.001(2)(A), (B), or (C) must be voting from outside the
6 voter's county of residence. A voter described by Section
7 74.001(2)(D) must be voting from outside the United States.

8 (b) A voter who receives a ballot under this part must
9 return the ballot in the same manner as required under Section
10 74.057 except that a voter who completes a signature sheet is not
11 required to complete a carrier envelope. Except as provided by
12 Subchapter C, the voter may not return the ballot by electronic
13 transmission.

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

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

19 Sec. 74.108. TRACKING OF BALLOTING MATERIALS. The
20 secretary of state by rule shall create a tracking system under
21 which an FPCA registrant may determine whether a voted ballot has
22 been received by the county clerk. Each county that sends ballots
23 to FPCA registrants shall provide information required by the
24 secretary of state to implement the system.

25 Sec. 74.109. RULES. (a) The secretary of state may adopt
26 rules as necessary to implement this part.

27 (b) The secretary of state may 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. 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. An application to
vote late must comply with the applicable provisions of Section
72.002 and must include or be accompanied by a certificate of a
licensed physician or chiropractor or accredited Christian Science
practitioner in substantially the following form:

"This is to certify that I know that _____ has a sickness
or physical condition that will prevent him or her from appearing at
the polling place for an election to be held on the _____ day
of _____, 20____, without a likelihood of needing personal
assistance or of injuring his or her health and that the sickness or
physical condition originated on or after _____.

"Witness my hand at _____, Texas, this _____ day of
_____, 20____.

(signature of physician,
chiropractor, or practitioner)"

Sec. 74.203. SUBMITTING APPLICATION. (a) An application
to vote late must be submitted in person to the county clerk at the
county clerk's office by a representative of the applicant.

1 However, if the mail ballots are processed at a location other than
2 the county clerk's office, the county clerk may require the
3 application to be submitted at that location.

4 (b) An application may be submitted after the fourth day
5 before election day and before 5 p.m. on election day.

6 (c) To be eligible to serve as an applicant's
7 representative, a person:

8 (1) must be at least 18 years of age;

9 (2) must not be employed by or related within the third
10 degree by consanguinity or affinity, as determined under Chapter
11 573, Government Code, to a candidate whose name appears on the
12 ballot; and

13 (3) must not have served in the election as the
14 representative for another applicant.

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

19 (b) The clerk shall provide the balloting materials for
20 voting by mail to the representative who submits the voter's
21 application. Before providing the materials, the clerk shall enter
22 the representative's name and residence address on the application
23 and secure the representative's signature beside the name.

24 (c) The voter's representative shall deliver the balloting
25 materials in person to the voter.

26 (d) A ballot provided for late voting to a voter by any
27 method other than that prescribed by this section may not be

1 counted.

2 Sec. 74.205. MARKING AND SEALING BALLOT. A ballot for late
3 voting must be marked and sealed by the voter in the same manner as a
4 mail ballot.

5 Sec. 74.206. METHOD OF RETURNING MARKED BALLOT; DEADLINE.

6 (a) A marked ballot for late voting must be delivered to the county
7 clerk in person by the representative who submitted the voter's
8 application. The ballot must be delivered in the official carrier
9 envelope. A ballot returned by any other method may not be counted.

10 (b) The clerk shall enter the representative's name and
11 residence address on a returned carrier envelope and secure the
12 representative's signature beside the name.

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

15 Sec. 74.207. PROCESSING RESULTS. The results of voting
16 under this subchapter shall be processed in accordance with the
17 procedures applicable to processing mail ballots.

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

22 Sec. 74.209. ENTRY ON PRECINCT MAIL VOTING LIST. The
23 precinct mail voting list must contain the name of each person to
24 whom a ballot for late voting has been provided as of the time of
25 delivery of the list.

SUBCHAPTER C. VOTING BY MILITARY PERSONNEL OR OTHER PERSONS

OVERSEAS

Sec. 74.301. ELECTRONIC TRANSMISSION OF COMPLETED BALLOT.

(a) The secretary of state shall 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:

(1) is a member of the armed forces of the United States who is on active duty overseas, or the spouse or a dependent of the member; and

(2) is casting the ballot from an area:

(A) in which members of the armed forces are eligible to receive hostile fire pay or imminent danger pay; or

(B) that has been designated by the president of the United States as a combat zone.

(b) The procedures must:

(1) provide for verification of the voter;

(2) provide for the security of the transmission; and

(3) require the county clerk to maintain a record of each ballot received under this section.

(c) A ballot transmitted under this section or by mail may not be 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. The secretary of state shall 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:

(1) any general, special, primary, or runoff election for federal office; or

(2) an election for any office for which balloting materials may be sent under Section 74.104.

Sec. 74.303. E-MAIL BALLOT PROGRAM. (a) The secretary of state shall 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. The secretary of state shall prescribe procedures to provide for a process implemented under this section to require:

(1) 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

(2) secure processing of ballots, including requiring the use of a voter's military e-mail address and common access card, or other measures the secretary of state considers appropriate.

(b) The secretary of state shall select to participate in the program any county that:

(1) desires to participate in the program; and

(2) is determined by the secretary of state to have the appropriate technological capabilities.

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

Sec. 74.401. APPLICABILITY. This subchapter applies only to a person who:

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

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

4 Sec. 74.402. VOTING PERMITTED. The secretary of state
5 shall prescribe procedures for voting from space on election day by
6 secure electronic means by persons to whom this subchapter applies.
7 The procedures may provide for:

8 (1) a deadline by which a person must apply to vote
9 under this subchapter; and

10 (2) the use of the National Aeronautics and Space
11 Administration's electronic transmission program to send ballots
12 to persons on a space flight.

13 SUBTITLE C. RESTRICTED BALLOT

14 CHAPTER 88. RESTRICTED BALLOT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. 88.001. RESTRICTED BALLOT. In this subtitle,
17 "restricted ballot" means a ballot that is restricted to the
18 offices and propositions stating measures on which a person is
19 entitled to vote under this subtitle.

20 Sec. 88.002. GENERAL CONDUCT OF VOTING. The voting of
21 restricted ballots under this subtitle shall be conducted and the
22 results of voting shall be processed as provided by this code for
23 standard voting, except as otherwise provided by this subtitle.

24 Sec. 88.003. APPLICATION REQUIRED. (a) To be entitled to
25 vote a restricted ballot, a person must make an application for the
26 ballot.

27 (b) A restricted ballot application is subject to the

1 applicable provisions of Chapter 72.

2 Sec. 88.004. CONTENTS OF APPLICATION. An application for a
3 restricted ballot must include, in addition to the information
4 required by the applicable provisions of Section 72.002, the
5 information necessary to indicate that the applicant is eligible to
6 vote the restricted ballot requested.

7 Sec. 88.005. PREPARING RESTRICTED BALLOT. (a) The county
8 clerk shall prepare a voter's restricted ballot.

9 (b) If a regular paper ballot is used, the restricted ballot
10 shall be prepared by striking from an official mail ballot the
11 offices and propositions stating measures on which the voter is not
12 entitled to vote.

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

18 Sec. 88.006. MANUALLY COUNTING ELECTRONIC SYSTEM BALLOT.
19 If a restricted electronic system ballot cannot be automatically
20 counted with other electronic system ballots voted in the election
21 that are to be counted automatically, the restricted ballot shall
22 be counted manually.

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

(b) For each person listed, the roster must include:

(1) the person's name and residence address;

(2) an indication of the type of restricted ballot
voted or provided, as applicable; and

(3) the date of voting or the date the ballot was
mailed to the person, as applicable.

(c) Except as provided by this section, the restricted ballot roster is subject to the provisions applicable to the mail voting roster. A person included on the restricted ballot roster may not be included on the mail voting roster.

Sec. 88.008. NOTING RESTRICTED BALLOT VOTER ON POLL LIST
AND REGISTERED VOTER LIST. For each voter accepted to vote a
restricted ballot, a notation shall be made beside the voter's name
on the poll list indicating that a restricted ballot was voted and
the type of restricted ballot. If the voter's name appears on the
list of registered voters used for conducting voting, a similar
notation shall 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. In this code, "limited ballot" means a ballot voted under this subchapter that is restricted to the offices and propositions stating measures on which a person is entitled to vote under Section 88.104.

Sec. 88.102. ELIGIBILITY. (a) After changing residence to another county, a person is eligible to vote a limited ballot during the voting period or by mail if:

1 (1) the person would have been eligible to vote in the
2 county of former residence on election day if still residing in that
3 county;

4 (2) the person is registered to vote in the county of
5 former residence at the time the person:

6 (A) offers to vote in the county of new
7 residence; or

8 (B) submitted a voter registration application
9 in the county of new residence; and

10 (3) a voter registration for the person in the county
11 of new residence is not effective on or before election day.

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

16 (c) Before being accepted for voting under this subchapter,
17 the voter must execute a statement including:

18 (1) a statement that the voter satisfies the
19 applicable requirements prescribed by Subsection (a);

20 (2) the voter's residence address or, if the residence
21 has no address, the address at which the voter receives mail and a
22 concise description of the voter's residence;

23 (3) the month, day, and year of the voter's birth; and

24 (4) the date the statement is executed.

25 (d) A statement executed under Subsection (c) shall be
26 submitted:

27 (1) to an election officer at the county clerk's

office, if the person is voting during the voting period; or

(2) with the person's application to vote by mail, if the person is voting by mail.

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

(f) The secretary of state shall prescribe the form of a statement executed under Subsection (c).

Sec. 88.103. RESIDENCE IN PRECINCT SITUATED IN MORE THAN ONE COUNTY. A person who changes county of residence may 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. A person voting a limited ballot is entitled to vote only on:

(1) each office and proposition stating a measure to be voted on statewide; and

(2) 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. An application for a limited ballot by mail must be submitted to the county clerk serving the election precinct in which the

1 applicant resides.

2 Sec. 88.106. PLACE FOR VOTING IN PERSON. A person may vote
3 a limited ballot during the voting period only at the county clerk's
4 office.

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

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

19 Sec. 88.109. PREPARING VOTING MACHINE. Before permitting a
20 person to vote a limited ballot on a voting machine, the county
21 clerk shall adjust the machine so that votes may be cast only on the
22 offices and propositions stating measures on which the voter is
23 entitled to vote.

24 Sec. 88.110. INFORMATION ON DISTRICT COMPOSITION. (a) In
25 each even-numbered year, the secretary of state shall prepare
26 information on the territorial composition of each district for
27 which an officer of the state government is regularly elected at the

1 general election for state and county officers.

2 (b) The information must include the data necessary to
3 enable a county clerk to determine the district offices on which a
4 voter under this subchapter is eligible to vote.

5 (c) The secretary shall deliver the information to each
6 county clerk before the 20th day before general primary election
7 day.

8 Sec. 88.111. NOTIFICATION TO VOTER REGISTRAR. Not later
9 than the 30th day after receipt of an application for a limited
10 ballot, the county clerk shall notify the voter registrar for the
11 voter's former county of residence that the voter has applied for a
12 limited ballot.

13 SUBCHAPTER C. VOTING PRESIDENTIAL BALLOT BY FORMER RESIDENT

14 Sec. 88.201. PRESIDENTIAL BALLOT. In this subchapter,
15 "presidential ballot" means a ballot voted under this subchapter
16 that is restricted to the offices of president and vice-president
17 of the United States.

18 Sec. 88.202. ELIGIBILITY. A former resident of this state
19 is eligible to vote a presidential ballot in the presidential
20 general election in person or by mail if the former resident:

21 (1) is domiciled in another state;

22 (2) was registered to vote in this state at the time
23 the former resident ceased to be a resident;

24 (3) would be eligible for registration to vote in this
25 state if a resident; and

26 (4) on presidential election day will not have resided
27 in the state of present domicile for more than 30 days and is not

1 eligible to vote in the presidential election in that state.

2 Sec. 88.203. SUBMITTING APPLICATION TO VOTE BY MAIL. An
3 application for a presidential ballot by mail must be submitted to
4 the county clerk serving the county of the applicant's most recent
5 registration to vote by the deadline prescribed by Section 72.006.

6 Sec. 88.204. TIME AND PLACE FOR VOTING IN PERSON. (a) A
7 person may vote a presidential ballot during the voting period only
8 at the county clerk's office for the county of the person's most
9 recent registration to vote.

10 (b) The period for voting presidential ballots in person
11 ends on presidential election day.

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

17 (b) Voting in person shall be conducted with the balloting
18 materials for voting by mail.

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

22 (d) On sealing the carrier envelope, the voter must give it
23 to the clerk, who shall note on the envelope that the ballot is a
24 presidential ballot.

25 (e) The results of voting a presidential ballot in person
26 shall be processed in accordance with the procedures applicable to
27 processing mail ballots.

1 Sec. 88.206. CANCELING REGISTRATION. As soon as
2 practicable after the close of voting, the county clerk shall
3 notify the voter registrar of the name of each person who applied
4 for a presidential ballot whose name appears on the list of
5 registered voters. On receipt of the notice, the voter registrar
6 shall cancel the voter's registration.

7 SUBCHAPTER D. VOTING FEDERAL BALLOT BY OVERSEAS CITIZEN

8 Sec. 88.301. DEFINITIONS. In this subchapter:

9 (1) "Federal ballot" means a ballot voted under this
10 subchapter that is restricted to federal offices only.

11 (2) "Federal office" means the offices of president
12 and vice-president of the United States, United States senator, or
13 United States representative.

14 (3) "United States" includes the several states and
15 the District of Columbia, the Commonwealth of Puerto Rico, Guam,
16 and the Virgin Islands, but does not include any other territory or
17 possession of the United States.

18 Sec. 88.302. ELIGIBILITY. A United States citizen dwelling
19 outside the United States is eligible to vote a federal ballot by
20 mail if:

21 (1) the citizen's most recent domicile in the United
22 States was in this state and the citizen's intent to return to this
23 state is uncertain;

24 (2) the citizen would be eligible for registration as
25 a voter in this state if a resident; and

26 (3) the citizen is not eligible to vote on federal
27 offices in any other state.

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

5 Sec. 88.304. APPLICATION. (a) An application for a federal
6 ballot must be submitted on an official federal postcard
7 application form.

8 (b) The application must be submitted to the county clerk
9 serving the election precinct of the applicant's most recent
10 domicile in this state.

11 (c) The period during which a federal ballot application may
12 be submitted is the same as that for submitting a federal postcard
13 application under Subchapter A, Chapter 74.

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

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

23 Sec. 88.307. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS;
24 RETURN OF BALLOT. (a) The balloting materials provided under this
25 subchapter shall be airmailed to the voter free of United States
26 postage, as provided by the federal Uniformed and Overseas Citizens
27 Absentee Voting Act (52 U.S.C. Sections 20301 through 20311), in an

envelope labeled "Official Election Balloting Material--via Airmail." The secretary of state shall provide county clerks with instructions on compliance with this subsection.

(b) The address to which the balloting materials are sent to a voter must 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. If the address to which the balloting materials are to be sent is within the county served by the county clerk, the federal ballot application must indicate that the balloting materials will be forwarded or delivered to the voter at a location outside the United States.

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

Sec. 88.308. OFFICIAL CARRIER ENVELOPE. The officially prescribed carrier envelope for voting under this subchapter shall 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. At each polling place, the ballots shall be counted by one or more teams of election officers assigned by the presiding judge. Each team must consist of two or more election officers.

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

(b) While the polls are open and until voting is concluded after the polls close, the ballot box for the deposit of voters'

1 marked ballots may not be opened for the purpose of counting the
2 ballots unless there are at least 10 ballots in the box.

3 (c) After the polls close on election day or the last voter
4 has voted, whichever is later, the counting of ballots shall be
5 conducted continuously until all the ballots are counted.

6 (d) To the extent possible, the counting of ballots voted
7 during the voting period shall be completed not later than the end
8 of voting on election day.

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

13 (b) When either ballot box no. 1 or no. 2 containing marked
14 ballots is delivered to the election officers counting the ballots,
15 the other box shall be immediately made available for the deposit of
16 marked ballots.

17 (c) Before the ballot box is positioned for the receipt of
18 marked ballots, an election officer shall examine it, remove its
19 contents, and lock the box.

20 Sec. 91.004. TALLY LISTS. Three original tally lists shall
21 be maintained at the polling place to record the number of votes
22 received for the candidates and for and against the measures voted
23 on.

24 Sec. 91.005. TALLYING THE VOTES. (a) One member of the
25 counting team shall examine each ballot and clearly announce the
26 name of each candidate for whom a vote has been received or whether
27 a vote has been received for or against a measure. The other

1 members of the counting team shall record the votes on the tally
2 lists as they are announced.

3 (b) The counting team shall compare the tally lists
4 periodically to determine whether discrepancies exist among them.
5 If a discrepancy is discovered, the ballots shall be recounted and
6 the necessary corrections shall be made on the lists.

7 (c) On completing the count, each member of the counting
8 team assigned to tally votes shall compute the total number of votes
9 tallied on the list the member has kept and enter the totals on the
10 tally list. After verifying that the three lists are in agreement,
11 each counting officer shall sign the list that the officer has kept.

12 Sec. 91.006. REPLACING MEMBER OF COUNTING TEAM. (a) A
13 member of a counting team may not be replaced after vote tallying is
14 begun unless each existing discrepancy among the three tally lists
15 is corrected before the replacement is made.

16 (b) If a counting officer is replaced on a counting team
17 after the tallying is begun, the officer to be replaced shall
18 certify the accuracy of the list the officer has kept, as of the
19 time of the replacement, by signing the list at that time.

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

25 (b) A write-in vote may not be counted if a sticker
26 containing a candidate's name is affixed to the ballot by the voter.

27 Sec. 91.008. COUNTING IRREGULARLY MARKED BALLOT. (a)

1 Failure to mark a ballot in strict conformity with this code does
2 not invalidate the ballot.

3 (b) Marking the ballot by marking through the names of
4 candidates for whom or the statements beside the propositions for
5 which the voter does not desire to vote does not invalidate the
6 ballot.

7 (c) A vote on an office or measure shall be counted if the
8 voter's intent is clearly ascertainable unless other law prohibits
9 counting the vote.

10 (d) The intent of the voter in marking a ballot may be
11 determined by:

12 (1) a distinguishing mark adjacent to the name of a
13 candidate or political party or a voting choice associated with a
14 proposition;

15 (2) an oval, box, or similar marking clearly drawn
16 around the name of a candidate or political party or a voting choice
17 associated with a proposition;

18 (3) a line drawn through:

19 (A) the names of all candidates in a manner that
20 indicates a preference for the candidates not marked if the names of
21 the candidates not marked do not exceed the number of persons that
22 may be elected to that office;

23 (B) the name of each political party except one
24 in a manner that clearly indicates a preference for the political
25 party not marked; or

26 (C) a voting choice associated with a proposition
27 in a manner that clearly indicates a preference for the other voting

1 choice associated with the proposition; or

2 (4) any other evidence that clearly indicates the
3 intent of the voter in choosing a candidate or political party or
4 deciding on a proposition.

