

BILL ANALYSIS

Senate Research Center

H.B. 3920
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, a qualified voter is eligible to vote early by mail based on the grounds of disability or expected confinement for childbirth on election day. However, it has been noted with concern that the exact conditions under which a voter is not entitled to vote early by mail on these grounds are not clearly laid out. H.B. 3920 seeks to address this issue by clarifying the conditions under which a voter is not entitled to vote early by mail on the grounds of disability. H.B. 3920 also expands eligibility to vote by mail to pregnant women who are expecting to give birth within three weeks before or after Election Day.

H.B. 3920 amends current law relating to an application to vote early by mail on the grounds of disability or confinement for childbirth.

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 the heading to Section 82.002, Election Code, to read as follows:

Sec. 82.002. DISABILITY OR CONFINEMENT FOR CHILDBIRTH.

SECTION 2. Amends Section 82.002, Election Code, by amending Subsections (a) and (b) and adding Subsection (c), as follows:

(a) Provides that a qualified voter is eligible for early voting by mail if the voter:

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

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

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

(1) a lack of transportation;

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

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

Deletes existing text providing that expected or likely confinement for childbirth on election day is sufficient cause to entitle a voter to vote under Subsection (a).

(c) Requires an applicant, to be eligible for an early voting ballot by mail under Subsection (a)(1), to affirmatively indicate that he or she agrees with the statement prescribed by Section 84.002(c).

SECTION 3. Amends Section 84.002, Election Code, by adding Subsection (c), as follows:

(c) Requires that an application for a ballot to be voted by mail on the ground of disability require the applicant to affirmatively indicate that the applicant agrees with the statement, "I have a sickness or physical condition that prevents me from appearing at the polling place on election day without a likelihood of needing personal assistance or injuring my health," as prescribed by Section 82.002(a).

SECTION 4. Effective date: September 1, 2021.