HB 658
Voting at Residential Care Facilities

Election Judge Training
prepared by
Texas Secretary of State
Elections Division
What does HB 658 Do?

• Adds new **Chapter 107** to the Election Code.
• New Chapter 107 and related provisions provide a method for persons in a Residential Care Facility (“RCF”), such as nursing homes and assisted living centers, to apply to vote by mail, but to have their blank ballots hand-delivered to them and the completed ballots returned to the Early Voting Clerk by election judges.
Pre-Applicants

• Pre-Applicants: If the EV Clerk receives 5 or more applications for a ballot by mail (ABBMs) in which the applicant is voting due to age or disability and asks the ballot to be sent to a particular RCF, the EV clerk will not mail the balloting materials, but will instead send two RCF Judges to the site to hand-deliver the balloting materials, accept them back from the voters, and hand deliver them to the EV Clerk.
On-Site Applicants

• On-site Applicants: While present at the facility, the RCF Judges 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, etc.).

• The individuals in this group (on-site applicants) are not only currently living at the facility, but are also registered to vote at the address of the facility.
Details on Voting At RCF-
What to Do and How to Do it
Materials for Pre-Applicants:

- **List of Pre-applicant RCF Voters at Residential Care Facility** - Used to inform the RCF Judges of the names and number of voters who have pre-applied for ballots by mail and for whom the EV Clerk has prepared materials
  - **NOTE:** The names of these voters should be on the early voting roster and precinct early voting list along with other voters to whom the EV Clerk has sent a ballot by mail. Rather than adding the voter’s name to the precinct early voting list, the EV Clerk may make an indication of the list of registered voters (or e-pollbook) that the voter has been sent a ballot “by mail.”

- **Balloting Materials** - contained in larger envelope with pre-applicant voter’s name on outside (Form 5-23B)
  - Ballot (ballot style depends on where this voter is registered in your political subdivision)
  - Ballot (Secrecy) envelope
  - Carrier Envelope (be sure voter’s name is on Carrier)
  - List of declared write-in candidates, if applicable
  - SOR, if applicable
  - Dear Voter Letter
  - Notice regarding Postage, if applicable (because some of these ballots may be left at the RCF for absent voters or delivered to voters at a temporary location who may then return the ballot by mail)
Materials for On-Site Applicants

- Blank Applications for a Ballot by Mail
- Ballot pertaining to the precinct in which the RCF is located for those residents who are registered AT the RCF and who submit an application for a ballot by mail to the RCF Judges on the day the RCF Judges are present at the facility
- Ballot (Secrecy) envelope
- Carrier Envelope (be sure voter’s name is on Carrier)
- List of declared write-in candidates, if applicable
- SOR, if applicable
- Dear Voter Letter
- Paper clips to attach completed ABBM to the carrier envelope containing on-site applicant’s ballot. Alternative procedure is to send Jacket envelopes for these ABBMs and carrier envelopes.
Other Materials

- List of individuals registered to vote at the facility
- Indelible markers
- FORMS:
  - List of Pre-Applicant Voters at Residential Care Facility
  - Oath for Residential Care Facility Judge
  - Signature Roster for Residential Care Facility
  - Tracking Sheet (for Ballots left at Residential Care Facility for Absent Voters Expected to Return)
  - Ballot Transmittal Form for Residential Care Facility (to be used to log seal numbers and establish chain of custody of ballots). Note that this form includes a Ballot Register so that all ballots are accounted for by the RCF Judges.
- Envelope in which to put completed carrier envelopes
- Secure bag or ballot container for transporting ballots and other materials back to EV Clerk
- Tamper evident paper seals to place over flap of envelopes in which carriers will be placed after being completed (optional – RCF Judges may simply sign over the flap of the sealed envelope)
- Tamper evident/resistant wire seals to seal ballot box/bag.
What happens at the RCF, 1?