5 Sec. 91.009. BALLOTS NOT COUNTED. (a) The following
6 ballots may not be counted:

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

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

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

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

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

18 (b) If a ballot is unnumbered or the signature of the
19 presiding judge does not appear on the back of a ballot, the
20 presiding judge shall examine it to determine whether the ballot is
21 not to be counted under Subsection (a)(1).

22 (c) If a ballot is not counted, an election officer shall
23 indicate on the back of the ballot the reason for not counting it.

24 Sec. 91.010. OVERVOTING. If a voter marks the ballot for
25 more candidates for an office than the number of persons to be
26 elected for that office, none of the votes may be counted for that
27 office.

1 Sec. 91.011. DEPOSITING BALLOT IN BALLOT BOX NO. 3. (a)
2 After a ballot is counted, it shall be deposited in ballot box no.
3 3.

4 (b) A voted ballot that is not counted shall also be
5 deposited in ballot box no. 3.

6 Sec. 91.012. BALLOT REGISTER. (a) Each presiding judge
7 shall prepare a ballot register as provided by this section.

8 (b) The register must state:

9 (1) the total number of ballots received for
10 conducting voting at the polling place;

11 (2) the number of defectively printed ballots
12 received;

13 (3) the number of ballots provided to voters as
14 indicated by the number of voters on the poll list;

15 (4) the number of spoiled ballots returned by voters;
16 and

17 (5) the number of unused ballots that are not
18 accounted for as defectively printed ballots.

19 (c) The ballot register shall be prepared as an original and
20 one copy, and on completing the register, the presiding judge shall
21 sign each one to certify its accuracy.

22 Sec. 91.013. PREPARING PRECINCT RETURNS. (a) On completion
23 of the vote count, the presiding judge shall prepare the returns of
24 the election for the precinct.

25 (b) The returns must state:

26 (1) the total number of voters who voted at the polling
27 place during the voting period and on election day, as indicated by

1 the poll list; and

2 (2) the total number of votes counted for each
3 candidate and for and against each measure.

4 (c) The returns shall be prepared as an original and three
5 copies, and on completing the returns, the presiding judge shall
6 sign each one to certify its accuracy.

7 (d) A presiding judge commits an offense if the judge
8 knowingly fails:

9 (1) to include in the precinct returns the applicable
10 information required by this code; or

11 (2) to complete the returns in time for them to be
12 delivered by the deadline prescribed by Section 93.053(c) for
13 delivery of the precinct election records.

14 (e) An offense under Subsection (d) is a Class B
15 misdemeanor.

16 Sec. 91.014. ANNOUNCING PARTIAL RESULTS. (a) Subject to
17 Subsection (b), after the polls close and the last voter has voted,
18 the presiding judge may announce the status of the vote count from
19 time to time.

20 (b) The local canvassing authority may require the
21 announcements or prohibit them.

22 (c) The announcements shall be made at the entrance to the
23 polling place.

24 Sec. 91.015. INTERNET POSTING OF ELECTION RESULTS. (a) A
25 county that holds or provides election services for an election and
26 maintains an Internet website shall post on its public Internet
27 website for an election of public officials or of a governmental

entity authorized by law to impose a tax administered by the county:

(1) the results of each election;

(2) the total number of votes cast;

(3) the total number of votes cast for each candidate
or for or against each measure;

(4) the total number of votes cast in person during the
voting period;

(5) the total number of votes cast in person on
election day;

(6) the total number of votes cast by mail; and

(7) the total number of counted and uncounted
provisional ballots cast.

(b) A city or independent school district that holds an
election and maintains an Internet website shall post on its public
Internet website for the city or independent school district, as
applicable:

(1) the results of each election;

(2) the total number of votes cast;

(3) the total number of votes cast for each candidate
or for or against each measure;

(4) the total number of votes cast in person during the
voting period;

(5) the total number of votes cast in person on
election day;

(6) the total number of votes cast by mail; and

(7) the total number of counted and uncounted
provisional ballots cast.

1 (c) The information described by Subsections (a) and (b)
2 must be:

3 (1) posted as soon as practicable after the election;
4 and

5 (2) accessible without having to make more than two
6 selections or view more than two network locations after accessing
7 the Internet website home page of the county, city, or district, as
8 applicable.

9 CHAPTER 92. PROCESSING MAIL VOTING RESULTS

10 SUBCHAPTER A. MAIL BALLOT BOARD

11 Sec. 92.001. BOARD CREATED; JURISDICTION. A mail ballot
12 board shall be created in each election to process mail voting
13 results from the territory served by the county clerk.

14 Sec. 92.002. COMPOSITION OF BOARD. (a) The mail ballot
15 board consists of a presiding judge, an alternate presiding judge,
16 and at least one other member.

17 (b) Except as provided by Subsection (d), the presiding
18 judge and the alternate presiding judge are appointed in the same
19 manner as a presiding election judge and alternate presiding
20 election judge, respectively. Except as provided by Subsection
21 (c), each other member is appointed by the presiding judge in the
22 same manner as the precinct election clerks.

23 (c) In the general election for state and county officers,
24 each county chair of a political party with nominees on the general
25 election ballot shall submit to the county election board a list of
26 names of persons eligible to serve on the mail ballot board in order
27 of the county chair's preference. The county election board shall

appoint at least one person from each list to serve as a member of the mail ballot board. The same number of members must be appointed from each list. The county election board shall appoint persons as members of the mail ballot board in the order of preference indicated on each list.

(d) In addition to the members appointed under Subsection (c), the county election board shall 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. To be eligible for appointment to the mail ballot board, a person must meet the requirements for eligibility for service as a presiding election judge, except that the appointee must 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. The secretary of state shall provide a standardized training program and materials for members of a mail ballot board in the same manner it provides such a program under Subchapter F, Chapter 32.

Sec. 92.004. BOARD COMPOSED OF PRECINCT ELECTION OFFICERS. In an election other than the general election for state and county

1 officers or a primary election, the authority ordering the election
2 may direct by resolution, order, or other official action that the
3 precinct election officers serving one of the election precincts
4 also serve as the mail ballot board for the election. In that case,
5 the presiding election judge of the precinct serves as the board's
6 presiding officer.

7 Sec. 92.005. COMPENSATION OF MEMBERS. (a) Members of the
8 mail ballot board are entitled to the same compensation as
9 presiding election judges, except that:

10 (1) the presiding judge may be compensated at a higher
11 rate at the discretion of the appropriate authority; and

12 (2) if the board concludes its work in less than 10
13 hours, the members may be paid greater compensation than that
14 regularly payable for the amount of time worked, but not to exceed
15 the amount payable for 10 hours' work.

16 (b) Precinct officers serving as board members under
17 Section 92.004 may not be compensated for both positions.

18 Sec. 92.006. MAIL BALLOT BOARD MEMBERS: OATH AND
19 IDENTIFICATION. (a) A member of the mail ballot board shall repeat
20 the following oath aloud:

21 "I swear (or affirm) that I will objectively work to be sure
22 every eligible voter's vote is accepted and counted, and that only
23 the ballots of those voters who violated the Texas Election Code
24 will be rejected. I will make every effort to correctly reflect the
25 voter's intent when it can be clearly determined. I will not work
26 alone when ballots are present and will work only in the presence of
27 a member of a political party different from my own. I will

1 faithfully perform my duty as an officer of the election and guard
2 the purity of the election."

3 (b) A member of the mail ballot board who arrives after the
4 oath is made shall repeat the oath aloud before performing any
5 duties as a member.

6 (c) Following administration of the oath, each member of the
7 mail ballot board shall be issued a form of identification,
8 prescribed by the secretary of state, to be displayed by the member
9 during the member's hours of service on the board.

10 SUBCHAPTER B. DELIVERING MATERIALS TO BOARD

11 Sec. 92.021. BALLOTS AND OTHER MATERIALS DELIVERED TO
12 BOARD. The county clerk shall deliver to the mail ballot board:

13 (1) the jacket envelopes containing the mail ballots,
14 regardless of the ballot type or voting system used;

15 (2) the list of registered voters used in conducting
16 voting by mail; and

17 (3) a ballot transmittal form that includes a
18 statement of the number of mail ballots, regardless of the ballot
19 type or voting system used, that are delivered to the mail ballot
20 board.

21 Sec. 92.0211. ELECTRONIC DELIVERY OF MATERIALS RECORDED
22 ELECTRONICALLY. If ballot materials and ballot applications are
23 recorded electronically as provided by Section 92.206, the county
24 clerk may deliver those materials to the mail ballot board through
25 electronic means.

26 Sec. 92.022. TIME OF DELIVERY: GENERAL RULE. Except as
27 provided by Section 92.0221, 92.023, or 92.024, the materials shall

1 be delivered to the mail ballot board under this subchapter during
2 the time the polls are open on election day, or as soon after the
3 polls close as practicable, at the time or times specified by the
4 presiding judge of the board.

5 Sec. 92.0221. TIME OF DELIVERY: MAIL BALLOTS. (a) Except as
6 provided by Subsection (b), not later than the ninth day before
7 election day, the jacket envelopes containing mail ballots shall be
8 delivered to the board.

9 (b) Any jacket envelopes of mail ballots returned after
10 delivery of the ballots under Subsection (a) may be delivered to the
11 presiding judge of the mail ballot board between the end of the
12 ninth day before election day and the closing of the polls on
13 election day, or as soon after closing as practicable, at the time
14 or times specified by the presiding judge.

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

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

24 Sec. 92.0222. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR
25 MAIL AND E-MAIL. (a) If the county clerk has provided a voter a mail
26 ballot by both regular mail and e-mail under Part 3, Subchapter A,
27 Chapter 74, the clerk may not deliver a jacket envelope containing

1 the mail ballot by the voter to the mail ballot board until:

2 (1) both ballots are returned; or

3 (2) the deadline for returning marked ballots under
4 Section 73.007 has passed.

5 (b) If both the ballot provided by regular mail and the
6 ballot provided by e-mail are returned before the deadline, the
7 county clerk shall deliver only the jacket envelope containing the
8 ballot provided by e-mail to the mail ballot board. The ballot
9 provided by regular mail is considered to be a ballot not timely
10 returned.

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

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

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

Sec. 92.024. TIME OF DELIVERY: VOTING MACHINE ELECTION.

(a) In an election in which votes are cast on voting machines, the jacket envelopes containing the mail ballots may be delivered to the mail ballot 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) The county clerk shall 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. The notice shall be posted at the county clerk's office continuously for at least 24 hours immediately preceding the delivery.

(c) At least 24 hours before the delivery, the county clerk shall 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) The mail ballot board shall make its determination whether to accept mail ballots in accordance with Section 92.041 after the ballots are delivered to the board.

(b) The mail ballot board may not count mail ballots until:

(1) the polls open on election day; or

(2) 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) The secretary of state shall prescribe any procedures necessary for implementing this section.

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

6 Sec. 92.026. BYSTANDERS EXCLUDED. (a) Except as permitted
7 by this code and as described by Subsection (b), a person may not be
8 in the meeting place of a mail ballot board during the time of the
9 board's operations.

10 (b) Under this code, a person may be lawfully present in the
11 meeting place of a mail ballot board during the time of the board's
12 operations if the person is:

13 (1) a presiding judge or member of the board;
14 (2) a watcher;
15 (3) a state inspector;
16 (4) a voting system technician, as authorized by
17 Section 125.010;

18 (5) the county election officer, as defined by Section
19 31.091, as necessary to perform tasks related to the administration
20 of the election; or

21 (6) a person whose presence has been authorized by the
22 presiding judge in accordance with this code.

23 Sec. 92.027. ACCESS TO INFORMATION. (a) On request, a
24 county election official shall provide to a member of a mail ballot
25 board all available information necessary to fulfilling the
26 functions of the board, including any information from the
27 statewide computerized voter registration list under Section

1 [18.061.](#)

2 (b) The secretary of state shall adopt rules as necessary to
3 prevent a member of a mail ballot board from retaining or sharing
4 personally identifiable information from the statewide
5 computerized voter registration list under Section [18.061](#) obtained
6 under this section for any reason unrelated to the official's
7 official duties.

8 SUBCHAPTER C. ACCEPTING MAIL BALLOT

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

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

13 (1) the carrier envelope certificate is properly
14 executed;

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

19 (3) the voter's ballot application states a legal
20 ground for voting by mail;

21 (4) the voter is registered to vote, if registration
22 is required by law;

23 (5) the address to which the ballot was mailed to the
24 voter, as indicated by the application, was the voter's own
25 residence or an address outside the voter's county of residence, if
26 the ground for voting by mail is absence from the county of
27 residence;

1 (6) for a voter to whom a statement of residence form
2 was required to be sent under Section 73.002(a), the statement of
3 residence is returned in the carrier envelope and indicates that
4 the voter satisfies the residence requirements prescribed by
5 Section 63.0011;

6 (7) the address to which the ballot was mailed to the
7 voter is an address that is otherwise required by Sections 72.002
8 and 73.003; and

9 (8) the information required under Section 73.002(g)
10 provided by the voter identifies the same voter identified on the
11 voter's application for voter registration under Section
12 13.002(c)(8).

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

16 (d) A ballot shall be rejected if any requirement prescribed
17 by Subsection (b) is not satisfied. In that case, the board shall
18 indicate the rejection by entering "rejected" on the carrier
19 envelope and on the corresponding jacket envelope.

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

25 Sec. 92.0411. SIGNATURE VERIFICATION. (a) The mail ballot
26 board shall make a determination under this section for each mail
27 ballot to ensure that each mail ballot meets the requirement under

1 Section 92.041(b)(2).

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

6 (c) To determine whether the signatures are those of the
7 voter, the board may also compare the signatures with any known
8 signature of the voter on file with the county clerk or voter
9 registrar.

10 (d) If a voter provides the information required under
11 Section 73.002(g) and it identifies the same voter identified on
12 the voter's application for voter registration under Section
13 13.002(c)(8), the signature on the ballot application and on the
14 carrier envelope certificate shall be rebuttably presumed to be the
15 signatures of the voter. The board shall compare signatures in
16 making a determination under this section regardless of whether the
17 presumption provided by this subsection exists.

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

21 (f) If more than 12 members are serving on the board, the
22 board may split into two or more groups of not fewer than six
23 members. If the board has split into groups, the determination
24 under this section that the signatures are not those of the voter
25 must be made by a majority vote of the membership of the group
26 making the applicable determination.

27 (g) The board shall place the jacket envelopes, carrier

1 envelopes, and applications of voters whose signatures are not
2 those of the voter in separate containers from those of voters whose
3 signatures are those of the voter.

4 (h) For a ballot cast under Subchapter A or D, Chapter 74,
5 the board shall compare the signature on the carrier envelope or
6 signature cover sheet with the signature of the voter on the federal
7 postcard application.

8 Sec. 92.0412. OPPORTUNITY TO CORRECT DEFECT: MAIL BALLOT
9 BOARD. (a) This section applies to a mail ballot:

10 (1) for which the voter did not sign the carrier
11 envelope certificate;

12 (2) for which it cannot immediately be determined
13 whether the signature on the carrier envelope certificate is that
14 of the voter;

15 (3) missing any required statement of residence;

16 (4) missing information or containing incorrect
17 information required under Section 72.002(a)(2) or 73.002; or

18 (5) containing incomplete information with respect to
19 a witness.

20 (b) Not later than the second day after a mail ballot board
21 discovers a defect described by Subsection (a) and before the board
22 decides whether to accept or reject a timely delivered ballot under
23 Section 92.041, the board shall send the voter a notice of the
24 defect and a corrective action form developed by the secretary of
25 state under Subsection (e) by mail or by common or contract carrier.

26 (c) The mail ballot board shall include with the notice
27 delivered to the voter under Subsection (b):

1 (1) a brief explanation of each defect in the
2 noncomplying ballot; and

3 (2) a notice that the voter may:

4 (A) cancel the voter's application to vote by
5 mail in the manner described by Section 72.032; or

6 (B) correct the defect in the voter's ballot by:

7 (i) submitting a corrective action form
8 developed and made available by the secretary of state under
9 Subsection (e) by mail or by common or contract carrier; or

10 (ii) coming to the county clerk's office not
11 later than the sixth day after election day.

12 (d) If the mail ballot board determines that it would not be
13 possible for the voter to receive the notice of defect within a
14 reasonable time to correct the defect, the board may notify the
15 voter of the defect by telephone or e-mail and inform the voter that
16 the voter may request to have the voter's application to vote by
17 mail canceled in the manner described by Section 72.032, submit a
18 corrective action form developed by the secretary of state under
19 Subsection (e) by mail or by common or contract carrier, or come to
20 the county clerk's office in person not later than the sixth day
21 after election day to correct the defect.

22 (e) The secretary of state shall develop a corrective action
23 form that may be completed and submitted to a mail ballot board
24 under this section to correct a defect.

25 (f) If the mail ballot board takes an action described by
26 Subsection (b) or (d), the board must take either action described
27 by that subsection with respect to each ballot in the election to

1 which this section applies.

2 (g) A poll watcher is entitled to observe an action taken
3 under Subsection (b) or (d).

4 (h) The mail ballot board shall:

5 (1) in addition to sending the voter notice of the
6 defect under Subsection (b) or notifying the voter of the defect by
7 telephone or e-mail under Subsection (d), notify the voter of a
8 defect discovered under this section using the online tool
9 described by Section 73.015; and

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

12 (i) The secretary of state may prescribe any procedures
13 necessary to implement this section.

14 (j) Notwithstanding any other law, a ballot may not be
15 finally rejected for a reason listed in Section 92.041(b)(1), (2),
16 or (6) before the seventh day after election day.

17 Sec. 92.042. DISPOSITION OF ACCEPTED BALLOT. (a) The mail
18 ballot board shall open each carrier envelope containing an
19 accepted ballot without defacing the certificate on the carrier
20 envelope and remove the ballot envelope from the carrier envelope.

21 (b) Except as provided by Subsection (d), the board shall
22 place the ballot envelope containing an accepted ballot in a ballot
23 box containing the accepted mail ballots.

24 (c) The ballot box in which the mail ballot board deposits
25 ballot envelopes containing accepted mail ballots must have two
26 locks, each with a different key, and must be designed and
27 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. The seals for the boxes must be serially numbered for each election. 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. The secretary of state shall prescribe any procedures necessary to implement the use of sealed ballot boxes for mail ballots.

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

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

Sec. 92.043. DISPOSITION OF REJECTED BALLOT. (a) The mail ballot board shall place the carrier envelopes containing rejected ballots in an envelope and shall seal the envelope. More than one envelope may be used if necessary. The board shall keep a record of the number of rejected ballots in each envelope.

