

BILL ANALYSIS

C.S.H.B. 2722
By: Phillips
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the nature of some Texans' jobs causes them to frequently be away from their county of residence, presenting difficulties when these Texans attempt to vote. C.S.H.B. 2722 seeks to protect the right to vote for all Texans by providing for early voting ballots for certain persons with an employment hardship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2722 amends the Election Code to require the secretary of state to prescribe a unique application for a ballot to be voted by a voter who is eligible to vote in Texas and whose occupation causes a hardship for the voter that prevents the voter from knowing whether the voter is able to appear at the polling place on election day or during the regular hours for conducting early voting without causing a disruption in the operations of the voter's employment or because the occupation is of a nature that causes the voter to be working periodically offshore. The bill requires the unique application to include, in addition to the information required by applicable statutory provisions governing the contents of an early voting ballot application, an affidavit certifying the applicant is employed in an occupation that causes a hardship for voting signed by the applicant and the applicant's employer or contracting entity and the address of the applicant's employer or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity if that address is different from the address at which the applicant is registered to vote. The bill requires such an application to be submitted to the early voting clerk not later than the 60th day before election day for the applicant to be eligible to vote a ballot under the bill's provisions.

C.S.H.B. 2722 requires the early voting clerk, on submission of an application under the bill's provisions to the clerk, to review the application and verify the applicant's registration status in accordance with the procedure applicable to early voting by mail. The bill requires the voting to be conducted with the balloting materials for early voting by mail. The bill establishes that the address to which the balloting materials must be addressed is the address at which the voter is registered to vote or the address of the applicant's employer or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity. The bill requires the voter to mark and seal the ballot in the same manner as if early voting by mail and requires the results to be processed in accordance with the procedures applicable to processing

early voting ballots voted by mail. The bill makes statutory provisions relating to annual ballots by mail applicable to an application for a ballot to be voted under the bill's provisions. The bill requires the secretary of state to adopt rules to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2722 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 82.005, Election Code is amended as follows:

No equivalent provision. (*But see Sec. 107.001 in SECTION 1 below.*)

Employment Hardship. An employment hardship is when an applicant has absences from the applicant's county of residence due to the applicant's employment and;

(1) those absences are unpredictable and, at the time of submitting the application, the applicant does not know where the applicant will be on election day and during the regular hours for conducting early voting; or

(2) the employment is of a nature that causes the applicant to be working periodically offshore.

82.0056. Eligibility for early voting by person appearance.

SECTION 2. 84.002(a) is amended by adding subsection (7) to read as follows:

No equivalent provision. (*But see Sec. 107.002(a)(2) in SECTION 1 below.*)

(7) for an application for a ballot to be voted by mail on the ground of employment hardship, the address of the applicant's employer or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if that address is different from the address at which the applicant is registered to vote.

SECTION 3. Section 84.011(a)(4), Election Code, is amended to read as follows:

No equivalent provision.

(G) a space for an applicant applying on the ground of employment hardship to indicate that the address to which the

ballot is to be mailed is the address of an employer or of a relative described by Section 84.002(a)(7), if applicable;

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

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

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

SECTION 4. Section 86.0015, Election Code, is amended to read as follows:

Sec. 86.0015. Annual ballots by mail. (a) This section applies only to an application for a ballot to be voted by mail that has been marked by the applicant as an application for more than one election and indicates that the ground of eligibility is:

- (1) age or disability; or
- (2) employment hardship.

SECTION 5. Section 86.003(c) is amended to read as follows:

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

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

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

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

(4) employment hardship, in which case the address must be the address of the applicant's employer or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if that

No equivalent provision. (But See Sec. 107.003(f) in SECTION 1 below.)

No equivalent provision. (But see Sec. 107.003(c) in SECTION 1 below.)

address is different from the address at which the applicant is registered to vote or the registered mailing address.

No equivalent provision.

(See SECTION 1 above.)

(See SECTION 2 above.)

SECTION 1. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. EARLY VOTING BY PERSON IN SPECIAL CIRCUMSTANCE

Sec. 107.001. APPLICABILITY. This chapter applies only to a voter:

(1) who is eligible to vote in this state; and
(2) whose occupation causes a hardship for the voter:

(A) that prevents the voter from knowing whether the voter is able to appear at the polling place on election day or during the regular hours for conducting early voting without causing a disruption in the operations of the voter's employment; or

(B) because the occupation is of a nature that causes the voter to be working periodically offshore.

Sec. 107.002. FORM AND CONTENTS OF APPLICATION. (a) The secretary of state shall prescribe a unique application for a ballot to be voted under this chapter that must include, in addition to the information required by the applicable provisions of Section 84.002:

(1) an affidavit certifying the applicant is employed in an occupation that causes a hardship for voting, signed by the applicant and the applicant's employer or contracting entity; and

(2) the address of the applicant's employer or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if that address is different from the address at which the applicant is registered to vote.

(b) The application must be submitted to the early voting clerk not later than the 60th day before election day for the applicant to be eligible to vote a ballot under this chapter.

Sec. 107.003. VOTING PROCEDURE; PROCESSING RESULTS. (a) On submission of an application under this chapter to the early voting clerk, the clerk shall review the application and verify the applicant's registration status in accordance with the procedure applicable to early voting by mail.

(See SECTION 5 above.)

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

(c) The address to which the balloting materials must be addressed is the address at which the voter is registered to vote or the address of the applicant's employer or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code.

(d) The voter must mark and seal the ballot in the same manner as if early voting by mail.

(e) The results shall be processed in accordance with the procedures applicable to processing early voting ballots voted by mail.

(See SECTION 4 above.)

(f) Section 86.0015 applies to an application for a ballot to be voted under this chapter, notwithstanding Section 86.0015(a).

Sec. 107.004. RULES. The secretary of state shall adopt rules to implement this chapter.

SECTION 6. 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, 2017.

SECTION 2. This Act takes effect September 1, 2017.