- RCF Administrator must provide common space/allow posting of notices.
- RCF Judges arrive before the time set to begin voting in order to get set up and alert the RCF director or administrator they are there.
- RCF Judges take Oath for Residential Care Facility Judges (if not already administered by EV clerk)
- Set up in common space
  - Be aware of accessible pathways
  - Area shall allow voter to cast a secret ballot
  - RCF Judges may bring balloting materials to voter’s private room, upon request of voter.
    - Recommend 2 RCF Judges perform this
    - Ask RCF Administrator which voters would like the Judges to visit their rooms
- Arrange materials
- Remember this is a by-mail procedure, so there are NO DREs, NO Ballot Marking Devices, NO Provisional Voting, and NO Spoiled Ballots
- Using List of Pre-Applicant Voters at Residential Care Facility (and with the assistance of RCF personnel), locate voters whose personalized balloting materials are in the possession of the RCF Judges.
What happens at the RCF, 2?

- Provide ABBMs to On-Site applicants who request it, check to see if On-Site applicant is on List of Registered Voters for that facility.
- RCF Judge may serve as witness to signature on an ABBM if necessary; there is no limit on the number of ABBMs they can witness.
- RCF Judge must make notation on ABBM that it was made under TEC Section 107.007.
- RCF Judge checks to see if ABBM is “properly completed,” e.g., conduct a facial examination to make sure all required information is filled in.
- Check the List of Voter Registered at RCF.
What happens at the RCF, 3?

- If On-Site Applicant is on the list of voters registered at RCF:
  - Provide balloting materials and verbal instructions on proper completion of carrier. Voter returns sealed, signed carrier with ballot inside to RCF Judges, who then review carrier to make sure it is signed correctly and RCF Judges sign as witnesses.
  - RCF Judges attach the application to the voter’s carrier (staple/paper clip) and put in secure container.
  - In lieu of attaching ABBM to carrier, can place both into jacket envelope.
  - Place completed carrier envelope and ABBM in secure envelope or other container.
What happens at the RCF, 4?

• If On-Site applicant is NOT on the list of voters registered at RCF:
  – Inform voter that if voter is not registered at the facility, the ballot may not be counted
  – If voter wishes to proceed, process the voter in the same manner as other On-Site applicants.
  – If voter does not wish to proceed with voting, the RCF Judge may instruct the voter that they can submit their ABBM to the EV Clerk, in the normal manner (by mail, common or contract carrier, fax, or email) and that it must be received by the EV Clerk by the 11th day before election day.
What happens at the RCF, 5?

- RCF Judge prints voter’s name on Signature Roster, indicates whether voter is a Pre-applicant or an On-site applicant, and has voter sign Signature Roster.
- Voter marks their ballot and then RETURNS carrier to RCF Judges, who then review carrier to make sure it is sealed and signed correctly.
- Both RCF Judges then sign the carrier as witnesses (as witnesses to the procedure, not necessarily to the signature) and put “Residential Care Facility Election Judge” in the space where witness would normally put address.
- RCF Judges then place completed carrier envelope in the larger envelope used to return these materials and which, in turn, will be placed in the bag or box (and appropriately sealed), for transportation back to the EV Clerk.
To the extent applicable and where not in conflict with Chapter 107 or other law, Chapter 85 of the Election Code applies to voting at the RCFs.

Individuals staying or residing at RCFs have rights under state and federal law regarding their privacy and other aspects of their daily living.

RCF Judges must keep in mind that they are essentially entering these people’s homes and their living rooms.

RCF Judges may respectfully request that political discussions not be held where voters marking their ballots can hear them and that voters or other residents who are wearing clothing with political slogans be asked to cover them.