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

(c) A board member shall 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. The envelope may not be placed in the box containing the

1 voted ballots.

2 (d) A notation must be made on the carrier envelope of any
3 ballot that was rejected after the carrier envelope was opened and
4 include the reason the envelope was opened and the ballot was
5 rejected.

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

14 (b) The county clerk shall, not later than the 30th day
15 after election day, deliver notice to the attorney general,
16 including certified copies of the carrier envelope and
17 corresponding ballot application, of any ballot rejected because:

18 (1) the voter was deceased;

19 (2) the voter already voted in person in the same
20 election;

21 (3) the signatures on the carrier envelope and ballot
22 application were not executed by the same person;

23 (4) the carrier envelope certificate lacked a witness
24 signature;

25 (5) the carrier envelope certificate was improperly
26 executed by an assistant; or

27 (6) the mail ballot board determined that another

1 violation of the Election Code occurred.

2 (c) The attorney general shall prescribe the form and manner
3 of submission under Subsection (b). The secretary of state shall
4 adopt rules as necessary to implement the requirements prescribed
5 under this subsection.

6 Sec. 92.044. DISPOSITION OF APPLICATION. (a) The mail
7 ballot board shall place each application to vote by mail in its
8 corresponding jacket envelope. For a ballot voted under Subchapter
9 A or D, Chapter 74, the board shall also place the copy of the
10 voter's federal postcard application or signature cover sheet in
11 the same location as the carrier envelope. If the voter's ballot
12 was accepted, the board shall also place the carrier envelope in the
13 jacket envelope. However, if the jacket envelope is to be used in a
14 subsequent election, the carrier envelope shall be retained
15 elsewhere.

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

21 SUBCHAPTER D. PROCESSING MANUALLY COUNTED BALLOTS

22 Sec. 92.061. AUTHORITY RESPONSIBLE FOR COUNTING BALLOTS.
23 The mail ballot board shall count the mail ballots that are to be
24 counted manually.

25 Sec. 92.062. COUNTING BALLOTS AND PREPARING RETURNS. (a)
26 On the direction of the presiding judge, the mail ballot board, in
27 accordance with Section 92.042(c), shall open the containers for

1 the mail ballots that are to be counted by the board, remove the
2 contents from each container, and remove any ballots enclosed in
3 ballot envelopes from their envelopes.

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

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

15 (b) If part of the mail ballots are counted by automatic
16 tabulating equipment at a central counting station, instead of
17 delivering a copy of the mail ballot election returns and other mail
18 voting election records to the canvassing authority and to the
19 general custodian of election records, those records shall be
20 delivered to the presiding judge of the central counting station.

21 SUBCHAPTER E. PROCESSING BALLOTS COUNTED AT CENTRAL COUNTING
22 STATION

23 Sec. 92.101. DELIVERY OF BALLOTS TO COUNTING STATION. On
24 the direction of the presiding judge, the mail ballot board shall
25 deliver to the central counting station the container for the mail
26 ballots that are to be counted by automatic tabulating equipment at
27 a central counting station. The board shall make the delivery

1 without opening the container and in accordance with the procedure
2 applicable to electronic system ballots cast at a precinct polling
3 place.

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

10 (b) Mail ballots that are to be duplicated under this
11 section shall be delivered to the central counting station as
12 prescribed by Section 92.101 and shall be treated in the same manner
13 as damaged electronic system ballots that are duplicated for
14 automatic counting.

15 Sec. 92.103. COUNTING BALLOTS AND PREPARING RETURNS. (a)
16 Electronic system ballots counted at a central counting station and
17 other mail ballots shall be tabulated separately and shall be
18 separately reported on the returns.

19 (b) The mail ballot returns prepared at the central counting
20 station must include any voting results obtained by the mail ballot
21 board under Subchapter D.

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

1 SUBCHAPTER F. VERIFICATION AND COUNTING OF PROVISIONAL BALLOTS

2 Sec. 92.151. DUTY OF MAIL BALLOT BOARD. (a) The mail
3 ballot board shall verify and count provisional ballots as provided
4 by this subchapter not later than the ninth day after the date of an
5 election.

6 (b) Notwithstanding Subsection (a), for an election held on
7 the date of the general election for state and county officers, the
8 mail ballot board shall verify and count provisional ballots as
9 provided by this subchapter not later than the 13th day after the
10 date of the election.

11 (c) Except as provided by this subchapter, the conduct of
12 the board is governed by the same procedures as are provided by this
13 chapter.

14 Sec. 92.152. DUTY OF VOTER REGISTRAR. The secretary of
15 state shall prescribe procedures by which the voter registrar of
16 the county in which a provisional ballot is cast shall provide
17 assistance to the mail ballot board in executing its authority
18 under this subchapter. In an election described by Section
19 92.151(b), the procedures must allow for 10 calendar days for the
20 voter registrar to review a provisional voter's eligibility.

21 Sec. 92.153. DELIVERY OF PROVISIONAL BALLOTS. The
22 presiding judge of an election precinct shall deliver in person to
23 the general custodian of election records the box containing each
24 envelope containing a provisional ballot that was cast in the
25 precinct. The secretary of state shall prescribe procedures by
26 which the mail ballot board may have access to the provisional
27 ballots as necessary to implement this subchapter.

1 Sec. 92.154. ACCEPTING PROVISIONAL BALLOT. (a) The mail
2 ballot board shall examine each affidavit executed under Section
3 63.011 and determine whether to accept the provisional ballot of
4 the voter who executed the affidavit.

5 (b) A provisional ballot shall be accepted if the board
6 determines that:

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

10 (2) the person:

11 (A) meets the identification requirements of
12 Section 63.001(b) at the time the ballot was cast or in the period
13 prescribed under Section 92.1541;

14 (B) notwithstanding Chapter 110, Civil Practice
15 and Remedies Code, executes an affidavit under penalty of perjury
16 that states the voter has a religious objection to being
17 photographed and the voter has consistently refused to be
18 photographed for any governmental purpose from the time the voter
19 has held this belief; or

20 (C) executes an affidavit under penalty of
21 perjury that states the voter does not have any identification
22 meeting the requirements of Section 63.001(b) as a result of a
23 natural disaster that:

24 (i) was declared by the president of the
25 United States or the governor;

26 (ii) occurred not earlier than 45 days
27 before the date the ballot was cast; and

1 (iii) caused the destruction of or
2 inability to access the voter's identification; and

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

6 (c) If a provisional ballot is accepted, the board shall
7 enter the voter's name on a list of voters whose provisional ballots
8 are accepted.

9 (d) If a provisional ballot is rejected, the board shall
10 indicate the rejection by marking "rejected" on the envelope
11 containing the provisional ballot.

12 Sec. 92.1541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
13 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
14 voting under Section 63.011 because the voter does not meet the
15 identification requirements of Section 63.001(b) may, not later
16 than the sixth day after the date of the election:

17 (1) present a form of identification described by
18 Section 63.0101 to the voter registrar for examination; or

19 (2) execute an affidavit described by Section
20 92.154(b)(2)(B) or (C) in the presence of the voter registrar.

21 (b) The secretary of state shall prescribe procedures as
22 necessary to implement this section.

23 Sec. 92.155. DISPOSITION OF ACCEPTED PROVISIONAL BALLOT AND
24 AFFIDAVIT. (a) The mail ballot board shall open each envelope
25 containing an accepted provisional ballot without defacing the
26 affidavit located on the outside of the envelope and shall remove
27 the ballot.

1 (b) The board shall place the ballot in a ballot box
2 containing all the provisional ballots accepted for voting in the
3 election.

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

10 Sec. 92.156. DISPOSITION OF REJECTED PROVISIONAL BALLOT.

11 (a) If the affidavit on the envelope of a rejected provisional
12 ballot contains the information necessary to enable the person to
13 register to vote under Chapter 13, the voter registrar shall make a
14 copy of the affidavit under procedures prescribed by the secretary
15 of state. The voter registrar shall treat the copy as an
16 application for registration under Chapter 13.

17 (b) The mail ballot board shall place the envelopes
18 containing rejected provisional ballots in an envelope and shall
19 seal the envelope. More than one envelope may be used if necessary.

20 (c) The envelope for the rejected provisional ballots must
21 indicate the date and identity of the election, be labeled
22 "rejected provisional ballots," and be signed by the board's
23 presiding judge.

24 (d) A board member shall deliver the envelope containing the
25 rejected provisional ballots to the general custodian of election
26 records to be preserved for the period for preserving the precinct
27 election records. The envelope may not be placed in the box

1 containing the accepted provisional ballots.

2 Sec. 92.157. PROCESSING ACCEPTED PROVISIONAL BALLOTS. (a)
3 The mail ballot board shall count accepted provisional ballots as
4 follows:

5 (1) for ballots to be counted manually, in the manner
6 provided by Subchapter D;

7 (2) for ballots to be counted by automatic tabulating
8 equipment at a central counting station, in the manner provided by
9 Subchapter E; and

10 (3) for ballots to be counted by any other means, in
11 the manner provided by rules adopted by the secretary of state.

12 (b) On counting the ballots under this section, the board
13 shall report the results to the local canvassing authority for the
14 election.

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

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

27 Sec. 92.159. NOTICE TO PROVISIONAL VOTER. The secretary of

1 state shall prescribe procedures to implement a system to allow a
2 person who casts a provisional ballot under Section 63.011 to
3 obtain access free of charge to information on the disposition of
4 the person's ballot. The system:

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

8 (2) must provide the information only to the person
9 who cast the provisional ballot; and

10 (3) may involve the use of a toll-free telephone
11 number or the Internet.

12 Sec. 92.160. DISCLOSURE OF SOCIAL SECURITY, DRIVER'S
13 LICENSE, OR PERSONAL IDENTIFICATION NUMBER ON PROVISIONAL BALLOT
14 AFFIDAVIT. A social security number, Texas driver's license
15 number, or number of a personal identification card issued by the
16 Department of Public Safety furnished on a provisional ballot
17 affidavit is confidential and does not constitute public
18 information for purposes of Chapter 552, Government Code. The
19 general custodian of election records shall ensure that a social
20 security number, Texas driver's license number, or number of a
21 personal identification card issued by the Department of Public
22 Safety is excluded from disclosure.

23 SUBCHAPTER G. MISCELLANEOUS PROVISIONS

24 Sec. 92.201. MAIL VOTING ROSTERS. (a) The county clerk
25 shall maintain for each election a roster listing each person to
26 whom a mail ballot is sent.

27 (b) For each person listed, the roster must include:

1 (1) the person's name, address, and voter registration
2 number;

3 (2) an identification of the person's county election
4 precinct of registration; and

5 (3) the date the ballot was mailed to the person.

6 (c) The roster shall be updated daily.

7 (d) The roster may be maintained in any form approved by the
8 secretary of state.

9 (e) The clerk shall preserve the roster after the election
10 for the period for preserving the precinct election records.

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

16 (g) Information on the roster for a person who votes a mail
17 ballot shall be made available for public inspection as provided by
18 Subsection (h) not later than 11 a.m. on the day following the day
19 the county clerk receives any mail ballot.

20 (h) The information under Subsection (g) must be made
21 available:

22 (1) for an election in which the county clerk is the
23 authority performing the functions of a county clerk with regard to
24 voting by mail:

25 (A) on the publicly accessible Internet website
26 of the county; or

27 (B) if the county does not maintain a website, on

1 the bulletin board used for posting notice of meetings of the
2 commissioners court; or

3 (2) for an election not described by Subdivision (1):

4 (A) on the publicly accessible Internet website
5 of the authority ordering the election; or

6 (B) if the authority ordering the election does
7 not maintain a website, on the bulletin board used for posting
8 notice of meetings of the governing body of the authority.

9 (i) The county clerk for a primary election or the general
10 election for state and county officers shall submit to the
11 secretary of state for posting on the secretary of state's Internet
12 website the information described by Subsection (g) not later than
13 11 a.m. on the day following the day the county clerk receives any
14 mail ballot.

15 (j) The county clerk for a primary election or the general
16 election for state and county officers shall submit to the
17 secretary of state for posting on the secretary of state's Internet
18 website the election day information described by Subsection (g)
19 not later than 11 a.m. on the day after the election.

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

26 (l) The secretary of state shall post the information
27 described by Subsection (i) on the secretary of state's Internet

1 website in a downloadable format not later than 11 a.m. on the day
2 following the day of receipt of the information.

3 (m) The secretary of state shall create a system for a
4 county clerk for a primary election or the general election for
5 state and county officers to provide the information to the
6 secretary of state for posting on the secretary of state's Internet
7 website under Subsection (i).

8 (n) A person registered to vote in the county where the
9 county clerk is conducting mail voting may submit a complaint to the
10 secretary of state stating that a county clerk has not complied with
11 this section.

12 (o) The secretary of state by rule shall create and maintain
13 a system for receiving and recording complaints made under this
14 section.

15 (p) The secretary of state shall maintain a record
16 indicating county clerks who have failed to comply with the
17 requirements of this section.

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

23 (b) If an election precinct is situated in more than one
24 county election precinct, the list must indicate each voter's
25 county election precinct of residence.

26 (c) The clerk shall enter "mail voter" beside the name of
27 each person on the precinct list of registered voters whose name

1 appears on the list of mail voters and shall deliver the precinct
2 list to the presiding judge of the election precinct not later than
3 the day before election day.

4 (d) The clerk shall preserve a copy of each precinct mail
5 voting list prepared for the general election for state and county
6 officers for two years after election day.

7 Sec. 92.2021. DISPOSITION OF BALLOT TRANSMITTAL FORM. (a)
8 The presiding judge of the mail ballot board shall enter on the
9 ballot transmittal form the following information:

10 (1) the number of mail ballots received;
11 (2) the number of mail ballots accepted;
12 (3) the number of mail ballots rejected; and
13 (4) the number of mail ballots counted or delivered to
14 the central counting station, as applicable.

15 (b) A board member shall deliver the transmittal form to the
16 general custodian of election records to be preserved for the
17 period for preserving the precinct election records.

18 Sec. 92.203. DELIVERING OTHER RECORDS AND SUPPLIES. Not
19 later than the second day after election day, the county clerk shall
20 deliver the mail voting records and supplies, other than those
21 required to be delivered to the mail ballot board, to the authority
22 to whom the corresponding precinct election records are delivered
23 after the election.

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

1 Sec. 92.204. PRESERVATION OF MAIL VOTING ELECTION RECORDS
2 GENERALLY. The mail voting election returns, voted mail ballots,
3 and other mail voting election records shall be preserved after the
4 election in the same manner as the corresponding precinct election
5 records.

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

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

17 (c) On counting the ballots under Subsection (a), the mail
18 ballot board shall report the results to the local canvassing
19 authority for the election.

20 (d) If the date prescribed by Subsection (a) for convening
21 the mail ballot board is a Saturday, Sunday, or legal state or
22 national holiday, the mail ballot board shall convene on the next
23 regular business day.

24 Sec. 92.206. ELECTRONIC RECORDING OF BALLOT MATERIALS AND
25 APPLICATIONS. (a) The county clerk may electronically record
26 applications to vote by mail, jacket envelopes, carrier envelopes,
27 and ballots.

1 (b) Electronic records made under this section shall record
2 both sides of any application, envelope, or ballot recorded, and
3 all such records shall be provided to the mail ballot board.

4 (c) The secretary of state may adopt rules providing
5 requirements for the electronic image quality and storage of the
6 electronic images of the documents described by Subsection (a).

7 Sec. 92.207. RESOLUTION OF INCORRECT DETERMINATION BY MAIL
8 BALLOT BOARD. (a) If a county election officer, as defined by
9 Section 31.091, determines a ballot was incorrectly rejected or
10 accepted by the mail ballot board before the time set for convening
11 the canvassing authority, the county election officer may petition
12 a district court for injunctive or other relief as the court
13 determines appropriate.

14 (b) In an election ordered by the governor or by a county
15 judge, the county election officer must confer with and establish
16 the agreement of the county chair of each political party before
17 petitioning the district court.

18 Sec. 92.208. NOTES. (a) Each member of a mail ballot board
19 is entitled to take any notes reasonably necessary to perform the
20 member's duties under this chapter.

21 (b) Notes taken under this section may not contain
22 personally identifiable information.

23 (c) Each member who takes notes under this section shall
24 sign the notes and deliver them to the presiding judge or committee
25 chair, as applicable, for delivery to the custodian of election
26 records.

27 (d) Notes collected under this section shall be preserved in

1 the same manner as precinct election records under Section 93.058.

2 CHAPTER 93. DISPOSITION OF RECORDS AND SUPPLIES AFTER ELECTION

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 93.001. GENERAL CUSTODIAN OF ELECTION RECORDS. The
5 general custodian of election records is:

6 (1) the county clerk of each county wholly or partly
7 situated in the territory covered by the election, for an election
8 ordered by the governor or by a county authority or for a primary
9 election;

10 (2) the city secretary, for an election ordered by a
11 city authority; and

12 (3) the secretary of the political subdivision's
13 governing body or, if the governing body has no secretary, the
14 governing body's presiding officer, for an election ordered by an
15 authority of a political subdivision other than a county or city.

16 Sec. 93.002. PRECINCT ELECTION RECORDS. In this chapter,
17 "precinct election records" means the precinct election returns,
18 voted ballots, and other records of an election that are assembled
19 and distributed under this chapter.

20 Sec. 93.0021. ELECTION DAY VOTE TOTAL FOR CERTAIN
21 ELECTIONS. (a) This section applies only to a primary election or
22 the general election for state and county officers.

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

1 (c) Each vote total shall be maintained in a downloadable
2 format approved by the secretary of state and posted on the Internet
3 website of the secretary of state.

4 (d) The secretary of state shall create a system for a
5 county clerk for a primary election or the general election for
6 state and county officers to provide the information to the
7 secretary of state for posting on the secretary of state's Internet
8 website under Subsection (c).

9 Sec. 93.003. ENVELOPES FOR DISTRIBUTION OF RECORDS. (a)
10 Four envelopes shall be furnished to each polling place for use in
11 assembling and distributing the precinct election records.

12 (b) The envelopes shall be labeled and addressed as follows:

13 (1) "Envelope No. 1," addressed to the presiding
14 officer of the local canvassing authority;

15 (2) "Envelope No. 2," addressed to the general
16 custodian of election records;

17 (3) "Envelope No. 3," addressed to the presiding
18 judge; and

19 (4) "Envelope No. 4," addressed to the voter
20 registrar.

21 Sec. 93.004. POLLING PLACE CHECKLISTS. The secretary of
22 state shall adopt rules and create a checklist or similar
23 guidelines to assist the presiding judge of a polling place in
24 processing forms and conducting procedures required by this code at
25 the opening and closing of the polling place.

