

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	SB 714
Version:	PCS1
Request Number:	7942
Author:	Rep. Newton and Sen. Jech
Date:	3/23/2021
Impact:	Please see previous summary of this measure

Research Analysis

The proposed committee substitute adds that Secretary of the State Election Board establish a system to accommodate the electronic delivery of ballots for blind or visually impaired voters, subject to funding and determination of the system's security. The Secretary of the State Election Board shall determine the activation date.

SB 714 states that requests for absentee ballots must be received by the appropriate election officials no later than 5:00pm on the third Monday preceding the election. The voter to whom the absentee ballot was issued can return the ballot through the mail or in-person delivery, in which they must provide proof of identity. In-person delivery may occur during regular county election board business hours any day prior to election day. Only the person the ballot was issued to and their spouse, if given permission, may return the voter's absentee ballot. No person who is a candidate on the ballot, works for a candidate, or is related to a candidate within the third degree may notarize any absentee ballot affidavit. Additionally, if the voter directs a person to fill out their affidavit, their name and address of residence shall be printed on the affidavit. The signature shall be witnessed by two other people who do not sign the affidavit and their printed name, signature, and address of residence shall appear on the affidavit. The measure provides definitions of "proof of identity" and "regular business hours."

For voting by absentee ballot for voters confined to a nursing facility or veterans center, the ballots shall be delivered any day following the request deadline except for on election day. The date and time of delivery shall be determined by the secretary of the county election board. If nursing facility or veterans center access is prohibited due to federal or state regulations from a communicable disease outbreak, the secretary of the county election board shall authorize the absentee voting board to deliver the absentee ballots to designated officials at the nursing facilities and veterans centers. These individuals shall sign an oath and complete a training prescribed by the Secretary of the State Election Board. Additionally, expected or likely confinement for childbirth on election day is sufficient cause to qualify as "physically incapacitated" for purposes of requested an emergency incapacitated absentee ballot. A request for an absentee ballot from a deployed military member after the deadline shall be accompanied with proof of deployment. The measure also creates a new law stating that a blind or visually impaired voter may request that an accessible absentee ballot be electronically delivered to be filled out on their personal computer. Absentee ballots shall be accompanied with an affidavit and delivered by mail or by hand. A voter may request the assistance of another person in executing their ballot. A nonqualified individual who requests an absentee ballot in this manner shall be convicted of a felony.

The measure also provides that if an absentee ballot is spoiled, the secretary of the county election board may issue a replacement. The voter shall swear or affirm that they spoiled the absentee ballot and return it via mail or in person. Upon receipt, the spoiled absentee ballot will

be destroyed. A ballot returned via mail shall include an affidavit and a ballot returned in person must be returned by the ballot requestor and then an affidavit will be administered. A replacement absentee ballot shall be transmitted in the same manner the spoiled ballot was returned.

Prepared By: Suzie Nahach

Fiscal Analysis

The measure is currently under review and impact information will be completed.

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Other Considerations

None.