– However, voting at the RCF is NOT the same as setting up a temporary branch voting location; this is simply a method of ballot delivery that should be conducted in a manner that is the least intrusive as possible.
Witness/Assistance at RCF, 1

• ABBM completed by On-site Applicant
  – If applicant needs assistance, this is done in the same manner as any other assistance in completing an ABBM (Sec. 84.003).
    • RCF Judge must put title (no need to provide residence address)
    • Individuals other than RCF Judges may assist/witness ABBM
  – RCF Judge may serve as a witness for applicant who cannot sign; may witness unlimited number of ABBMs at RCF (Sec. 107.009(b))
  – Per 107.009(c), RCF Judge must review each RCF ABBM for completeness – this is NOT assistance under Sec. 84.003
Witness/Assistance at RCF, 2

• Carrier Envelope - Action by RCF Judge
  – Both RCF Judges sign **EVERY** carrier envelope on Assistant/Witness line, regardless of whether RCF Judge is actually serving as witness to the voter’s signature or as an assistant (Sec. 107.008(d))
    • In the space for the address of the witness, RCF Judge writes in “Residential Care Facility Election Judge.“
  – If RCF Judge serves as witness to a voter’s signature or assistant for a voter under Section 107.009(e), RCF Judge should also check the appropriate box on the carrier.
  – RCF Judges can serve as witness or assistant on carrier for unlimited number of voters at RCF
Witness/Assistance at RCF, 3

• Carrier Envelope action by relative of voter or other assistant not RCF Judge
  – Regular by-mail assistance and witness laws and procedures apply
  – 107.012(c) - “Seal the ballot” i.e., just as with other carrier envelopes, the RCF Judges must sign and add title on witness line.
  – Note, a non-RCF Judge individual may only serve as a witness for one individual who is not a close relative
Poll Watchers

• PW presents certificate to RCF Judges as usual

• PW has same access to RCF as RCF Judges
  – PW still cannot observe a voter being assisted by a person of their choosing (i.e., not by RCF Judge)

• Name of PW submitted to EV Clerk by COB on last business day before the date the PW is to observe voting at RCF
Leaving Ballot Package at RCF, 1

NOTE: This procedure **only** applies to pre-applicants

Per Section 107.014(c), RCF Judge shall leave a “ballot package” for a voter who:

- Was a **pre-applicant** who was not present **any time** when the RCF Judges were at the facility; **AND**
- Is “expected to return” to the RCF before the deadline to return ballot by mail
  - 7:00 pm on Eday (if not postmarked at all)
  - 5:00 pm on next business day after Election Day, if postmarked by 7:00 on Eday.
- **Best Practice:** RCF Judges should ask RCF Administrator of whereabouts of any pre-applicant voters who have not shown up to vote.
Leaving Ballot Package at RCF, 2

- Best Practice: Leave materials with Administrator or other senior official at RCF
- RCF Judges instruct RCF Administrator (or other senior official) to secure Ballot Packages in lockable cabinet, a safe, office that can be locked, etc.
- The RCF Judges complete the “Tracking Sheet for Ballots Left at RCF,” showing the name of the voter(s) for whom materials were left at the facility, and with whom they were left
- Instruct RCF official that the individual that delivers the ballot to the voter must write their name on the Tracking Sheet and the date of delivery and that Voter must sign to indicate receipt
- Voter returns carrier envelope in normal by-mail manner (by mail, courier, hand-delivery by voter)
Leaving Ballot Package at RCF, 3

• If the RCF Administrator is not able to confirm that an absent voter will be back before the deadline to return a ballot by mail, then the RCF Judges should not leave that voter’s ballot package at the facility. Instead, the RCF Judges should return the materials to the EV Clerk.
NOTE: This procedure **only** applies to pre-applicants

If pre-applicant is temporarily located at another location when voting is conducted at the facility (e.g., hospitalized) AND Voter has submitted a signed Request to Deliver Ballot to Temporary Location:

- Both RCF judges may CHOOSE to personally deliver the ballot package to the voter's temporary address, as indicated on the Request form.
  - Ballot may be returned by mail; or
  - RCF Judges may accept the marked ballot personally (RCF Judges sign carrier and put title in witness space as with other ballots voted at RCF).