26 SUBCHAPTER B. ASSEMBLING RECORDS FOR DISTRIBUTION

27 Sec. 93.021. ASSEMBLING ELECTION RECORDS. (a) On

1 completing the election returns for the precinct, the presiding
2 judge shall assemble the precinct election records and place them
3 in the appropriate envelopes and ballot boxes for distribution.

4 (b) The judge shall seal envelopes no. 1, no. 2, and no. 4
5 and lock ballot boxes no. 3 and no. 4 as soon as they are ready for
6 distribution.

7 Sec. 93.022. CONTENTS OF ENVELOPE NO. 1. Envelope no. 1
8 must contain:

9 (1) the original of the election returns for the
10 precinct; and

11 (2) a tally list.

12 Sec. 93.023. CONTENTS OF ENVELOPE NO. 2. Envelope no. 2
13 must contain:

14 (1) a copy of the precinct returns;

15 (2) a tally list;

16 (3) the original of the poll list;

17 (4) the signature roster;

18 (5) the precinct mail voting list;

19 (6) any affidavits completed at the polling place
20 except affidavits required to be placed in envelope no. 4; and

21 (7) any certificates of appointment of watchers.

22 Sec. 93.024. CONTENTS OF ENVELOPE NO. 3. Envelope no. 3
23 must contain:

24 (1) a copy of the precinct returns;

25 (2) a copy of the poll list; and

26 (3) a copy of the ballot register.

27 Sec. 93.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4

1 must contain:

- 2 (1) the precinct list of registered voters;
- 3 (2) the registration correction list;
- 4 (3) any statements of residence executed under Section
5 63.0011; and
- 6 (4) any affidavits executed under Section 63.006 or
7 63.011.

8 Sec. 93.025. CONTENTS OF BALLOT BOX NO. 3. (a) Ballot box
9 no. 3 must contain:

- 10 (1) the voted ballots;
 - 11 (2) a copy of the precinct returns;
 - 12 (3) a tally list; and
 - 13 (4) a copy of the poll list.
- 14 (b) The copy of the poll list may be placed in a container
15 other than ballot box no. 3 on approval by the secretary of state if
16 the secretary determines that placement in the other container is
17 more suitable for a particular election.

18 Sec. 93.026. CONTENTS OF BALLOT BOX NO. 4. Ballot box no. 4
19 must contain:

- 20 (1) the original of the ballot register;
- 21 (2) the register of spoiled ballots;
- 22 (3) any spoiled ballots;
- 23 (4) any mail ballot returned at the polling place;
- 24 (5) any defectively printed ballots;
- 25 (6) any envelope containing cancellation requests and
26 canceled ballots; and
- 27 (7) any other unused ballots.

1 SUBCHAPTER C. DISPOSITION OF RECORDS AND SUPPLIES

2 Sec. 93.051. DISTRIBUTION OF ELECTION RECORDS. (a) The
3 presiding judge shall deliver envelope no. 1 in person to the
4 presiding officer of the local canvassing authority. If the
5 presiding officer of the local canvassing authority is unavailable,
6 the envelope shall be delivered to the general custodian of
7 election records who shall then deliver it to the local canvassing
8 authority before the time set for convening the local canvass.

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

12 (c) The presiding judge shall retain envelope no. 3.

13 (d) The presiding judge shall deliver envelope no. 4 in
14 person to the voter registrar. If the voter registrar is
15 unavailable, the envelope shall be delivered to the general
16 custodian of election records, who shall deliver it to the voter
17 registrar on the next regular business day.

18 Sec. 93.052. DELIVERY BY ELECTION CLERK. A delivery of
19 election records or supplies that is to be performed by the
20 presiding judge may be performed by an election clerk designated by
21 the presiding judge.

22 Sec. 93.053. TIME FOR DELIVERING ELECTION RECORDS. (a) The
23 precinct election records shall be delivered to the appropriate
24 authorities immediately after the precinct returns are completed.

25 (b) If the presiding judge determines that the ballots will
26 not be counted in time to allow delivery of the precinct election
27 records by 2 a.m. of the day after election day, the presiding

1 judge, between midnight of election day and 1 a.m. of the following
2 day, shall notify the general custodian of election records by
3 telephone of:

4 (1) the total number of voters who voted at the polling
5 place during the voting period and on election day, as indicated by
6 the poll list;

7 (2) the vote totals tallied for each candidate and for
8 and against each measure at the time of notification; and

9 (3) the expected time of finishing the count.

10 (c) The precinct election records shall be delivered not
11 later than 24 hours after the polls close in each election.

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

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

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

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

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

1 (c) An offense under this section is a Class B misdemeanor.

2 Sec. 93.055. JUDICIAL IMPOUNDMENT OF ELECTION RECORDS. (a)

3 If the precinct election records are not delivered by the deadline
4 prescribed by Section 93.053(c), on application by a member of the
5 canvassing authority, a district judge shall order the precinct
6 election records to be impounded.

7 (b) The district judge shall supervise the activities
8 necessary to complete the count, prepare the precinct returns, and
9 distribute the records.

10 Sec. 93.056. UNOFFICIAL TABULATION OF PRECINCT RESULTS.

11 (a) As the general custodian of election records receives the
12 precinct election records from each polling place, the custodian
13 shall:

14 (1) open the envelopes and remove the precinct
15 election returns; and

16 (2) prepare a tabulation stating for each candidate
17 and for and against each measure:

18 (A) the total number of votes received in each
19 precinct; and

20 (B) the sum of the precinct totals tabulated
21 under Paragraph (A).

22 (b) The custodian shall periodically make a public
23 announcement of the current state of the tabulation made under
24 Subsection (a).

25 (c) The tabulation made under Subsection (a) is unofficial
26 and does not affect the outcome of the election.

27 (d) The custodian shall preserve the unofficial tabulation

1 for the period for preserving the precinct election records.

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

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

11 (c) The election records in envelope no. 3 become public
12 information when delivery of the precinct election records is
13 completed.

14 Sec. 93.058. PRESERVATION OF PRECINCT ELECTION RECORDS.

15 (a) Except as otherwise provided by this code, the precinct
16 election records shall be preserved by the authority to whom they
17 are distributed for at least 22 months after election day.

18 (b) For a period of at least 60 days after the date of the
19 election, the voted ballots shall be preserved securely in a locked
20 room in the locked ballot box in which they are delivered to the
21 general custodian of election records. On the 61st day after
22 election day, the general custodian of election records may:

23 (1) require a person who has possession of a key that
24 operates the lock on a ballot box containing voted ballots to return
25 the key to the custodian; and

26 (2) unlock the ballot box and transfer the voted
27 ballots to another secure container for the remainder of the

1 preservation period.

2 (c) Except as permitted by this code, a ballot box or other
3 secure container containing voted ballots may not be opened during
4 the preservation period.

5 (d) If during the preservation period an authorized entry is
6 made into a ballot box or other secure container containing voted
7 ballots, when the purpose for the entry is fulfilled, the box or
8 container shall be relocked or resecured, and the box and key or
9 secure container returned to the custodian.

10 (e) A custodian of a ballot box or secure container
11 containing voted ballots commits an offense if, during the
12 preservation period prescribed by Subsection (a), the custodian:

13 (1) makes an unauthorized entry into the box or
14 container; or

15 (2) fails to prevent another person from handling the
16 box or container in an unauthorized manner or from making an
17 unauthorized entry into the box or container.

18 (f) An offense under Subsection (e) is a Class A
19 misdemeanor.

20 (g) The records in ballot box no. 4 may be preserved in that
21 box or by any other method chosen by the custodian. If the records
22 are removed from the box, they may not be commingled with any other
23 election records kept by the custodian.

24 (h) Electronic records created under Chapter 129 shall be
25 preserved in a secure container.

26 (i) For the preservation of precinct election records in an
27 election involving a federal office, the secretary of state shall

1 instruct the affected authorities on the actions necessary to
2 comply with federal law and otherwise implement this section.

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

10 (b) If the political subdivision holding the election is not
11 a county or is a county that does not maintain an Internet website,
12 the district judge shall post a notice of the date, hour, and place
13 for opening the box on the bulletin board used for posting notices
14 of the meetings of the governing body of the political subdivision
15 served by the general custodian of election records. The notice
16 must remain posted continuously for the 24 hours immediately
17 preceding the hour set for opening the box.

18 (c) If the political subdivision holding the election is a
19 county that maintains an Internet website, the district judge shall
20 post a notice of the date, hour, and place for opening the box on the
21 county's Internet website. The notice must remain posted
22 continuously for the 24 hours preceding the hour set for opening the
23 box.

24 (d) Any interested person may observe the opening of the
25 box.

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

1 Sec. 93.060. DELIVERY AND PRESERVATION OF KEY TO BALLOT BOX
2 NO. 3. (a) The presiding judge shall deliver the key to ballot box
3 no. 3 in person to the following authority:

4 (1) the sheriff, for an election ordered by the
5 governor or a county authority or for a primary election, except
6 that in a year in which the office of sheriff is regularly on the
7 ballot the presiding judge shall deliver the key to the county
8 judge, and if both those offices are on the same ballot because of
9 the filling of an unexpired term the key shall be delivered to the
10 county auditor or to a designated member of the commissioners court
11 who is not on the ballot and who is appointed by the court if the
12 county does not have a county auditor;

13 (2) the chief of police or city marshal, for an
14 election ordered by a city authority; or

15 (3) the constable of the justice precinct in which the
16 office of the political subdivision's governing body is located, or
17 if the office of constable is vacant, the sheriff of the county in
18 which the governing body's office is located, for an election
19 ordered by an authority of a political subdivision other than a
20 county or city.

21 (b) The ballot box key shall be delivered at the same time as
22 the precinct election records.

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

27 (d) A person commits an offense if the person is the

1 custodian of the key to a ballot box containing voted ballots and,
2 during the period for keeping the key, the person knowingly
3 relinquishes custody of the key except as permitted by law. An
4 offense under this subsection is a Class B misdemeanor.

5 (e) After the period for keeping a key to ballot box no. 3
6 expires, the key's custodian shall return the key to the custodian
7 of the ballot box.

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

15 Sec. 93.062. RETURNING EQUIPMENT AND SUPPLIES. (a) At the
16 same time the precinct election records are delivered, the unused
17 election supplies shall be delivered to the authority responsible
18 for distributing the election supplies.

19 (b) The presiding judge shall follow the directions of the
20 authority responsible for distributing the election supplies
21 regarding the storage or return after the election of ballot boxes
22 no. 1 and no. 2, the keys to those boxes, voting booths, and other
23 election equipment.

24 CHAPTER 94. CANVASSING ELECTIONS

25 Sec. 94.001. APPLICABILITY OF CHAPTER. This chapter
26 applies to each general or special election conducted in this
27 state.

1 Sec. 94.002. CANVASS OF PRECINCT RETURNS. (a) Except as
2 otherwise provided by law, the precinct election returns for each
3 election shall be canvassed by the following authority:

4 (1) for an election ordered by the governor or by a
5 county authority, the commissioners court of each county in which
6 the election is held; and

7 (2) for an election ordered by an authority of a
8 political subdivision other than a county, the political
9 subdivision's governing body.

10 (b) The canvass of precinct returns shall be conducted in
11 accordance with this chapter except as otherwise provided by this
12 code.

13 Sec. 94.003. TIME FOR LOCAL CANVASS. (a) Except as
14 provided by Subsection (b), each local canvassing authority shall
15 convene to conduct the local canvass at the time set by the
16 canvassing authority's presiding officer not later than the 11th
17 day after election day and not earlier than the later of:

18 (1) the third day after election day;

19 (2) the date on which the mail ballot board has
20 verified and counted all provisional ballots, if a provisional
21 ballot has been cast in the election; or

22 (3) the date on which all timely received ballots cast
23 from addresses outside of the United States are counted, if a mail
24 ballot in the election was provided to a person outside of the
25 United States.

26 (b) In an election described by Section 92.151(b), the time
27 for the local canvass may be set not later than the 14th day after

1 election day.

2 Sec. 94.004. PROCEDURE FOR LOCAL CANVASS. (a) At the time
3 set for convening the canvassing authority for the local canvass,
4 the presiding officer of the canvassing authority shall deliver the
5 sealed precinct returns to the authority. The authority shall open
6 the returns for each precinct and canvass them as provided by this
7 section. Two members of the authority constitute a quorum for
8 purposes of canvassing an election.

9 (b) The canvassing authority shall prepare a tabulation
10 stating for each candidate and for and against each measure:

11 (1) the total number of votes received in each
12 precinct; and

13 (2) the sum of the precinct totals tabulated under
14 Subdivision (1).

15 (c) The tabulation in Subsection (b) must also include for
16 each precinct the total number of voters who cast a ballot for a
17 candidate or for or against a measure in the election. The
18 secretary of state shall prescribe any procedures necessary to
19 implement this subsection.

20 (d) The canvassing authority may prepare the tabulation as a
21 separate document or may enter the tabulation directly in the local
22 election register maintained for the authority. The authority
23 shall attach or include as part of the tabulation the report of mail
24 voting votes by precinct received under Section 92.2031.

25 (e) The canvassing authority may compare the precinct
26 returns with the corresponding tally list. If a discrepancy is
27 discovered between the vote totals shown on the returns and those

1 shown on the tally list for a precinct, the presiding judge of the
2 precinct shall examine the returns and tally list and make the
3 necessary corrections on the returns.

4 (f) On completion of the canvass, the presiding officer of
5 the canvassing authority shall deliver the tabulation to the
6 custodian of the local election register unless it is entered
7 directly in the election register. The custodian shall preserve
8 the tabulation for the period for preserving the precinct election
9 records.

10 (g) On completion of the canvass, the presiding officer of
11 the canvassing authority shall deliver the precinct returns, tally
12 lists, and mail voting precinct report used in the canvass to the
13 general custodian of election records. The custodian shall
14 preserve them for the period for preserving the precinct election
15 records.

16 (h) The presiding officer of the canvassing authority shall
17 note the completion of the canvass in the minutes or in the
18 recording required by Section 551.021, Government Code.

19 Sec. 94.005. DETERMINING OFFICIAL RESULT OF ELECTION NOT
20 CANVASSED AT STATE LEVEL. (a) Except as provided by Subsection
21 (b), the official result of an election that is not canvassed at the
22 state level is determined from the canvass of the precinct returns
23 conducted by the local canvassing authority.

24 (b) In an election in which there is more than one local
25 canvassing authority but no canvass at the state level, the
26 official result is determined in the manner prescribed by the law
27 providing for the election.

1 Sec. 94.006. LOCAL ELECTION REGISTER. (a) An election
2 register shall be maintained for each local canvassing authority.

3 (b) For each election, the election register must contain in
4 tabulated form the information required to appear in the tabulation
5 of precinct results prepared by the local canvassing authority.

6 (c) The general custodian of election records for the
7 elections canvassed by a local canvassing authority is the
8 custodian of the authority's election register.

9 (d) On receipt of the local canvassing authority's
10 tabulation of votes, the custodian shall make the appropriate
11 entries in the election register.

12 (e) The election register shall be preserved as a permanent
13 record.

14 Sec. 94.007. COUNTY ELECTION RETURNS. (a) For each
15 election for a statewide, district, county, or precinct office, a
16 statewide measure, or president and vice-president of the United
17 States, the county clerk of each county in the territory covered by
18 the election shall prepare county election returns.

19 (b) The county election returns shall state, for each
20 candidate and for and against each measure, the total number of
21 votes received in the county as stated by the local canvassing
22 authority's tabulation of votes.

23 (c) The county clerk shall certify the county returns.

24 (d) Not later than 24 hours after completion of the local
25 canvass, the county clerk shall deliver to the secretary of state,
26 in the manner directed by the secretary, the county returns.

27 (e) The county clerk shall retain a copy of the county

1 returns for the period for preserving the precinct election
2 records.

3 Sec. 94.008. SEPARATE COUNTY RETURNS FOR GOVERNOR AND
4 LIEUTENANT GOVERNOR. (a) In addition to the returns required by
5 Section 94.007, each county clerk shall prepare separate county
6 election returns of an election for the office of governor or
7 lieutenant governor that contain the same information as the
8 returns for those offices prepared under Section 94.007.

9 (b) The returns shall be delivered to the secretary of state
10 as provided by Section 94.007.

11 (c) The secretary of state shall retain the returns until
12 the first day of the next regular legislative session, when the
13 secretary shall deliver the returns to the speaker of the house of
14 representatives.

15 (d) The county clerk shall retain a copy of the county
16 returns for the offices of governor and lieutenant governor for the
17 period for preserving the precinct election records.

18 Sec. 94.009. FORMS AND INSTRUCTIONS FOR COUNTY RETURNS.

19 (a) Before each election for which county election returns are
20 required, the secretary of state shall deliver to each county clerk
21 in the territory covered by the election two copies of the
22 officially prescribed form for reporting county election returns.
23 The secretary shall also deliver two copies of the official form for
24 the separate returns for the offices of governor and lieutenant
25 governor, if applicable.

26 (b) With the delivery of the official county returns forms,
27 the secretary of state shall deliver written instructions on the

1 preparation and delivery of the county election returns.

2 Sec. 94.010. COUNTY RETURNS CANVASSED BY GOVERNOR. (a) The
3 county election returns for an election for a statewide office
4 other than governor or lieutenant governor, a statewide measure, a
5 district office, or president and vice-president of the United
6 States shall be canvassed by the governor.

7 (b) When this code refers to the presiding officer of the
8 final canvassing authority, the secretary of state is considered to
9 be the presiding officer when the final canvassing authority is the
10 governor.

11 (c) The canvass of county returns shall be conducted in
12 accordance with this chapter except as otherwise provided by this
13 code.

14 (d) The presiding officer may make a clerical correction to
15 the officially canvassed returns based on any authorized amended
16 county canvass filed with the presiding officer.

17 Sec. 94.011. COUNTY RETURNS CANVASSED BY LEGISLATURE. (a)
18 The county election returns for an election for the office of
19 governor or lieutenant governor shall be canvassed by the
20 legislature and the official result declared by the speaker of the
21 house of representatives in accordance with Section 3, Article IV,
22 Texas Constitution.

23 (b) If a county's election returns are incomplete or
24 missing, the legislature may substitute the secretary of state's
25 tabulation for that county or may obtain the necessary information
26 from the county. On request of the legislature, the secretary of
27 state or the county shall promptly transmit the information to the

1 legislature by the most expeditious means available.

2 (c) On completion of the canvass, the speaker of the house
3 of representatives shall deliver the county returns to the
4 secretary of state, who shall retain them for the period for
5 preserving the precinct election records.

6 Sec. 94.012. TIME FOR CANVASS BY GOVERNOR. (a) The
7 governor shall conduct the state canvass at the time set by the
8 secretary of state:

9 (1) not earlier than the 15th or later than the 30th
10 day after election day; or

11 (2) for an election described by Section 92.151(b),
12 not earlier than the 18th or later than the 33rd day after election
13 day.

