

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1927
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

After each election cycle, new situations arise that need to be addressed in state election laws to allow local jurisdictions more flexibility and direction in the election process. Recently, there have been issues relating to the implementation and application of providing eligible voters with a ballot by mail. Currently, political subdivisions that do not contract with a county to administer elections are not required to produce a ballot by mail. Some persons eligible to vote by mail expect to receive a ballot by mail for each election in which they qualify to participate. However, in some cases, these ballots are not delivered by mail. C.S.H.B. 1927 seeks to remedy these issues by providing clarification in the code for the annual application for a ballot by mail, or ABBM process—it defines annual ABBMs as a separate, but consistent, process, including consistent deadlines and submission requirements for single election ABBMs. These changes will ensure that voters who submit applications for a mail-in ballot are able to vote in every election for which they are eligible.

C.S.H.B. 1927 amends current law relating to the procedures for applying for a ballot to be voted by mail and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.001(e), Election Code, as follows:

(e) Authorizes an applicant for a ballot to be voted by mail to apply for ballots for the main election and any resulting runoff election on the same application. Provides that, if an application for the main election and any resulting runoff is not timely for the main election, it will be considered timely for any resulting runoff if received not later than the deadline, determined using the date of the runoff election, for submitting a regular application for a ballot to be voted by mail. Deletes existing text providing that the timeliness of the application for both elections is determined in relation to the main election. Deletes existing text providing that if, however, the application is not timely for the main election, the timeliness of the application for the runoff election is determined in relation to that election.

SECTION 2. Amends Section 84.004(a), Election Code, as follows:

(a) Provides that a person commits an offense if:

- (1) the person signs an application for a ballot to be voted by mail as a witness for more than one applicant in the same election; or
- (2) the person signs an application for annual ballots by mail as a witness for more than one applicant in the same calendar year.

Deletes existing text providing that a person commits an offense if, in the same election, the person signs early voting ballot application as a witness for more than one applicant.

SECTION 3. Amends Section 84.007, Election Code, by amending Subsections (b) and (c) and adding Subsection (e), as follows:

(b) Requires that an application be submitted to the early voting clerk by:

- (1) mail;
- (2) common or contract carrier;
- (3) telephonic facsimile machine, if a machine is available in the clerk's office; or
- (4) electronic transmission of a scanned application containing an original signature.

(c) Authorizes an application, except as provided by Section 86.0015(b) (providing that an application for a ballot to be voted by mail is considered to be for each election that fulfills certain criteria), to be submitted at any time in the year of the election for which a ballot is requested, but not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day. Deletes existing text requiring that an application be submitted on or after the 60th day before election day and before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the ninth day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(e) Requires the early voting clerk to designate an e-mail address for receipt of an application under Subsection (b)(4). Requires the secretary of state (SOS) to include the e-mail addresses on SOS's website.

SECTION 4. Amends Section 84.011(a), Election Code, as follows:

(a) Requires that the officially prescribed application form for an early voting ballot include certain information, including a space for an applicant applying on the ground of age or disability to indicate of the application is an application under Section 86.0015 (New heading: Annual Ballots by Mail). Makes nonsubstantive changes.

SECTION 5. Amends Subchapter B, Chapter 84, Election Code, by adding Section 84.038, as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION. Provides that the cancellation of an application for a ballot to be voted by mail under Section 84.032(c) (relating to submitting a request by appearing in person after the close of early voting), (d) (relating to submitting a request by appearing to certain persons), or (e) (relating to submitting a request and executing an affidavit that the applicant did not mark the ballot) is effective for a single ballot only and does not cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e) (relating to timeliness in relation to a runoff election date for an early ballot) or 86.0015(b).

SECTION 6. Amends Section 86.0015, Election Code, as follows:

Sec. 86.0015. New heading: ANNUAL BALLOTS BY MAIL. (a) Provides that this section applies only to an application for a ballot to be voted by mail that indicates, rather than is submitted to the county clerk indicating, the ground of eligibility is age or disability and does not specify the election for which a ballot is requested or has been marked by the applicant as an application for more than one election.

(b) Provides that an application described by Subsection (a) is considered to be an application for a ballot for each election, including any ensuing runoff:

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

(2) that occurs before the earlier of:

(A) except as provided by Subsection (b-2), the end of the calendar year in which the application was submitted;

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

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

Deletes existing text providing that an application described by Subsection (a) is considered to be an application for a ballot for each election in which the county clerk serves as early voting clerk and in which the applicant is eligible to vote and that occurs before the earlier of the end of the calendar year in which the application was submitted, or the date the county clerk receives notice from the voter registrar under Subsection (d) that the voter has submitted a change in registration information.

(b-1) Requires that an application submitted under this section be submitted before the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

(b-2) Provides that an application is considered to be submitted in the following calendar year for purposes of this section if:

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

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

(c) Requires the county clerk, in an election of a political subdivision located in a county in which the county clerk is not the early voting clerk, to provide the early voting clerk of the political subdivision that is holding the election a list of voters in the portion of the political subdivision located in the county who have ballot applications on file under this section. Requires the early voting clerk to provide a ballot to be voted by mail to each voter on the list.

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

(e) Creates this subsection from existing text and makes no further change.

(f) Redesignates existing Subsection (d) as Subsection (f). Requires the voter registrar to notify the county clerk when a voter's voter registration has been canceled or a voter's address or name has changed. Requires the county clerk to update any list of voters who have ballot applications on file under this section based on the information received from the voter registrar. Prohibits a voter's ballot application on file under this section from being canceled if a correction in

registration information for the voter is a change of address within the county in which the voter is registered or a change of the voter's name. Deletes existing text requiring the voter registrar to notify the county clerk following the receipt of a notice of a change in registration information under Section 15.021 (Notice of Change in Registration Information by Voter).

SECTION 7. Amends Section 86.006, Election Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a marked ballot voted under this chapter be returned to the early voting clerk in the official carrier envelope. Authorizes the carrier envelope to be delivered in another envelope and be transported and delivered only by:

(1) mail;

(2) common or contract carrier; or

(3) subject to Subsection (a-1), in-person delivery by the voter who voted the ballot.

(a-1) Authorizes the voter to deliver a marked ballot in person to the early voting clerk's office only while the polls are open on election day. Requires a person who delivers a marked ballot in person to present an acceptable form of identification described by Section 63.0101 (Documentation of Proof of Identification).

SECTION 8. Repealer: Section 84.009(b) (prohibiting an application submitted under this section from being submitted before the 20th day before election day), Election Code.

SECTION 9. Requires SOS, not later than January 1, 2016, to make the modifications to the official application form for a ballot to be voted by mail, as required by Section 84.011(a), Election Code, as amended by this Act.

SECTION 10. Provides that this Act applies only to an application for a ballot to be voted by mail submitted on or after January 1, 2016.

SECTION 11. Effective date: September 1, 2015.