- If RCF Judges do not deliver ballot package to voter, judges return ballot package to EV clerk.
Delivery of Ballot Package to Voter at Temporary Location, 2

• Best Practice: RCF Judges should ask RCF Administrator of whereabouts of any pre-applicants voters who have not shown up to vote, if Administrator has not already informed Judges about any absent pre-applicant voters.
Concluding Visit to RCF, 1

- RCF Judges complete necessary paperwork (including Tracking Sheet for Ballots Left at RCF for Absent Voters Intended to Return, if applicable).
- Complete Ballot Transmittal Form for Use at RCF
  - RCF Judges record # of ballots voted, # of ballots issued, unused returned ballots, # of Pre-applicant ballots personally delivered to voters temporarily away from RCF, # of ballots left at facility (under Sec. 107.014(c)), and # of unvoted pre-applicant ballots returned to EV Clerk.
- Signature Roster (may be placed in ballot bag or other container).
- RCF Judges place all carrier envelopes (and attached ABBMs, if applicable) and the signature roster in an envelope provided for this purpose, seal the envelope, and sign over the seal.
Concluding Visit to RCF, 2

- RCF Judges place the secure envelope and other materials inside a ballot bag or other secure container for transportation back to the EV Clerk.
  - Ballot transport container should be affixed with a serially numbered seal (provided by the EV Clerk). RCF judges should note the seal number used to seal the ballot transport container in Box B of the Ballot Transmittal form and sign the form.
Transport to EV Clerk, 1

- As soon as possible after conducting voting at RCF, but not later than 18 hours after leaving the facility, the RCF Judges shall deliver the locked/sealed ballot bag or container to the EV Clerk.
Relevant Statutes

• 86.003
• 86.004
• Ch 107
Sec. 86.003. METHOD OF PROVIDING BALLOT TO VOTER: REQUIRED ADDRESS. (a) The balloting materials for voting by mail shall be provided to the voter by mail, unless the ballot is delivered to a voter for early voting under Chapter 107. A ballot provided by any other method may not be counted.

(b) Subject to Subsection (c), the balloting materials shall be addressed to the applicable address specified in the voter's application. The election officer providing the ballot may not knowingly deliver the materials to an address other than that prescribed by this section.

(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.

(d) If the applicable address specified in a voter's application is an address other than that prescribed by Subsection (c), the voter's application shall be rejected in accordance with Section 86.001(c).

(e) A voter who makes an application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, is required to vote as provided by that chapter if five or more applications for ballots to be voted by mail are made by residents of the same facility who request that the ballots be sent to that facility.
Sec. 86.004. TIME FOR PROVIDING BALLOT TO VOTER.  (a) Except as provided by Subsection (b) or (c), the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if that mailing date is earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 38th day before election day.

(b) For an election to which Section 101.104 applies, the balloting materials for a voter who indicates on the application for a ballot to be voted by mail or the federal postcard application that the voter is eligible to vote early by mail as a consequence of the voter's being outside the United States shall be mailed on or before the later of the 45th day before election day or the seventh calendar day after the date the clerk receives the application. However, if it is not possible to mail the ballots by the deadline of the 45th day before election day, the clerk shall notify the secretary of state within 24 hours of knowing that the deadline will not be met. The secretary of state shall monitor the situation and advise the clerk, who shall mail the ballots as soon as possible in accordance with the secretary of state's guidelines.

(c) An application to vote early by mail on the grounds of age or disability requesting that the ballot be sent to the address of a residential care facility, as defined by Chapter 107, shall be held until the earlier of:

(1) the date on which five or more applications for ballots to be voted by mail made by residents of the same facility who request that the ballots be sent to that facility have been received, in which case ballots may not be mailed to the voters and voting shall be conducted under Chapter 107; or

(2) the last day on which an application for a ballot to be voted by mail may be received, after which the ballot shall promptly be mailed to the voter.
CHAPTER 107. EARLY VOTING AT A RESIDENTIAL CARE FACILITY

Sec. 107.001. PURPOSE. This chapter is enacted to facilitate voting in a nursing home, other long-term care facility, or retirement center in which a significant number of occupants, patients, or residents lack adequate transportation to an appropriate polling place, need assistance in voting, are 65 years of age or older or are disabled, or are indefinitely confined.