14 (b) The secretary of state shall post, on the secretary of
15 state's Internet website, a notice of the date, hour, and place of
16 the canvass at least 72 hours before the canvass is conducted.

17 Sec. 94.013. PROCEDURE FOR CANVASS BY GOVERNOR. (a) At the
18 time set for the state canvass, the secretary of state shall deliver
19 the county returns to the governor.

20 (b) The secretary of state shall prepare a tabulation
21 stating for each candidate and for and against each measure
22 required to be canvassed by the governor:

23 (1) the total number of votes received in each county;
24 and

25 (2) the sum of the county totals tabulated under
26 Subdivision (1).

27 (c) At the canvass of an election in which the office of

1 governor or lieutenant governor is voted on, the secretary of state
2 shall prepare a separate tabulation on the candidates for governor
3 and lieutenant governor, indicating for each candidate the
4 information required by Subsection (b).

5 (d) The governor shall certify the tabulations.

6 (e) The secretary of state shall retain the county election
7 returns used in the canvass and the tabulations for the period for
8 preserving the precinct election records.

9 Sec. 94.014. DETERMINING OFFICIAL RESULT OF ELECTION
10 CANVASSED AT STATE LEVEL. The official result of an election
11 canvassed by the governor or by the legislature is determined from
12 the canvass of the county returns conducted by that authority.

13 Sec. 94.015. STATE ELECTION REGISTER. (a) An election
14 register shall be maintained for the governor.

15 (b) Except as provided by Subsection (e), for each election
16 the election register shall contain in tabulated form the
17 information required to appear in the tabulations of the county
18 results prepared by the secretary of state.

19 (c) The secretary of state is the custodian of the election
20 register for the governor.

21 (d) After each canvass conducted by the governor, the
22 secretary of state shall make the appropriate entries in the
23 election register.

24 (e) If a discrepancy exists between the legislature's
25 canvass of the election for governor or lieutenant governor and the
26 register entries pertaining to either of those offices that are
27 made from the secretary of state's tabulation, the secretary shall

1 make the entries in the register necessary to make it correspond to
2 the legislature's canvass.

3 (f) The election register shall be preserved as a permanent
4 record of the state.

5 Sec. 94.016. CERTIFICATE OF ELECTION. (a) After the
6 completion of a canvass, the presiding officer of the local
7 canvassing authority shall prepare a certificate of election for
8 each candidate who is elected to an office for which the official
9 result is determined by that authority's canvass.

10 (b) The governor shall prepare a certificate of election for
11 each candidate who is elected to an office for which the official
12 result is determined by the canvass conducted by the governor.

13 (c) A certificate of election must contain:

14 (1) the candidate's name;
15 (2) the office to which the candidate is elected;
16 (3) a statement of election to an unexpired term, if
17 applicable;

18 (4) the date of the election;
19 (5) the signature of the officer preparing the
20 certificate; and

21 (6) any seal used by the officer preparing the
22 certificate to authenticate documents that the officer executes or
23 certifies.

24 (d) After the canvass of a presidential election, the
25 secretary of state shall prepare a certificate of election for each
26 presidential elector candidate who is elected.

27 (e) The authority preparing a certificate of election shall

1 promptly deliver it to the person for whom it is prepared, subject
2 to Section 212.0331.

3 (f) A certificate of election may not be issued to a person
4 who has been declared ineligible to be elected to the office.

5 (g) This section does not apply to the offices of governor
6 and lieutenant governor.

7 Sec. 94.017. REPORTING PRECINCT RESULTS TO SECRETARY OF
8 STATE. (a) After each election for a statewide office or the
9 office of United States representative, state senator, or state
10 representative, a district office, a county office, or a precinct
11 office, the county clerk shall prepare a report of the number of
12 votes, including votes cast by mail and votes cast during the voting
13 period, received in each county election precinct for each
14 candidate for each of those offices. In a presidential election
15 year, the report must include the number of votes received in each
16 precinct for each set of candidates for president and
17 vice-president of the United States.

18 (b) The county clerk shall deliver the report to the
19 secretary of state not later than the 30th day after election day in
20 an electronic format prescribed by the secretary of state.

21 (c) The report may be:

- 22 (1) an electronic copy of the precinct returns;
23 (2) an electronic copy of the tabulation prepared by
24 the local canvassing authority; or
25 (3) in any other electronic form approved by the
26 secretary of state.

27 (d) The secretary of state shall preserve a report received

under this section for 10 years unless the secretary prepares a written tabulation of the information contained in the report received. In that case, the secretary shall preserve the original report for 2 years and the tabulation for 10 years after receipt of the original report.

(e) After the applicable preservation period prescribed by Subsection (d) expires, the secretary of state shall 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) The secretary of state shall 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:

(1) a federal office or statewide office of the state government;

(2) the office of state senator;

(3) the office of state representative; and

(4) the office of member, State Board of Education.

(b) The secretary may 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) During the tabulation, the secretary of state shall provide a sufficient number of display terminals for representatives of the news media

1 to monitor the tabulation. The secretary shall provide direct
2 lines between computers for use by the media, if practicable.

3 (b) The secretary shall charge reasonable fees, which shall
4 approximate actual costs, to defray the costs of providing the news
5 media access to the tabulation system.

6 Sec. 95.003. DISPLAY TERMINALS FOR CERTAIN STATE OFFICERS.

7 (a) For monitoring the tabulations, the secretary of state shall
8 provide display terminals without charge to the governor,
9 lieutenant governor, and speaker of the house of representatives in
10 their Capitol offices. The secretary shall also provide printers
11 at those locations if printers are made available at any location.

12 (b) The officers who are provided terminals or printers
13 under this section may not provide access to data from those
14 terminals or printers to members of the working news media.

15 Sec. 95.004. PERIODIC REPORTS DURING TABULATION. (a)
16 Periodically during the tabulation, the secretary of state shall
17 publish reports covering the races being tabulated.

18 (b) The periodic reports may include:

19 (1) vote totals for all contested races being
20 tabulated;

21 (2) vote totals by county for federal offices and
22 statewide offices of the state government;

23 (3) vote totals for federal offices and statewide
24 offices of the state government in each of the 6 most populous
25 counties, the total for the next 19 most populous counties, and the
26 total for the remaining 229 counties; and

27 (4) any other information the secretary of state

1 determines to be relevant.

2 (c) The secretary shall distribute the periodic reports on
3 publication to the participating news media.

4 Sec. 95.005. FINAL REPORTS OF TABULATION. (a) After
5 completion of the tabulation, the secretary of state shall publish
6 a final report covering the races being tabulated.

7 (b) The final report may include:

8 (1) the information described by Section 95.004(b);

9 (2) vote totals by county for all races being
10 tabulated; and

11 (3) vote totals for federal offices and statewide
12 offices of the state government in a minimum of eight regions
13 designated by the secretary on the basis of the geographic scope of
14 the electronic media markets.

15 (c) The secretary shall distribute a copy of the final
16 report on publication to the participating news media, governor,
17 lieutenant governor, speaker of the house of representatives, and
18 members of the elections advisory committee. A copy of the report
19 shall also be furnished to other persons on payment of a reasonable
20 fee prescribed by the secretary to defray the costs of preparing and
21 furnishing the copy.

22 Sec. 95.006. REPORT OF RECEIPT OF COUNTY RESULTS. The
23 secretary of state shall publish a report indicating the times the
24 first and last reports of results from each county were received by
25 the secretary.

26 Sec. 95.007. POSTING REPORTS FOR PUBLIC INSPECTION. (a)
27 The secretary of state shall post for public inspection, on

1 publication, one copy of each report published under Section
2 95.004.

3 (b) The secretary of state may post for public inspection
4 any of the reports prepared under this subchapter.

5 Sec. 95.008. BACKUP SYSTEM. The secretary of state shall
6 provide a backup system for the tabulation of the results.

7 Sec. 95.009. OPERATIONS MANUAL. Not later than the 90th day
8 before the date of each election covered by this subchapter, the
9 secretary of state shall prepare an operations manual that explains
10 the procedures to be used by the secretary in tabulating the
11 results.

12 Sec. 95.010. DISPOSITION OF FUNDS. Funds collected under
13 this chapter may be appropriated only to the secretary of state for
14 the administration of this chapter.

15 Sec. 95.011. ADDITIONAL PROCEDURES PRESCRIBED BY SECRETARY
16 OF STATE. The secretary of state shall prescribe any additional
17 procedures necessary to implement the tabulation of unofficial
18 results.

19 SUBCHAPTER B. DUTIES OF LOCAL ELECTION OFFICIALS FOR CERTAIN RACES

20 Sec. 95.031. APPLICABILITY OF SUBCHAPTER. This subchapter
21 applies to each election covered by Subchapter A in addition to and
22 notwithstanding other provisions of this code.

23 Sec. 95.032. DELIVERY OF RETURNS AND VOTED BALLOTS. (a) In
24 precincts using paper ballots, voting machines, or electronic
25 voting system ballot counters, the copy of the returns required to
26 be delivered to the county clerk shall be delivered not later than
27 two hours, or as soon thereafter as practicable, after the closing

1 of the polls or after the last person voted, whichever is later.

2 (b) In a precinct using electronic voting system ballots to
3 be counted at a central counting station, the ballots shall be
4 delivered to the station not later than two hours, or as soon
5 thereafter as practicable, after the closing of the polls or after
6 the last person voted, whichever is later. The copy of the returns
7 required to be delivered to the county clerk shall be delivered by
8 the presiding judge of the counting station immediately on
9 completion of the returns.

10 Sec. 95.033. COUNTING OF MAIL BALLOTS. The mail ballot
11 board shall count the mail ballots periodically throughout the day.

12 Sec. 95.034. TRANSMISSION OF RESULTS TO SECRETARY OF STATE.

13 (a) The county clerk shall transmit periodically, by telephone or
14 other electronic means, to the secretary of state the results for
15 the races being tabulated by the secretary. The results shall be
16 transmitted continuously until complete.

17 (b) The county clerk shall transmit the complete or partial
18 results of the voting by mail and in person for the appropriate
19 races at 7 p.m. on election day. If only partial results are
20 available, the results shall be transmitted periodically until
21 complete.

22 (c) Costs of transmission of the results may be paid by the
23 state.

24 SUBCHAPTER C. ELECTIONS ADVISORY COMMITTEE

25 Sec. 95.051. MEMBERSHIP. (a) Not later than January 1 of
26 each even-numbered year, the lieutenant governor, speaker of the
27 house of representatives, and secretary of state shall each appoint

1 six persons to serve on an elections advisory committee in
2 connection with the tabulation and reporting of election results
3 under this chapter.

4 (b) Each member of the committee serves a two-year term
5 beginning on January 1 of even-numbered years.

6 (c) Appointments to the committee shall be made without
7 regard to race, creed, sex, religion, and national origin.

8 (d) Instead of making one of the required appointments, each
9 appointing officer or the officer's designee may serve on the
10 committee.

11 (e) Each appointing officer shall allocate at least four of
12 the officer's appointments among members of the various media
13 organizations covering elections in this state.

14 (f) The following persons or their designees shall also
15 serve on the committee:

16 (1) the president of the Texas Association of
17 Broadcasters;

18 (2) the president of the Texas Press Association;

19 (3) the president of the Texas Daily Newspaper
20 Association; and

21 (4) the chief state executive officers of the
22 Associated Press and United Press International.

23 Sec. 95.052. CHAIR AND MEETINGS. (a) The secretary of
24 state shall designate a chair and vice chair of the committee from
25 among the media organization membership.

26 (b) Meetings of the committee shall be held at the call of
27 the chair.

1 Sec. 95.053. REVIEW OF OPERATIONS MANUAL. The committee
2 shall review the operations manual prepared under Section 95.009
3 and make any recommendations it considers appropriate.

4 Sec. 95.054. MEMBERS PRESENT DURING TABULATION. One or
5 more members chosen by the committee shall be present during the
6 tabulation of the results at each election.

7 Sec. 95.055. EVALUATION AND RECOMMENDATIONS REGARDING
8 TABULATION. The committee shall submit a written report after each
9 election to the secretary of state, governor, lieutenant governor,
10 and speaker of the house of representatives evaluating the
11 tabulation process and making any recommendations it considers
12 appropriate.

13 SECTION 1.012. Section 172.128(c), Election Code, is
14 amended to read as follows:

15 (c) The county clerk may assign ~~[combine]~~ voting precincts
16 for an election held under this section to voting centers to the
17 extent necessary to adequately serve the voters.

18 SECTION 1.013. Section 173.007(c), Election Code, is
19 amended to read as follows:

20 (c) Rules adopted under this section do not limit a
21 political party's authority under this code to assign ~~[consolidate]~~
22 election precincts to a voting center for a primary election.

23 ARTICLE 2. CONFORMING AMENDMENTS

24 SECTION 2.001. Section 201.073(e), Agriculture Code, is
25 amended to read as follows:

26 (e) If more than one individual files a notice of candidacy
27 for a director's office during the period specified by Subsection

1 (b)(1), the election shall be held at a meeting of eligible voters
2 scheduled under Subsection (a). The district shall print ballots
3 with the names of the candidates for each director's office to be
4 filled. The district by rule shall provide for allowing eligible
5 voters [~~by personal appearance~~] to cast votes in person on printed
6 ballots at a location designated by the district instead of at the
7 meeting. The rules must provide for votes to be accepted at the
8 designated location during established business hours for a period
9 beginning on the 17th day before the date of the meeting and
10 continuing through the fourth day before the date of the meeting,
11 including at least one Saturday during that period. If, because of
12 the date scheduled for the meeting, it is not possible to begin the
13 [~~early~~] voting period [~~by personal appearance~~] on the prescribed
14 date, the [~~early~~] voting period shall begin on the earliest
15 practicable date as set by the district. Each eligible voter
16 present at the scheduled meeting shall cast a vote by ballots
17 printed under this subsection. If after tabulation by the district
18 of the votes cast before the meeting at the designated location and
19 the votes cast at the meeting no nominee has received a majority of
20 the votes, the two candidates receiving the largest number of votes
21 shall be voted on in a second ballot, and the candidate receiving
22 the largest number of votes among those cast before the meeting at
23 the designated location and those cast at the meeting in the second
24 ballot is elected. The district by rule shall provide for
25 certifying eligible voters voting at the designated location and at
26 the meeting.

27 SECTION 2.002. Section 25.087(b-1), Education Code, is

1 amended to read as follows:

2 (b-1) A school district may adopt a policy excusing a
3 student from attending school for service as a student election
4 ~~[early voting]~~ clerk under Section 32.0511, Election Code ~~[in an~~
5 ~~election]~~.

6 SECTION 2.003. Section 33.092, Education Code, is amended
7 to read as follows:

8 Sec. 33.092. STUDENT ELECTION CLERKS ~~[AND EARLY VOTING~~
9 ~~CLERKS]~~. A student who is appointed as a student election clerk
10 under Section 32.0511, Election Code, ~~[or as a student early voting~~
11 ~~clerk under Section 83.012, Election Code,~~] may apply the time
12 served as a student election clerk ~~[or student early voting clerk]~~
13 toward:

14 (1) a requirement for a school project at the
15 discretion of the teacher who assigned the project; or

16 (2) a service requirement for participation in an
17 advanced academic course program at the discretion of the program
18 sponsor or a school-sponsored extracurricular activity at the
19 discretion of the school sponsor.

20 SECTION 2.004. Section 130.253(f), Education Code, is
21 amended to read as follows:

22 (f) The governing body of the school district or county, as
23 applicable, shall procure the election supplies necessary to
24 conduct the election and shall determine the quantity of the
25 various types of supplies to be provided for use at each precinct
26 polling place ~~[and early voting polling place]~~.

27 SECTION 2.005. Section 1.005, Election Code, is amended by

amending Subdivision (4-a) and adding Subdivision (21-a) to read as follows:

(4-a) "Election official" means:

(A) a county clerk;

(B) a permanent or temporary deputy county clerk;

(C) an elections administrator;

(D) a permanent or temporary employee of an elections administrator;

(E) an election judge;

(F) an alternate election judge;

(G) ~~[an early voting clerk;~~

~~[(H)]~~ a deputy county ~~[early voting]~~ clerk;

(H) ~~[(I)]~~ an election clerk;

(I) ~~[(J)]~~ the presiding judge of a mail ~~[an early voting]~~ ballot board;

(J) ~~[(K)]~~ the alternate presiding judge of a mail ~~[an early voting]~~ ballot board;

(K) ~~[(L)]~~ a member of a mail ~~[an early voting]~~ ballot board;

(L) ~~[(M)]~~ ~~the chair of a signature verification committee;~~

~~[(N)]~~ ~~the vice chair of a signature verification committee;~~

~~[(O)]~~ ~~a member of a signature verification committee;~~

~~[(P)]~~ the presiding judge of a central counting station;

1 (M) [~~(Q)~~] the alternate presiding judge of a
2 central counting station;

3 (N) [~~(R)~~] a central counting station manager;

4 (O) [~~(S)~~] a central counting station clerk;

5 (P) [~~(T)~~] a tabulation supervisor;

6 (Q) [~~(U)~~] an assistant to a tabulation
7 supervisor; and

8 (R) [~~(V)~~] a chair of a county political party
9 holding a primary election or a runoff primary election.

10 (21-a) "Voting center" means a polling place created
11 under Section 42.0052.

12 SECTION 2.006. Section 1.016(a), Election Code, is amended
13 to read as follows:

14 (a) An oath or statement required by the Texas Constitution
15 or this code prior to an election officer entering service may be
16 administered and a certificate of the fact given by:

17 (1) the secretary of state, a member of the secretary
18 of state's staff, or a state inspector appointed by the secretary;

19 (2) a county or municipal clerk or the clerk's
20 deputies;

21 (3) a county tax assessor-collector or the county tax
22 assessor-collector's deputies;

23 (4) a city secretary;

24 (5) a member of a county election commission or county
25 election board;

26 (6) a county elections administrator or employee of a
27 county elections administrator;

(7) the secretary of the governing body of a political subdivision other than a county or city or the authority performing the duties of a secretary under this code;

(8) a presiding election judge or alternate presiding judge who has already entered service;

~~(9) [an early voting clerk or a deputy early voting clerk who has already entered service];~~

~~[(10)]~~ a member of a mail ~~[an early voting]~~ ballot board ~~[or signature verification committee]~~ who has already entered service; or

(10) ~~[(11)]~~ a presiding judge, manager, or tabulation supervisor of a central counting station who has already entered service.

