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New Law Regarding Voting By Mail Ballots in Residential Care Facilities: *How Texas House Bill 658 May Impact Resident Voting*

If the Early Voting (EV) clerk receives five or more applications for a ballot by mail (ABBM) in which the applicant is voting due to age or disability and asks the ballot to be sent to a particular Residential Care Facility (RCF), the EV clerk will not mail the balloting materials. The EV clerk will instead send two RCF Judges to the site to hand deliver the ballots, accept them back from the voters, and hand deliver them to the EV clerk.

In other words, if five or more ABBM applications from the same facility (that has 11 or more beds) are requested, residents will now have their ballots hand-delivered by county election staff (instead of receiving ballots via mail service). Residents will be able to fill out the ballot and return it to the election staff/RCF Judge, and that ballot will be processed by the county early voting clerk.

Important Things to Note:

- This new law does not prevent any registered voter from:
 - ✓ Voting early in person
 - ✓ Voting on election day; or
 - ✓ Voting by mail from an address other than the RCF
- The EV clerk must provide notice that voting will occur at the facility and the voting must occur before 5 p.m. on the sixth business day before Election Day.
- While present at the facility, the RCF Judge also will accept applications from individuals who are registered to vote at the facility (and who have not already applied for a ballot by mail), and allow those individuals to vote, using the by-mail materials (ballot, ballot envelope, carrier envelope).

- Ballots will be placed in sealed and signed carrier envelopes and delivered to the early voting clerk.
- Residential Care Facility means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds (e.g., nursing home, other long-term care facility, retirement center)
- If a facility has 10 or fewer beds, Chapter 107 does not apply and ballots will be mailed to those voters that request a Ballot by Mail. The law does not require the new procedure to be used at this location.
- Last day to apply for Ballot by Mail is October 27, 2017 (Note that the application must be received by elections office on October 27. Postmark dates of 10/27/17 are not applicable.).
- Who is eligible to use ABBM? Individuals who are registered to vote in your county that are applying for the reason of age (65+ years) or disability.
- County Election Office staff and RCF Administrator will decide upon a date to visit (can be more than one date).

If you have questions about House Bill 658 and how it will effect voting for your facility's residents, the voting rights team at Disability Rights Texas (DRTx) is happy to provide assistance and insight to any questions you may have. Please contact the DRTx Voting Rights Hotline at 1-888-796-VOTE (8683).

Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate.

This handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.