Sec. 107.002. DEFINITION. In this chapter, "residential care facility" means a facility licensed and regulated under Chapter 242 or 247, Health and Safety Code, with more than 10 beds.

Sec. 107.003. APPLICABILITY OF EARLY VOTING BY PERSONAL APPEARANCE PROVISIONS. To the extent applicable and not in conflict with this chapter, Chapter 85 applies to voting at a residential care facility under this chapter.

Sec. 107.004. EARLY VOTING AT RESIDENTIAL CARE FACILITY REQUIRED. (a) A voter residing in a residential care facility who has applied to vote early by mail on the grounds of age or disability and who requested that the ballot be sent to the address of the facility, must vote as provided by this chapter if five or more applications for ballots to be voted by mail were made by residents of the same facility who requested that the ballots be sent to the facility.

(b) If a residential care facility has fewer than five residents qualified to vote under this chapter on January 1 of each calendar year, the secretary of state may exempt a residential care facility from the requirements of this chapter. For this exemption to apply, the Department of State Health Services and the facility director must provide written confirmation that the exemption applies to the residential care facility. The secretary of state shall adopt rules to implement this subsection.
Sec. 107.005. ELECTION JUDGES; QUALIFICATIONS; OATH. (a) Additional election judges shall be selected to serve at a residential care facility in the same manner as election judges are selected to serve at a polling place for early voting by personal appearance under Chapter 32. The county chair of a political party shall indicate on the list of names of persons whether a person is willing to serve as an election judge under this chapter.

(b) An election judge serving at a residential care facility may be a volunteer, an employee of the authority conducting the election, or compensated by the authority conducting the election in the same manner as an election judge for a polling place for early voting by personal appearance.

(c) A person may not serve as an election judge for a residential care facility if at any time during the two years preceding the election, the person has been employed at a residential care facility in the county where the person seeks to serve as an election judge.

(d) Before beginning the duties of an election judge under this chapter, each individual appointed to serve as an election judge at a residential care facility shall sign and date this oath:

I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election.

I have read the statutes and training materials provided and will conduct this election accordingly.

I understand that failing to follow procedures exactly may result in invalidation of the voter's ballot.

I will not unduly influence or pressure a person to participate or cast a ballot in the election.

I will not influence the choice of a voter to choose a particular primary ballot, vote in a particular race or election, or vote on a particular proposition.

Signed this ___ day of ____, 20__.

Date: ______________________

(e) The secretary of state shall provide training for an election judge serving under this section.
Sec. 107.006. VOTING LOCATION. (a) The administrator of the residential care facility shall make available an area located in a common area of the facility for the purposes of voting under this chapter. The area shall allow a voter to cast a secret ballot.

(b) The facility administrator shall allow posting of required notices during the period that voting is conducted under this chapter.

(c) An election judge may enter the private room of a voter who requests that balloting materials be brought to the voter.
Sec. 107.007. NOTICE OF ELECTION IN RESIDENTIAL CARE FACILITY; DETERMINATION OF TIME FOR VOTING. (a) If early voting at a residential care facility is required under this chapter, the early voting clerk shall give notice that early voting will occur at the facility and appoint election judges for the purpose of conducting voting under this chapter.

(b) Not later than 5 p.m. on the sixth business day before election day, the election judges shall, with the input of the administrator of the residential care facility, designate one or more times for voting to be conducted. Voting may be conducted not earlier than the 29th day before election day and not later than the fourth day preceding election day.

(c) Notice of the time or times for conducting the election shall be posted at the residential care facility by the election judge and on the appropriate county's Internet website as soon as practicable after determining the time and not later than the fifth day before the first day on which voting will be conducted at the facility.

(d) The early voting clerk shall maintain a public list of all residential care facilities in the clerk's jurisdiction at which voting is conducted under this chapter. The list must be available on the website of the authority conducting the election or posted at the location where public notices are posted in the county courthouse or authority public building, as applicable, and for each facility state:

1. the name of the facility;
2. the address of the facility;
3. the dates and times for voting at the facility; and
4. the names of the election judges for the facility.