SECTION 2.007. Section 2.025(e), Election Code, is amended to read as follows:

(e) A date designated by the secretary of state under this section for a runoff election:

(1) must be:

(A) not earlier than the 30th day after the date of the main election; and

(B) not later than the 45th day after the date of the main election; and

(2) may not:

(A) be a national or state holiday under Section 1.006(f); or

(B) have a ~~[an early]~~ voting period that includes a national or state holiday under Section 1.006(f).

SECTION 2.008. Section 2.081(b), Election Code, is amended to read as follows:

(b) If a measure is declared moot under this section and is removed from the ballot, the authority holding the election shall post notice of the declaration during the [early] voting period ~~[by personal appearance]~~ and on election day, at each polling place that would have been used for the election on the measure.

SECTION 2.009. Section 3.006, Election Code, is amended to read as follows:

Sec. 3.006. CONTENTS OF ELECTION ORDER. In addition to any other elements required to be included in an election order by other law, each election order must state:

- (1) the date of the election;
- (2) the date the voting period begins;
- (3) the regular dates and hours voting will be conducted on election day and during the voting period; and
- (4) the offices or measures to be voted on at the election.

SECTION 2.010. Sections 4.003(b) and (f), Election Code, are amended to read as follows:

(b) In addition to any other notice given for an election under Subsection (a), not later than the 21st day before election day, a county shall post a copy of a notice of the election given by the county or provided to the county under Section 4.008(a), which must include the location of each polling place, on the county's Internet website, if the county maintains a website. For each voting center created under Section 42.0052, the notice must

1 include the location of the voting center and the precincts
 2 assigned to that voting center. An authority responsible for
 3 giving notice of an election may post a copy of the notice on the
 4 bulletin board used for posting notices of the meetings of the
 5 governing body of the political subdivision that the authority
 6 serves. If a county does not maintain a website, the authority
 7 responsible for giving notice of the election shall post a copy of a
 8 notice of the election on the bulletin board used for posting
 9 notices of the meetings of the governing body of the political
 10 subdivision that the authority serves. ~~[For each precinct that is~~
 11 ~~combined to form a consolidated precinct under Section 42.008, not~~
 12 ~~later than the 10th day before election day, the authority shall~~
 13 ~~also post, at the polling place used in the preceding general~~
 14 ~~election, notice of the precinct's consolidation and the location~~
 15 ~~of the polling place in the consolidated precinct.]~~ A notice
 16 posted under this subsection must remain posted continuously
 17 through election day.

18 (f) A debt obligation election order required under Section
 19 3.009 shall be posted:

20 (1) on election day and during the ~~[early]~~ voting
 21 period ~~[by personal appearance]~~, in a prominent location at each
 22 polling place;

23 (2) not later than the 21st day before the election, in
 24 three public places in the boundaries of the political subdivision
 25 holding the election; and

26 (3) during the 21 days before the election, on the
 27 political subdivision's Internet website, prominently and together

with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the political subdivision maintains an Internet website.

SECTION 2.011. Sections 4.004(a) and (d), Election Code, are amended to read as follows:

(a) The notice of a general or special election must state:

(1) the nature and date of the election;

(2) except as provided by Subsection (c), the location of each polling place;

(3) the dates and hours that the polls will be open, including the dates of the voting period;

(4) the Internet website of the authority conducting the election; and

(5) any other information required by other law.

(d) If precincts are assigned to a voting center ~~[consolidated]~~ under Section 42.0052 ~~[42.008]~~, the notice must state which precincts have been assigned ~~[combined]~~ to ~~[form]~~ each voting center ~~[consolidated precinct]~~ in addition to the locations of the voting centers ~~[polling places in the consolidated precincts]~~.

SECTION 2.012. Section 12.004(d), Election Code, is amended to read as follows:

(d) The ~~[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(c), the]~~ registrar's office shall remain open for providing voter registration information during the days and hours, including ~~[extended hours or]~~ weekend

1 hours, of the [~~that the main early voting polling place is open for~~]
2 voting period.

3 SECTION 2.013. Section 13.002(e), Election Code, is amended
4 to read as follows:

5 (e) A person who is certified for participation in the
6 address confidentiality program administered by the attorney
7 general under Subchapter B, Chapter 58, Code of Criminal Procedure,
8 is not eligible to vote [~~for early voting~~] by mail under Section
9 71.004 [~~82.007~~] unless the person submits an application under this
10 section by personal delivery. The secretary of state may adopt
11 rules to implement this subsection.

12 SECTION 2.014. Section 13.143(b), Election Code, is amended
13 to read as follows:

14 (b) A registration is effective for purposes of [~~early~~]
15 voting during the voting period or by mail if it will be effective
16 on election day.

17 SECTION 2.015. Section 15.025(b), Election Code, is amended
18 to read as follows:

19 (b) A change in registration information covered by this
20 section is effective for purposes of [~~early~~] voting during the
21 voting period or by mail if it will be effective on election day.

22 SECTION 2.016. Section 16.031(a), Election Code, is amended
23 to read as follows:

24 (a) The registrar shall cancel a voter's registration
25 immediately on receipt of:

26 (1) notice under Section 13.072(b), 15.021, or
27 18.0681(d) or a response under Section 15.053 that the voter's

1 residence is outside the county;

2 (2) an abstract of the voter's death certificate under
3 Section 16.001(a) or an abstract of an application indicating that
4 the voter is deceased under Section 16.001(b);

5 (3) an abstract of a final judgment of the voter's
6 total mental incapacity, partial mental incapacity without the
7 right to vote, conviction of a felony, or disqualification under
8 Section 16.002, 16.003, or 16.004;

9 (4) notice under Section 88.111 [~~112.012~~] that the
10 voter has applied for a limited ballot in another county;

11 (5) notice from a voter registration official in
12 another state that the voter has registered to vote outside this
13 state;

14 (6) notice from the county [~~early voting~~] clerk under
15 Section 74.053 [~~101.053~~] that a federal postcard application
16 submitted by an applicant states a voting residence address located
17 outside the registrar's county; or

18 (7) notice from the secretary of state that the voter
19 has registered to vote in another county, as determined by the
20 voter's driver's license number or personal identification card
21 number issued by the Department of Public Safety or social security
22 number.

23 SECTION 2.017. Sections 18.001(a) and (d), Election Code,
24 are amended to read as follows:

25 (a) Before the beginning of the [~~early~~] voting period for
26 the first election held in a county in each voting year, the
27 registrar shall prepare for each county election precinct a

1 certified list of the registered voters in the precinct. The list
2 must contain the name of each voter whose registration will be
3 effective on the date of the first election held in the county in
4 the voting year.

5 (d) An additional copy of each list shall be furnished for
6 use in [~~early~~] voting during the voting period and by mail.

7 SECTION 2.018. Section 18.002(c), Election Code, is amended
8 to read as follows:

9 (c) An additional copy of each list shall be furnished for
10 use in [~~early~~] voting during the voting period and by mail and as
11 needed in order to ensure all voters eligible to vote in an election
12 appear correctly on the original list.

13 SECTION 2.019. Section 18.003(c), Election Code, is amended
14 to read as follows:

15 (c) An additional copy of each list shall be furnished for
16 use in [~~early~~] voting during the voting period and by mail and as
17 needed in order to ensure all voters eligible to vote in an election
18 appear correctly on the original list.

19 SECTION 2.020. Section 18.006, Election Code, is amended to
20 read as follows:

21 Sec. 18.006. DELIVERY OF LISTS TO ELECTION AUTHORITIES.
22 The registrar shall deliver the lists furnished under this
23 subchapter, including the lists furnished under Section 18.007, to
24 the appropriate authority as soon as practicable after the request
25 but in every case in time for receipt before the beginning of
26 [~~early~~] voting by mail for the election in which the lists are to be
27 used. If those lists do not contain the names of all voters who will

be eligible to vote as of the beginning of the ~~[early]~~ voting period ~~[by personal appearance]~~, another set of the appropriate lists shall be delivered before the beginning of the ~~[early]~~ voting period ~~[by personal appearance]~~. If those lists do not contain the names of all voters whose registrations will be effective on election day, another set of the appropriate lists shall be delivered as soon as practicable after the registrar has processed the remaining applications.

SECTION 2.021. Section 18.069, Election Code, is amended to read as follows:

Sec. 18.069. VOTING HISTORY. Not later than the 30th day after the date of the primary, runoff primary, or general election or any special election ordered by the governor, the general custodian of election records shall electronically submit to the secretary of state the record of each voter participating in the election. The record must include a notation of whether the voter voted on election day, voted during the voting period ~~[early by personal appearance]~~, voted ~~[early]~~ by mail under Chapter 73 ~~[86]~~, or voted ~~[early]~~ by mail under Subchapter A, Chapter 74 ~~[101]~~.

SECTION 2.022. Section 19.004(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsection (d), state funds disbursed under this chapter may be used only to:

(1) defray expenses of the registrar's office in connection with voter registration, including additional expenses related to:

(A) implementation of the National Voter

1 Registration Act of 1993 (52 U.S.C. Section 20501 et seq.);

2 (B) complying with weekly updating requirements;
3 and

4 (C) the employment of temporary voter
5 registration personnel for not more than 39 weeks in a state fiscal
6 year; and

7 (2) if the registrar's county has a population of less
8 than 55,000, defray the cost to the registrar's county of keeping
9 the polling places in the county open during the ~~[early]~~ voting
10 period ~~[as required under Sections 85.005(c), 85.006(c), and~~
11 ~~85.064(d)]~~.

12 SECTION 2.023. Sections 31.014(a) and (c), Election Code,
13 are amended to read as follows:

14 (a) The secretary of state shall prescribe specific
15 requirements and standards, consistent with this code, for the
16 certification of an electronic device used to accept voters under
17 Chapter 63 that require the device to:

18 (1) produce an electronic copy of the list of voters
19 who were accepted to vote for delivery to the election judge after
20 the polls close;

21 (2) display the voter's original signature in
22 accordance with Section 63.002;

23 (3) accept a voter for voting even when the device is
24 off-line;

25 (4) provide the full list of voters registered in the
26 county with an indication of the jurisdictional or distinguishing
27 number for each territorial unit in which each voter resides;

1 (5) time-stamp when each voter is accepted at a
2 polling place, including the voter's unique identifier; and

3 (6) ~~[if the county participates in the countywide~~
4 ~~polling place program under Section 43.007 or has more than one~~
5 ~~early voting polling place, transmit a time stamp when each voter is~~
6 ~~accepted, including the voter's unique identifier, to all polling~~
7 ~~place locations,~~

8 ~~[(7) time-stamp the receipt of a transmission under~~
9 ~~Subdivision (6), and~~

10 ~~[(8)]~~ produce in an electronic format compatible with
11 the statewide voter registration list under Section 18.061 data for
12 retention and transfer that includes:

13 (A) the polling location in which the device was
14 used; and

15 (B) the dated time stamp under Subdivision (5) ~~[+~~
16 ~~and~~

17 ~~[(C) the dated time stamp under Subdivision (7)].~~

18 (c) The secretary of state shall adopt rules that require a
19 device described by this section ~~[used during the early voting~~
20 ~~period or under the countywide polling place program under Section~~
21 ~~43.007]~~ to update data in real time. If a county uses a device that
22 does not comply with the rule in two consecutive general elections
23 for state and county officers, the secretary of state shall assess a
24 noncompliance fee. The noncompliance fee shall be set at an amount
25 determined by secretary of state rule.

26 SECTION 2.024. Section 31.016(b), Election Code, is amended
27 to read as follows:

(b) The secretary of state shall prescribe procedures requiring each entity designating the location of a polling place~~including an early voting polling place,~~ to submit information on the location to the secretary of state for inclusion on the secretary of state's Internet website.

SECTION 2.025. Section 31.017(a), Election Code, is amended to read as follows:

(a) In a county with a population of more than 4 million, the secretary of state's office may order administrative oversight of a county office administering elections or voter registration in the county if:

(1) an administrative election complaint is filed with the secretary of state by a person who participated in the relevant election as:

- (A) a candidate;
- (B) a county chair or state chair of a political party;
- (C) a presiding judge;
- (D) an alternate presiding judge; or
- (E) the head of a specific-purpose political committee that supports or opposes a measure;

(2) the secretary of state has provided notice to the county election official with authority over election administration or voter registration under Section 31.018; and

(3) the secretary of state, 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:

(A) malfunction of voting system equipment that prevents a voter from casting a vote;

(B) carelessness or official misconduct in the distribution of election supplies;

(C) errors in the tabulation of results that would have affected the outcome of an election;

(D) violations of Section 93.053 [~~66.053~~];

(E) discovery of properly executed voted ballots after the canvass of an election that were not counted; or

(F) failure to conduct maintenance activities on the lists of registered voters as required under this code.

SECTION 2.026. Section 31.018(c), Election Code, is amended to read as follows:

(c) If the administrative election complaint filed under Section 31.017(a)(1) concerns an election for which the voting period [~~by personal appearance~~] has begun and the final canvass has not been completed, the county election official with authority over election administration or voter registration must provide a response under Subsection (b) not later than 72 hours after receiving notice of the complaint under Subsection (a).

SECTION 2.027. Section 31.020(b), Election Code, is amended to read as follows:

(b) The authority of administrative oversight over a county granted to the secretary of state under this subchapter must include:

(1) requiring the approval and review by the secretary

1 of state of any policies or procedures regarding the administration
2 of elections issued by the county; and

3 (2) authorizing all appropriate personnel in the
4 secretary of state's office to conduct in-person observations of
5 the county election office's activities, including any activities
6 related to election preparation, voting by mail, the ~~[early]~~ voting
7 period, election day, and post-election day procedures.

8 SECTION 2.028. Section 31.097, Election Code, is amended to
9 read as follows:

10 Sec. 31.097. ~~[EARLY]~~ VOTING BY MAIL. (a) An election
11 services contract may provide that the county election officer's
12 deputies may serve as deputy county ~~[early-voting]~~ clerks even if
13 the officer is not to serve as the county ~~[early-voting]~~ clerk with
14 regard to ~~[or supervise early]~~ voting by mail.

15 (b) If the county election officer is to serve as the county
16 ~~[early-voting]~~ clerk or is to provide deputies to serve as deputy
17 county ~~[early-voting]~~ clerks, the officer's written order
18 appointing a permanent or temporary deputy of the officer as a
19 deputy county ~~[early-voting]~~ clerk is sufficient, without the
20 necessity for an appointment by any other authority.

21 (c) A permanent deputy of the county election officer is not
22 subject to the eligibility requirements of this subsection. For a
23 temporary deputy of the officer to be eligible for appointment as a
24 deputy county ~~[early-voting]~~ clerk, the deputy must have the
25 qualifications for appointment as a presiding election judge except
26 that:

27 (1) an appointee is not required to be a qualified

1 voter of any particular territory other than the county served by
2 the county election officer or the political subdivision in which
3 the election is held; and

4 (2) if an employee of the contracting political
5 subdivision is appointed, the appointee's status as an employee
6 does not disqualify the appointee from serving in an election in
7 which an officer of the political subdivision is a candidate.

8 SECTION 2.029. Section 31.122, Election Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) The county clerk's office shall remain open for voting
11 activities during the hours the polls are required to be open for
12 voting on election day.

13 SECTION 2.030. Section 31.124(a), Election Code, is amended
14 to read as follows:

15 (a) A county election officer of each county shall hold a
16 meeting with the county chair of each political party to discuss, as
17 appropriate, the following for each primary election or general
18 election for state and county officers:

19 (1) ~~[the lists provided by each political party under~~
20 ~~Section 85.009,~~

21 ~~[(2)] the lists provided by each political party under~~
22 ~~Section 92.002(c) [87.002(c)];~~

23 (2) [(3)] the implementation of Subchapters A, B, C,
24 and D, Chapter 92 [87]; and

25 (3) [(4)] holding a joint primary, entering into an
26 election services contract, and polling place locations.

27 SECTION 2.031. Section 32.0511(d), Election Code, is

amended to read as follows:

(d) Not more than two student election clerks may serve at a polling place~~[, except that not more than four student election clerks may serve at any countywide polling place].~~

SECTION 2.032. Section 32.054(d), Election Code, is amended to read as follows:

(d) Notwithstanding Subsection (b), a person employed by a county solely as a deputy county ~~[an early voting]~~ clerk appointed under Subchapter B-1, Chapter 31, [83] is not employed by a candidate for purposes of this section.

SECTION 2.033. Section 32.075(e), Election Code, is amended to read as follows:

(e) The presiding judge or a special peace officer appointed under this section may not enforce the prohibition against electioneering or loitering outside of the area within which electioneering and loitering are prohibited under Section 61.003 ~~[or 85.036]~~.

SECTION 2.034. Section 32.1111(c), Election Code, is amended to read as follows:

(c) Completion of the training program under this section is not a prerequisite to eligibility for service in an election for:

- (1) county election officials;
- (2) presiding or alternate election judges;
- (3) election clerks;
- (4) members of the mail ~~[early voting]~~ ballot board;
- or
- (5) ~~[members of the signature verification committee,~~

1 ~~or~~

2 ~~[(6)]~~ central counting station officers.

3 SECTION 2.035. Section 32.114(a), Election Code, is amended
4 to read as follows:

5 (a) The county clerk shall provide one or more sessions of
6 training using the standardized training program and materials
7 developed and provided by the secretary of state under Section
8 32.111 for the election judges and clerks appointed to serve in
9 elections ordered by the governor or a county authority. Each
10 election judge shall complete the training program. The training
11 program must include specific procedures related to the mail ~~[early~~
12 ~~voting]~~ ballot board and the central counting station, as
13 applicable. Each election clerk shall complete the part of the
14 training program relating to the acceptance and handling of the
15 identification presented by a voter to an election officer under
16 Section 63.001.

17 SECTION 2.036. Section 33.004(b), Election Code, is amended
18 to read as follows:

19 (b) To be eligible to participate in the appointment under
20 this section of a watcher for a precinct polling place, a person
21 must be a registered voter of the precinct. To be eligible to
22 participate in the appointment under this section of a watcher for
23 ~~[an early voting polling place]~~ the meeting place of a mail ~~[an~~
24 ~~early voting]~~ ballot board~~[7]~~ or a central counting station, a
25 person must be a registered voter of the territory served by that
26 facility.

27 SECTION 2.037. Sections 33.007(a) and (c), Election Code,

1 are amended to read as follows:

2 (a) Each appointing authority may appoint not more than two
3 watchers for each precinct polling place, meeting place for a mail
4 ~~[an early voting]~~ ballot board, or central counting station
5 involved in the election.

6 (c) In an election in which the election officers serving at
7 a precinct polling place also serve as a mail ~~[an early voting]~~
8 ballot board, a watcher who is appointed for the precinct polling
9 place may observe the processing of mail ~~[early voting]~~ ballots by
10 the mail ~~[early voting]~~ ballot board, or separate watchers may be
11 appointed to observe only that activity.

12 SECTION 2.038. Section 33.033(a), Election Code, is amended
13 to read as follows:

14 (a) A person is ineligible to serve as a watcher at a
15 particular location if the person is the employer of or is employed
16 by or related within the second degree by consanguinity or
17 affinity, as determined under Chapter 573, Government Code, to an
18 election judge, an election clerk, a county ~~[an early voting]~~
19 clerk, or a deputy clerk serving at that location.

20 SECTION 2.039. Section 33.051(a), Election Code, is amended
21 to read as follows:

22 (a) A watcher appointed to serve at a precinct polling
23 place, a meeting place for a mail ~~[an early voting]~~ ballot board, or
24 a central counting station must deliver the following materials to
25 the presiding judge at the time the watcher reports for service:

- 26 (1) a certificate of appointment; and
27 (2) a certificate of completion from training

completed by the watcher under Section 33.008.

SECTION 2.040. Section 33.052, Election Code, is amended to read as follows:

Sec. 33.052. HOURS OF SERVICE AT PRECINCT POLLING PLACE. A watcher at a precinct polling place may begin service at any time after the presiding judge arrives at the polling place during the voting period or on election day and may remain at the polling place until the presiding judge and the clerks complete their duties there. A watcher may serve at the polling place during the hours the watcher chooses, except that if the watcher is present at the polling place when ballots are counted, the watcher may not leave until the counting is complete.

SECTION 2.041. Section 33.054, Election Code, is amended to read as follows:

Sec. 33.054. HOURS OF SERVICE AT MAIL ~~[EARLY VOTING]~~ BALLOT BOARD MEETING ~~[OR SIGNATURE VERIFICATION COMMITTEE MEETING]~~. (a) A watcher serving at the meeting place of a mail ~~[an early voting]~~ ballot board ~~[or signature verification committee]~~ may be present at any time the board ~~[or committee]~~ is processing or counting ballots and until the board ~~[or committee]~~ completes its duties. The watcher may serve during the hours the watcher chooses, except as provided by Subsection (b).

(b) A watcher serving at the meeting place of a mail ~~[an early voting]~~ ballot board may not leave during voting hours on election day without the presiding judge's permission if the board has recorded any votes cast on voting machines or counted any ballots, unless the board has completed its duties and has been

dismissed by the presiding judge.

SECTION 2.042. Section 33.060(a), Election Code, is amended to read as follows:

(a) On request of a watcher, an election officer who delivers election records from a precinct polling place, ~~[an early voting polling place]~~, a meeting place for a mail ~~[an early voting]~~ ballot board, or a central counting station shall permit the watcher appointed to serve at that location to accompany the officer in making the delivery.

SECTION 2.043. Section 41.032(a), Election Code, is amended to read as follows:

(a) 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 [7 p.m.].

SECTION 2.044. Section 42.005(a), Election Code, is amended to read as follows:

(a) A county election precinct~~[, including a consolidated precinct]~~ may not contain territory from more than one of each of the following types of territorial units:

- (1) a commissioners precinct;
- (2) a justice precinct;
- (3) a congressional district;
- (4) a state representative district;
- (5) a state senatorial district; or
- (6) a State Board of Education district.

SECTION 2.045. Section 42.006(a), Election Code, is amended

to read as follows:

(a) A ~~[Except as provided by this section and Section 42.0051, a]~~ county election precinct must contain at least 100 but not more than 5,000 registered voters.

SECTION 2.046. Section 51.003, Election Code, is amended to read as follows:

Sec. 51.003. PROCURING AND ALLOCATING SUPPLIES. Except as otherwise provided by law, the following authority shall procure the election supplies necessary to conduct an election and shall determine the quantity of the various types of supplies to be provided to each precinct polling place ~~[and early voting polling place]~~:

(1) for an election ordered by the governor or a county authority, the county clerk, subject to the approval of the county election board;

(2) for a primary election, the county chair of the political party holding the primary, subject to the approval of the party's county executive committee;

(3) for an election ordered by a city authority, the city secretary; and

(4) for an election ordered by an authority of a political subdivision other than a county or city, the secretary of the subdivision's governing body or, if the governing body has no secretary, the governing body's presiding officer.

SECTION 2.047. Section 51.004(b), Election Code, is amended to read as follows:

(b) The appropriate supplies shall be distributed to each

1 presiding election judge not later than one hour before the polls
2 are required to be open for ~~[voting and to the early voting clerk~~
3 ~~before]~~ the beginning of the [early] voting period.

4 SECTION 2.048. Section 51.006, Election Code, is amended to
5 read as follows:

6 Sec. 51.006. PREPARING BALLOTS FOR DISTRIBUTION. The
7 authority responsible for distributing election supplies shall
8 package and seal each set of ballots before their distribution and
9 shall mark the package with the number of ballots enclosed and the
10 range of the ballot serial numbers. If the authority is the county
11 ~~[early voting]~~ clerk, the ballots allocated for the [early] voting
12 period need not be packaged and sealed.

13 SECTION 2.049. Section 51.007(a), Election Code, is amended
14 to read as follows:

15 (a) As soon as practicable after the ballots are packaged
16 for distribution, the authority responsible for distributing
17 election supplies shall prepare a record of the number of ballots
18 and the range of serial numbers on the ballots to be distributed to
19 each presiding judge and the county ~~[early voting]~~ clerk.

20 SECTION 2.050. Section 123.006, Election Code, is amended
21 to read as follows:

22 Sec. 123.006. ADOPTION OF VOTING SYSTEM ~~[FOR EARLY VOTING]~~.

23 (a) A voting system may be adopted for use in ~~[early]~~ voting by mail
24 only, regular voting during the voting period and on election day
25 only, or both.

26 (b) ~~[A voting system may be adopted for use in early voting~~
27 ~~by personal appearance only, early voting by mail only, or both.~~

1 ~~[(c)]~~ Only one kind of voting system may be used for ~~[early]~~
2 voting by mail. A voting system and regular paper ballots may not
3 both be used in the same election for ~~[early]~~ voting by mail.

4 SECTION 2.051. Section 124.006, Election Code, is amended
5 to read as follows:

6 Sec. 124.006. IMPLEMENTATION OF PROVISIONAL BALLOT SYSTEM.
7 The secretary of state shall prescribe the form of a provisional
8 ballot and the necessary procedures to implement the casting of a
9 provisional ballot as described by Section 63.011 and the
10 verification and processing of provisional ballots under
11 Subchapter F ~~[B]~~, Chapter 92 ~~[65]~~, for each voting system used in
12 this state.

13 SECTION 2.052. Section 125.006(c), Election Code, is
14 amended to read as follows:

15 (c) If the presiding judge determines that the equipment
16 cannot be promptly repaired or replaced and that voting cannot be
17 continued by using only the remaining operational equipment without
18 substantially interfering with the orderly conduct of the election,
19 voting at that polling place may be conducted by one of the
20 following methods in addition to, or instead of, using remaining
21 operational equipment:

22 (1) using another voting system that has been adopted
23 for use in the election;

24 (2) using regular paper ballots, whether mail ~~[early~~
25 ~~voting]~~ ballots or ballots for ~~[regular]~~ voting during the voting
26 period and on election day; or

27 (3) having voters manually mark the electronic system

1 ballots that were furnished for use with the malfunctioning
2 equipment and having the ballots processed as regular paper
3 ballots.

4 SECTION 2.053. Section 125.010(b), Election Code, is
5 amended to read as follows:

6 (b) On the request of the authority holding the election, a
7 voting system technician may be present at a polling place, a
8 meeting of the mail [~~early voting~~] ballot board, or a central
9 counting station for the purpose of repairing, assembling,
10 maintaining, or operating voting system equipment.

11 SECTION 2.054. Section 127.1232(b), Election Code, is
12 amended to read as follows:

13 (b) The general custodian of election records in a county
14 with a population of 100,000 or more shall implement a video
15 surveillance system that retains a record of all areas containing
16 voted ballots:

17 (1) from the time the voted ballots are delivered to
18 the central counting station until the canvass of precinct election
19 returns; and

20 (2) from the time the voted ballots are delivered to
21 the mail [~~signature verification committee or early voting~~] ballot
22 board until the canvass of precinct election returns.

23 SECTION 2.055. Section 127.130(c-1), Election Code, is
24 amended to read as follows:

25 (c-1) In any manual count conducted under this code, an
26 irregularly marked vote on a ballot on which a voter indicates a
27 vote by making a mark on the ballot is considered in the same manner

as provided by Section 91.008 [~~65.009~~].

SECTION 2.056. Section 127.131(f), Election Code, is amended to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving mail ballots [~~by mail~~] and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

SECTION 2.057. Section 128.001(b), Election Code, is amended to read as follows:

(b) Notwithstanding Chapter 93 [~~66~~], a system under this section may allow for the storage of processed ballot materials in an electronic form on the main computer.

SECTION 2.058. Section 129.002(b), Election Code, is amended to read as follows:

(b) During the [~~early~~] voting period, the county [~~early voting~~] clerk shall conduct a daily audit of the direct recording electronic voting machines used in the election to ensure proper correspondence among the numbers of ballots provided on the machines, names on the poll list, and ballots cast on the machines.

SECTION 2.059. Section 141.063(e), Election Code, is amended to read as follows:

(e) The signer's residence address and registration address

1 are not required to be the same if the signer would otherwise be
2 able to vote for that office under Section 11.004 or 88.102
3 [112.002].

4 SECTION 2.060. Section 145.003(c), Election Code, is
5 amended to read as follows:

6 (c) A candidate in an election other than the general
7 election for state and county officers may be declared ineligible
8 before the beginning of the [~~early~~] voting period [~~by personal~~
9 ~~appearance~~] by the authority with whom an application for a place on
10 the ballot for the office sought by the candidate is required to be
11 filed.

12 SECTION 2.061. Section 162.003, Election Code, is amended
13 to read as follows:

14 Sec. 162.003. AFFILIATION BY VOTING IN PRIMARY. A person
15 becomes affiliated with a political party when the person:

16 (1) is accepted to vote in the party's primary
17 election; or

18 (2) returns a mail ballot [~~an early voting~~] or limited
19 primary ballot voted by mail.

20 SECTION 2.062. Section 162.005, Election Code, is amended
21 to read as follows:

22 Sec. 162.005. AFFILIATION PROCEDURE: [~~EARLY~~] VOTING BY
23 MAIL. Subject to Section 162.004(a-1), the county [~~early voting~~]
24 clerk in a general primary election shall provide an affiliation
25 certificate with each mail ballot [~~early voting~~] or limited ballot
26 to be voted by mail. The certificate is not required to be provided
27 to an applicant for a runoff primary ballot unless the applicant

1 requests it.

2 SECTION 2.063. Sections 172.1111(a) and (c), Election Code,
3 are amended to read as follows:

4 (a) Before the opening of the polls on the first day of
5 ~~[during]~~ the ~~[early]~~ voting period ~~[and on election day]~~, the
6 presiding judge shall post at each outside door through which a
7 voter may enter the building in which the polling place is located a
8 written notice in bold print of the date, hour, and place for each
9 precinct, county, senatorial, or state convention that a voter in
10 the precinct may be eligible to attend during the election year.
11 The presiding judge may not remove the notice before the closing of
12 the polls on election day.

13 (c) The notice must remain posted continuously through the
14 ~~[early]~~ voting period and on election day.

15 SECTION 2.064. Section 172.1112(a), Election Code, is
16 amended to read as follows:

17 (a) The county clerk shall post a notice of the election and
18 a notice of voting center locations ~~[consolidated precincts]~~, if
19 applicable, in the manner prescribed by Section 4.003(b) for
20 general and special elections. The notice of the election shall be
21 posted on the county's Internet website, if the county maintains a
22 website. If the county does not maintain a website, the notice
23 shall be posted on the bulletin board used for posting notice of
24 meetings of the commissioners court.

25 SECTION 2.065. Section 172.1113, Election Code, is amended
26 to read as follows:

27 Sec. 172.1113. COUNTY CHAIR PERMITTED IN POLLING PLACE.

~~[(a) In this section, "voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.]~~

~~[(b)]~~ The county chair of a political party conducting a primary election may be in a polling place while the polls are open for voting ~~[during the voting period]~~ as necessary to perform administrative functions related to the conduct of the election.

SECTION 2.066. Section [172.1114](#)(e), Election Code, is amended to read as follows:

(e) A county chair of a political party shall supply or contract with the authority to supply a notice prepared according to this section to the authority conducting the election not later than the 30th day before the date the [early] voting period ~~[by personal appearance]~~ begins. The authority's preparation of copies is a necessary expense incurred in connection with a primary election under Section [173.001](#).

SECTION 2.067. Section [172.1141](#)(b), Election Code, is amended to read as follows:

(b) If a county records the acceptance of a voter electronically, the state chair or county chair may request and the county clerk shall provide not later than the date of the local general primary canvass an electronic document listing the persons who voted in the party primary, the unique identifier assigned to each person, and whether the person voted by mail, during the voting period ~~[early in person or by mail]~~, or ~~[voted in person]~~ on election day.

SECTION 2.068. Sections [172.124](#)(a) and (c), Election Code,

1 are amended to read as follows:

2 (a) For each primary election, the county clerk shall
3 prepare a report of the number of votes, including ~~[early voting]~~
4 votes cast by mail and during the voting period, received in each
5 county election precinct by each candidate for an office, other
6 than a party office, as provided by Section 94.017 ~~[67.017]~~ for the
7 report of precinct results for a general election.

8 (c) Except as otherwise provided by this section, the report
9 is subject to the requirements prescribed by Section 94.017
10 ~~[67.017]~~ for the report prepared for a general election.

11 SECTION 2.069. Sections 172.126(b) and (c), Election Code,
12 are amended to read as follows:

13 (b) The county clerk shall determine whether to assign
14 ~~[consolidate]~~ election precincts to a voting center under Section
15 42.0052 ~~[42.009]~~ and shall designate the location of the voting
16 center ~~[polling place in a consolidated precinct]~~. To the extent
17 possible, a polling place shall be designated that will accommodate
18 the precinct conventions of each political party. If a polling
19 place or voting center ~~[, whether for a regular or consolidated~~
20 ~~precinct,]~~ is not suitable for more than one precinct convention,
21 the polling place may be used by the party whose candidate for
22 governor received the most votes in the county in the most recent
23 gubernatorial general election.

24 (c) One set of election officers shall conduct the primary
25 elections at each polling place. Not later than the second Monday
26 in December preceding the primary elections, each county chair
27 shall deliver to the county clerk a list of the names of the

1 election judges and clerks for that party. The presiding judge of
2 each party, or alternate judge if applicable, serves as a co-judge
3 for the precinct. If an eligible presiding co-judge and alternate
4 co-judge cannot be found to serve for a particular party in a
5 precinct, a joint primary may not be conducted in that precinct, and
6 that precinct must be assigned to a voting center [~~consolidated~~
7 ~~with another precinct~~] that has an eligible presiding co-judge and
8 alternate co-judge to serve for each party. The county clerk shall
9 appoint the election clerks in accordance with rules prescribed by
10 the secretary of state. The secretary of state shall prescribe the
11 maximum number of clerks that may be appointed for each precinct.
12 The mail [~~early voting~~] ballot board and any central counting
13 station shall also be composed of and administered by one set of
14 election officers that provides representation for each party, and
15 the secretary of state by rule shall prescribe procedures
16 consistent with this subsection for the appointment of those
17 officers.

18 SECTION 2.070. Section 173.003, Election Code, is amended
19 to read as follows:

20 Sec. 173.003. EXPENSES INCURRED BY COUNTY. Except as
21 otherwise provided by law, the county shall pay all the expenses
22 incurred in connection with [~~early~~] voting by mail or during the
23 voting period in a primary election, except expenses relating to
24 the printing of mail [~~early voting~~] ballots, and any other expenses
25 incurred by a county authority in connection with a primary
26 election.

27 SECTION 2.071. Section 173.081(f), Election Code, is

1 amended to read as follows:

2 (f) A statement submitted by a county chair must also
3 include a notice of the county election precincts to be assigned to
4 a voting center [~~consolidated~~] for the election, if any.

5 SECTION 2.072. Section 212.134, Election Code, is amended
6 to read as follows:

7 Sec. 212.134. MAIL [~~EARLY VOTING~~] VOTES TREATED AS
8 PRECINCT. For [~~(a) Except as provided by Subsection (b), for~~] the
9 purpose of specifying which election precincts are to be included
10 in a recount, all the mail [~~early voting~~] votes canvassed by a local
11 canvassing authority shall be treated as constituting one election
12 precinct.

13 [~~(b) Each early voting polling place in which voting~~
14 ~~machines were used shall be treated as constituting one election~~
15 ~~precinct.~~]

16 SECTION 2.073. Section 213.003(a), Election Code, is
17 amended to read as follows:

18 (a) Except as provided by Subsections (b) and (c), to be
19 eligible for appointment as a member of a recount committee, a
20 person must be a qualified voter of the political subdivision
21 served by the recount supervisor and must otherwise meet the
22 eligibility requirements prescribed by this code for precinct
23 election judges and clerks. A person who served as an election
24 judge or as judge of the mail [~~early voting~~] ballot board in the
25 election is ineligible to serve as a member of the recount
26 committee. An officer of a political party is eligible to serve as
27 a member of the committee.

SECTION 2.074. Section 213.006(c), Election Code, is amended to read as follows:

(c) Mail ~~[Early voting]~~ ballots rejected by the mail ~~[early voting]~~ ballot board may not be counted in the recount.

SECTION 2.075. Section 221.018(a), Election Code, is amended to read as follows:

(a) Notwithstanding Section 72.0021(b) ~~[84.0021(b)]~~, the tribunal hearing an election contest may examine the information contained in an application under Section 72.0021(b) ~~[84.0021]~~ relating to the address at which the applicant is registered to vote.

SECTION 2.076. Section 231.007(c), Election Code, is amended to read as follows:

(c) The district court may set the election for a date that shortens the regular period for ~~[early]~~ voting by mail, but the date must make it possible for the ~~[early]~~ voting period ~~[by personal appearance]~~ to begin on the date described by Section 41.010 ~~[not later than the 10th day before election day. In the order setting the date for the election, the court shall 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. Section 232.013(b), Election Code, is amended to read as follows:

(b) The date set for the runoff may not provide a longer interval between the court order and the runoff than is required or authorized by law between the main election and a regularly scheduled runoff. The date may provide a shorter interval, but the

interval must make it possible for the ~~[early]~~ voting period ~~[by~~
~~personal appearance]~~ to begin on the date described by Section
41.010 ~~[not later than the 10th day before election day].~~

SECTION 2.078. Section 232.048(b), Election Code, is amended to read as follows:

(b) Sections 232.013(b) ~~[(c)]~~ and (d) apply to an election ordered under Subsection (a) of this section.