(e) The secretary of state with the assistance of the Department of State Health Services shall create a list of all residential care facilities eligible under this chapter on January 1 of each calendar year in an early voting clerk's jurisdiction. The secretary of state shall provide the list to the early voting clerk.

(f) At any time during the year and regardless of whether five or more voters at a residential care facility have requested ballots to be voted by mail, the early voting clerk may post notice of the dates on which voting will be conducted at the facility under this chapter for each election. If the early voting clerk posts notice under this subsection, the names of the election judges and the hours during which voting will be conducted must be posted at least 48 hours before voting is conducted at the facility, notwithstanding Subsection (c).
Sec. 107.008. CONDUCT OF ELECTION. (a) In an election conducted under this chapter, the early voting clerk shall deliver to the election judges for a residential care facility the balloting materials for any qualified voters who have requested a mail ballot for an election that would have been otherwise mailed to the voter at the facility under Chapter 86.

(b) The election judges for a residential care facility shall deliver the balloting materials to the voter at the facility.

(c) The voter shall mark and seal the ballot in the same manner as a voter voting under Chapter 86.

(d) Both election judges for the residential care facility shall sign the carrier envelope as witnesses. In the space for the address of the witness, each election judge shall write in "Residential Care Facility Election Judge."

(e) The election judges shall accept the carrier envelope and place the envelope in a secure bag or ballot container for transport to the early voting clerk’s office.

(f) Ballots voted at a residential care facility shall be processed for counting in the manner provided by Chapter 86 for a ballot voted by mail.

Sec. 107.009. VOTING BY ADDITIONAL QUALIFIED VOTERS. (a) The early voting clerk shall produce a list of all additional qualified voters who reside and are registered to vote at a residential care facility where voting is conducted under this chapter.

(b) The clerk shall supply the election judges for the residential care facility with sufficient additional ballots and voting materials to allow any additional qualified voter who resides at the facility to vote under this chapter. During the voting period, any registered voter who resides at the facility may complete an application to request a mail ballot as if they were voting by mail. An election judge for the facility shall serve as a witness for any person who is unable to sign their name and may witness multiple applications.

(c) An election judge for the residential care facility must accept a properly completed application for a ballot made under this section, and shall provide a ballot to the voter. The election judge shall make a notation on an application that it was made under this section.

(d) A voter who applies for a ballot under this section shall vote in the manner provided by Section 107.008, except that the voter’s ballot must be stored with the voter’s application, and the voter’s ballot may not be counted if the voter was not a qualified voter for the election as demonstrated from the information contained in the voter’s application.

(e) An election judge at the residential care facility may assist and witness a ballot received by a voter who resides at the facility and is not registered to vote at the facility while the election judge is present at the facility.

(f) The secretary of state may prescribe an application for a voter to request a ballot under Subsection (b).
Sec. 107.010. RETENTION OF RECORDS. (a) The election judges for the residential care facility shall record the number of ballots voted. Both of the election judges for each facility and the early voting clerk shall sign and attest to the number of ballots issued.

(b) On completion of voting under this chapter, the election judges must record the number of:

1. completed ballots;
2. spoiled ballots; and
3. unused returned ballots.

Sec. 107.011. PROOF OF IDENTIFICATION PRESENTED AT RESIDENTIAL CARE FACILITY. (a) Notwithstanding Section 63.0101 or any other law, a voter voting under this chapter may submit a statement as proof of identification signed by both election judges for the residential care facility that:

1. contains the name and address of the voter; and
2. verifies that the voter is a resident of the facility and appears on the list of registered voters.

(b) The election judges shall enclose the statement in the carrier envelope.

Sec. 107.012. ASSISTING VOTER; NOTICE. (a) On written request to the early voting clerk by a relative of a registered voter in a residential care facility, the clerk may notify the relative of the time or times at which election judges will conduct voting at the facility. The relative may be present at the facility while voting is conducted.