SECTION 2.079. Section 247.001, Election Code, is amended to read as follows:

Sec. 247.001. PETITION ALLEGING FRAUD. 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 any of the following sections of this code:

- (1) Section 13.007;
- (2) Section 64.012;
- (3) Section 64.036;
- (4) Section 72.003 ~~[84.003]~~;
- (5) Section 72.0041 ~~[84.0041]~~;
- (6) Section 73.0051 ~~[86.0051]~~;
- (7) Section 73.006 ~~[86.006]~~;
- (8) Section 73.010 ~~[86.010]~~;
- (9) Section 276.013; and
- (10) Section 276.015.

SECTION 2.080. Section 271.006, Election Code, is amended to read as follows:

1 Sec. 271.006. [~~EARLY~~] VOTING BY MAIL. (a) The governing
2 bodies of the political subdivisions participating in a joint
3 election shall decide whether to conduct their [~~early~~] voting by
4 mail jointly. The governing bodies that decide to conduct joint
5 [~~early~~] voting by mail shall appoint one of their county [~~early~~
6 ~~voting~~] clerks to perform the functions of a county [~~as the early~~
7 ~~voting~~] clerk for the joint [~~early~~] voting.

8 (b) [~~The joint early voting shall be conducted at the early~~
9 ~~voting polling place or places at which and during the hours,~~
10 ~~including any extended or weekend hours, that the early voting~~
11 ~~clerk regularly conducts early voting for the clerk's political~~
12 ~~subdivision.~~

13 [~~(c)~~] The regular county [~~early voting~~] clerk for each
14 political subdivision participating in the joint [~~early~~] voting by
15 mail shall receive applications [~~for early voting ballots~~] to vote
16 [~~be voted~~] by mail in accordance with Subtitle B, Title 6 [7]. The
17 remaining procedures for conducting the political subdivision's
18 [~~early~~] voting by mail shall be completed by the regular county
19 [~~early voting~~] clerk or by the county [~~early voting~~] clerk for the
20 joint [~~early~~] voting, at the discretion of the governing body of
21 each political subdivision participating in the joint [~~early~~]
22 voting.

23 (c) [~~(d)~~] If a governing body decides not to participate in
24 the joint [~~early~~] voting by mail, the [~~early~~] voting by mail for
25 that political subdivision shall be conducted in accordance with
26 Subtitle B, Title 6 [7, ~~except that the early voting may be~~
27 ~~conducted at common polling places~~].

SECTION 2.081. Section 271.0071, Election Code, is amended to read as follows:

Sec. 271.0071. MULTIPLE METHODS OF VOTING ALLOWED. The restrictions on multiple methods of voting at the same polling place or ~~[in early voting]~~ prescribed by Sections 123.005-123.007 do not apply to a joint election as if the joint election were a single election but rather apply independently to the election of each participating political subdivision in the joint election.

SECTION 2.082. Section 272.004, Election Code, is amended to read as follows:

Sec. 272.004. USE OF BILINGUAL MATERIALS FOR ~~[EARLY]~~ VOTING BY MAIL. Bilingual election materials shall be used for ~~[early]~~ voting by mail in each election in which bilingual election materials are used.

SECTION 2.083. Section 272.005(c), Election Code, is amended to read as follows:

(c) Except as provided by Section 272.006, the following materials must contain a Spanish translation beneath the English text:

(1) the official affidavit forms and other official forms that voters are required to sign in connection with voting;

(2) the official application forms to vote by mail ~~[for early voting ballots]~~;

(3) written instructions furnished to ~~[early voting]~~ voters voting by mail; and

(4) the balloting materials furnished to voters in connection with mail ballots ~~[early voting by mail]~~.

SECTION 2.084. Sections 272.006(b) and (c), Election Code, are amended to read as follows:

(b) If a separate translation of the ballot is made under Subsection (a), the translation must be furnished to each voter to whom a mail ~~[an early voting]~~ ballot ~~[to be voted by mail]~~ is provided.

(c) An item specified by Section 272.005(c) is not required to contain a Spanish translation if:

(1) for an item used in connection with voting at a polling place:

(A) a separate translation of the item is made available to the voter on request; and

(B) the item contains a statement in Spanish informing the voter of the availability of the translation; or

(2) for an item used in connection with ~~[early]~~ voting by mail, a separate translation of the item is furnished with the item to the voter.

SECTION 2.085. Section 272.011(b), Election Code, is amended to read as follows:

(b) The secretary of state shall prepare the translation for election materials required to be provided in a language other than English or Spanish for the following state prescribed voter forms:

(1) voter registration application form required by Section 13.002;

(2) the confirmation form required by Section 15.051;

(3) the voting instruction poster required by Section 62.011;

(4) the reasonable impediment declaration required by Section 63.001(b);

(5) the statement of residence form required by Section 63.0011;

(6) the provisional ballot affidavit required by Section 63.011;

(7) the application to vote [~~for a ballot~~] by mail required by Section 72.010 [~~84.011~~];

(8) the carrier envelope and voting instructions required by Section 73.013 [~~86.013~~]; and

(9) any other voter forms that the secretary of state identifies as frequently used and for which state resources are otherwise available.

SECTION 2.086. Sections 276.004(a) and (b), Election Code, are amended to read as follows:

(a) A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:

(1) refuses to permit the other person to be absent from work on election day or during the [~~while early~~] voting period [~~is in progress~~] for the purpose of attending the polls to vote; or

(2) subjects or threatens to subject the other person to a penalty for attending the polls on election day or during the [~~while early~~] voting period [~~is in progress~~] to vote.

(b) It is an exception to the application of this section that the person's conduct occurs in connection with an election in which the polls are open on election day or during the [~~while early~~]

1 voting period [~~is in progress~~] for voting for two consecutive hours
2 outside of the voter's working hours.

3 SECTION 2.087. Section 276.010(a), Election Code, is
4 amended to read as follows:

5 (a) A person commits an offense if the person buys, offers
6 to buy, sells, or offers to sell an official ballot, official ballot
7 envelope, official carrier envelope, signed application to vote by
8 [~~for an early voting~~] mail [~~ballot~~], or any other original election
9 record.

10 SECTION 2.088. Section 276.013(a), Election Code, is
11 amended to read as follows:

12 (a) A person commits an offense if the person knowingly or
13 intentionally makes any effort to:

14 (1) influence the independent exercise of the vote of
15 another in the presence of the ballot or during the voting process,
16 including by altering the ballot of another or by otherwise causing
17 a ballot to not reflect the intent of the voter;

18 (2) cause a voter to become registered, a ballot to be
19 obtained, or a vote to be cast under false pretenses;

20 (3) cause any false or intentionally misleading
21 statement, representation, or information to be provided:

22 (A) to an election official; or

23 (B) on an application to vote [~~for ballot~~] by
24 mail, carrier envelope, or any other official election-related form
25 or document;

26 (4) prevent a voter from casting a legal ballot in an
27 election in which the voter is eligible to vote;

1 (5) provide false information to a voter with the
2 intent of preventing the voter from voting in an election in which
3 the voter is eligible to vote;

4 (6) cause the ballot not to reflect the intent of the
5 voter;

6 (7) cause a ballot to be voted for another person that
7 the person knows to be deceased or otherwise knows not to be a
8 qualified or registered voter;

9 (8) cause or enable a vote to be cast more than once in
10 the same election; or

11 (9) discard or destroy a voter's completed ballot
12 without the voter's consent.

13 SECTION 2.089. Section 276.015(a)(2), Election Code, is
14 amended to read as follows:

15 (2) "Vote harvesting services" means in-person
16 interaction with one or more voters, in the physical presence of an
17 official ballot or a mail ballot [~~voted by mail~~], intended to
18 deliver votes for a specific candidate or measure.

19 SECTION 2.090. Section 276.015(e), Election Code, is
20 amended to read as follows:

21 (e) This section does not apply to:

22 (1) an activity not performed in exchange for
23 compensation or a benefit;

24 (2) interactions that do not occur in the presence of
25 the ballot or during the voting process;

26 (3) interactions that do not directly involve an
27 official ballot or mail ballot [~~by mail~~];

(4) interactions that are not conducted in-person with a voter; or

(5) activity that is not designed to deliver votes for or against a specific candidate or measure.

SECTION 2.091. Section 276.016(d), Election Code, is amended to read as follows:

(d) Subsection (a)(4) does not apply if the public official or election official engaged in the conduct described by Subsection (a)(4) while lawfully assisting the applicant under Section 72.003 ~~[84.003]~~.

SECTION 2.092. The heading to Section 276.017, Election Code, is amended to read as follows:

Sec. 276.017. UNLAWFUL DISTRIBUTION OF MAIL ~~[EARLY VOTING]~~ BALLOTS AND BALLOTING MATERIALS.

SECTION 2.093. Section 276.017(a), Election Code, is amended to read as follows:

(a) The county ~~[early voting]~~ clerk or other election official commits an offense if the clerk or official knowingly mails or otherwise provides a mail ~~[an early voting]~~ ballot ~~[by mail]~~ or other ~~[early voting by]~~ mail ballot materials to a person who the clerk or official knows did not submit an application ~~[for a ballot]~~ to vote ~~[be voted]~~ by mail under Section 72.001 ~~[84.001]~~.

SECTION 2.094. Section 277.002(f), Election Code, is amended to read as follows:

(f) The signer's residence address and the address listed on the signer's registration are not required to be the same if the signer is eligible to vote under Section 11.004 or 88.102

1 ~~[112.002]~~.

2 SECTION 2.095. Section 42.154(a), Local Government Code, is
3 amended to read as follows:

4 (a) The governing body of a municipality shall canvass the
5 election returns for an election held under this subchapter in
6 accordance with Chapter 94 ~~[67]~~, Election Code.

7 SECTION 2.096. Section 46.03(a), Penal Code, is amended to
8 read as follows:

9 (a) A person commits an offense if the person intentionally,
10 knowingly, or recklessly possesses or goes with a firearm,
11 location-restricted knife, club, or prohibited weapon listed in
12 Section 46.05(a):

13 (1) on the premises of a school or postsecondary
14 educational institution, on any grounds or building owned by and
15 under the control of a school or postsecondary educational
16 institution and on which an activity sponsored by the school or
17 institution is being conducted, or in a passenger transportation
18 vehicle of a school or postsecondary educational institution,
19 whether the school or postsecondary educational institution is
20 public or private, unless:

21 (A) pursuant to written regulations or written
22 authorization of the school or institution; or

23 (B) the person possesses or goes with a concealed
24 handgun that the person is licensed to carry under Subchapter H,
25 Chapter 411, Government Code, and no other weapon to which this
26 section applies, on the premises of a postsecondary educational
27 institution, on any grounds or building owned by and under the

1 control of the institution and on which an activity sponsored by the
2 institution is being conducted, or in a passenger transportation
3 vehicle of the institution;

4 (2) on the premises of a polling place or election
5 office on the day of an election, during the voting period, or while
6 activities related to [~~early~~] voting are [~~is~~] in progress;

7 (3) on the premises of any government court or offices
8 utilized by the court, unless pursuant to written regulations or
9 written authorization of the court;

10 (4) on the premises of a racetrack;

11 (5) in or into a secured area of an airport;

12 (6) within 1,000 feet of premises the location of
13 which is designated by the Texas Department of Criminal Justice as a
14 place of execution under Article 43.19, Code of Criminal Procedure,
15 on a day that a sentence of death is set to be imposed on the
16 designated premises and the person received notice that:

17 (A) going within 1,000 feet of the premises with
18 a weapon listed under this subsection was prohibited; or

19 (B) possessing a weapon listed under this
20 subsection within 1,000 feet of the premises was prohibited;

21 (7) on the premises of a business that has a permit or
22 license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic
23 Beverage Code, if the business derives 51 percent or more of its
24 income from the sale or service of alcoholic beverages for
25 on-premises consumption, as determined by the Texas Alcoholic
26 Beverage Commission under Section 104.06, Alcoholic Beverage Code;

27 (8) on the premises where a high school, collegiate,

1 or professional sporting event or interscholastic event is taking
2 place, unless the person is a participant in the event and a
3 firearm, location-restricted knife, club, or prohibited weapon
4 listed in Section 46.05(a) is used in the event;

5 (9) on the premises of a correctional facility;

6 (10) on the premises of a civil commitment facility;

7 (11) on the premises of a hospital licensed under
8 Chapter 241, Health and Safety Code, or on the premises of a nursing
9 facility licensed under Chapter 242, Health and Safety Code, unless
10 the person has written authorization of the hospital or nursing
11 facility administration, as appropriate;

12 (12) on the premises of a mental hospital, as defined
13 by Section 571.003, Health and Safety Code, unless the person has
14 written authorization of the mental hospital administration;

15 (13) in an amusement park; or

16 (14) in the room or rooms where a meeting of a
17 governmental entity is held, if the meeting is an open meeting
18 subject to Chapter 551, Government Code, and if the entity provided
19 notice as required by that chapter.

20 SECTION 2.097. Section 26.087(d), Water Code, is amended to
21 read as follows:

22 (d) Voting by mail [~~Absentee balloting~~] in the election
23 shall begin 10 days before the election and shall end as provided in
24 the Texas Election Code. The ballots for the election shall be
25 printed to provide for voting for or against the regional or
26 area-wide system to be operated by the designated regional entity.

27 SECTION 2.098. Section 49.103(h), Water Code, is amended to

1 read as follows:

2 (h) If authorized by the board in the proceedings calling a
3 director election, the secretary of the board or the secretary's
4 designee, on receipt of the certification required by Section
5 2.052(b), Election Code, shall post notice that the election is not
6 to be held. The notice must be posted, on or before the
7 commencement of the ~~[early]~~ voting period, at each polling place
8 that would have been used in the election. If the notice is timely
9 posted:

10 (1) the board or the board's designee is not required
11 to:

12 (A) post or publish notice of the election;

13 (B) prepare or print ballots and election
14 materials; or

15 (C) hold early and regular voting; and

16 (2) the board shall meet at the earliest practicable
17 time to declare each unopposed candidate elected to office.

18 SECTION 2.099. Section 49.108(g), Water Code, is amended to
19 read as follows:

20 (g) On or before the first day of the ~~[for early]~~ voting
21 period ~~[by personal appearance]~~ at an election held to authorize a
22 contract, a substantially final form of the contract must be filed
23 in the office of the district and must be open to inspection by the
24 public. The contract is not required to be attached as an exhibit
25 to the order calling the election to authorize the contract.

26 SECTION 2.100. Section 49.111(b), Water Code, is amended to
27 read as follows:

(b) A district eligible for the exemption under Subsection (a) must publish notice in a newspaper of general circulation in an area that includes the district or mail notice to each voter in the district regarding the district's intention to hold an election without providing a voting station that meets the requirements for accessibility under 52 [42] U.S.C. Section 21081(a)(3) [~~15481(a)(3)~~] on election day and during the voting period [~~for early voting by personal appearance~~]. The notice must be published or mailed not later than the later of:

- (1) the 75th day before the date of the election; or
- (2) the date on which the district adopts the order calling the election.

SECTION 2.101. Section 49.112, Water Code, is amended to read as follows:

Sec. 49.112. CANCELLATION OF ELECTION; REMOVAL OF BALLOT MEASURE. Before the first day of the [~~early~~] voting period [~~by personal appearance~~], the board by order or resolution may cancel an election called at the discretion of the district or may remove from the ballot a measure included at the discretion of the district. A copy of the order or resolution must be posted during the voting period [~~for early voting by personal appearance~~] and on election day at each polling place that is used or that would have been used in the election.

SECTION 2.102. Section 49.4645(b), Water Code, is amended to read as follows:

(b) On or before the 10th day before the first day of the [~~for early~~] voting period [~~by personal appearance~~] at an election

1 held to authorize the issuance of bonds for the development and
 2 maintenance of recreational facilities, the board shall file in the
 3 district office for review by the public a park plan covering the
 4 land, improvements, facilities, and equipment to be purchased or
 5 constructed and their estimated cost, together with maps, plats,
 6 drawings, and data fully showing and explaining the park plan. The
 7 park plan is not part of the proposition to be voted on, does not
 8 create a contract with the voters, and may be amended at any time
 9 after the election held to authorize the issuance of bonds for the
 10 development and maintenance of recreational facilities provided
 11 under the plan. The estimated cost stated in the amended park plan
 12 may not exceed the amount of bonds authorized at that election.

13 SECTION 2.103. Sections 63.0895(c), (h), (i), and (r),
 14 Water Code, are amended to read as follows:

15 (c) The commission shall give notice of the commissioners'
 16 election in the manner provided by Section 63.093(a) of this code.
 17 The notice must state the official mailing address to which voters
 18 of the district may mail applications [~~for absentee ballots~~] to
 19 vote [~~be voted~~] by mail. The notice shall be published once a week
 20 for two consecutive weeks in a newspaper published in the district
 21 or, if a newspaper is not published in the district, in a newspaper
 22 of general circulation in the district. The first publication
 23 shall be made not later than the 65th day nor earlier than the 70th
 24 day before election day.

25 (h) The county election officer performs [~~is~~] the functions
 26 of a county [~~absentee voting~~] clerk with regard to voting by mail
 27 for the commissioners' election.

1 (i) An election officer, including a member of the mail
2 [~~absentee~~] ballot board, appointed to serve in the general election
3 for state and county officers shall serve in the same office in the
4 commissioners' election. A person who is eligible to serve as an
5 election officer in the general election for state and county
6 officers is eligible to serve in the same office in the
7 commissioners' election.

8 (r) The county election officer and election officers,
9 including members of the mail [~~absentee~~] ballot board, appointed to
10 serve in the general election for state and county officers, are
11 entitled to additional compensation for serving in the
12 commissioners' election only if additional compensation is
13 provided by the commission.

14 ARTICLE 3. REPEALER

15 SECTION 3.001. The following provisions of the Election
16 Code are repealed:

- 17 (1) Section 4.003(e);
- 18 (2) Section 32.002(c-1);
- 19 (3) Section 32.112;
- 20 (4) Section 32.114(e);
- 21 (5) Section 33.0016;
- 22 (6) Section 33.007(b);
- 23 (7) Sections 33.051(a-1) and (d);
- 24 (8) Section 33.053;
- 25 (9) Section 42.0051;
- 26 (10) Section 42.008;
- 27 (11) Section 42.009;

- (12) Section 43.004(c);
- (13) Section 43.007;
- (14) Chapters 65, 66, 67, and 68;
- (15) Title 7;
- (16) Section 129.057; and
- (17) Section 232.013(c).

ARTICLE 4. TRANSITION AND EFFECTIVE DATE

SECTION 4.001. The changes in law made by this Act apply only to an election ordered on or after the effective date of this Act. An election ordered before the effective date of this Act is governed by the law in effect when the election was ordered.

SECTION 4.002. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.