(b) A voter may receive assistance in the same manner as provided by Subchapter B, Chapter 64.

(c) An election judge shall seal a ballot if the voter receives assistance from a person who is not an election judge.
Sec. 107.013. SECURITY OF BALLOTS AND MATERIALS. (a) On completion of the voting each day on which voting is conducted at a residential care facility under this chapter, the election judges for the facility shall seal the ballot envelopes and any absentee ballot applications inside a secure envelope and shall seal the envelope and sign the seal. The election judges shall place the envelope inside a ballot bag or container.

(b) As soon as possible after conducting voting at a residential care facility, but not later than 18 hours after leaving the facility, the election judges shall deliver the ballot bag or container to the early voting clerk.

Sec. 107.014. PROVISION OF MAIL BALLOT TO CERTAIN VOTERS. (a) If a qualified voter residing at a residential care facility and seeking to vote at the facility under this chapter is not able to cast a ballot during any time when voting is conducted at the facility, the election judges for the facility shall inform the early voting clerk not later than the fourth day before election day. The clerk shall mail the ballot to the voter not later than the fourth day before election day.

(b) Any registered voter who did not cast a ballot at the residential care facility may cast a ballot by:

1. voting in person on election day; or
2. voting by mail.

(c) An election judge shall leave a ballot package for a voter who:

1. requested a ballot to be voted by mail and was not present during the scheduled time for early voting at the residential care facility; and
2. is expected to return to the residential care facility before the deadline for returning a ballot by mail.

(d) If a voter who requested a ballot to be voted by mail under this chapter is temporarily located at another location, including by hospitalization:

1. the early voting clerk may mail the ballot to the voter's temporary address, if known; or
2. the election judge may personally deliver the ballot package to the voter's temporary address, if known.

(e) If an election judge personally delivers a ballot package under Subsection (d), the election judge may:

1. allow the ballot to be returned by mail; or
2. accept the marked ballot personally.
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Sec. 107.015. WATCHERS. (a) In an election held under this chapter, a watcher may observe the process of ballot distribution in the common areas of a residential care facility in a manner consistent with Chapter 33.
(b) A political party entitled to have the names of its nominees placed on the general election ballot may appoint a watcher to accompany the election judges to a residential care facility.
(c) A political party seeking to appoint a watcher to serve at a residential care facility shall submit the name of the watcher to the county election officer of the county in which the facility is located, not later than the close of business on the last business day before the date the watcher seeks to observe the conduct of the election under this chapter.
(d) A watcher must present the watcher's certificate of appointment to an election judge for the residential care facility on arrival at the facility.
(e) A watcher has access to the same areas of the residential care facility as an election judge.

Sec. 107.016. LIMITATIONS ON APPLICABILITY OF CHAPTER. (a) The early voting clerk is not required to send election judges to conduct an election at a residential care facility unless there are at least five registered voters who are residents of the facility.
(b) This chapter does not prevent a registered voter from:
   (1) voting early by personal appearance;
   (2) voting on election day; or
   (3) voting by mail from an address other than the residential care facility, including from the address of a family member designated under Section 84.002.

Sec. 107.017. RULES. The secretary of state shall adopt rules and prescribe procedures for voting at a residential care facility in accordance with this chapter.
Oath

Oath for Residential Care Facility Judge Instructions: This oath should be completed by the election judges serving at a Residential Care Facility prior to beginning their service.

“I swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any candidate or measure to be voted on, and that I will faithfully perform my duty as an officer of the election and guard the purity of the election. I have read the statutes and training materials provided and will conduct this election accordingly. I understand that failing to follow procedures exactly may result in invalidation of the voter's ballot. I will not unduly influence or pressure a person to participate or cast a ballot in the election. I will not influence the choice of a voter to choose a particular primary ballot, vote in a particular race or election, or vote on a particular proposition.”

______________________________      Signed this ___ day of ____, 20__

Signature of Election Judge