



## Long-Term Care Regulatory Provider Letter

**Number:** PL 2022-10

**Title:** Information on the Texas Election Integrity Protection Act

**Provider Types:** Assisted Living Facilities (ALF), Day Activity and Health Services (DAHS), Home and Community-based Services (HCS), Home and Community Support Services Agencies (HCSSA), Intermediate Care Facilities (ICF/IID), Nursing Facilities (NF)

**Date Issued:** April 26, 2022

### 1.0 Subject and Purpose

The Health and Human Services Commission (HHSC) is issuing this letter to notify facilities and program providers about the Texas Election Integrity Protection Act of 2021, which took effect December 2021. The new law made changes to existing voting requirements found in the Texas Elections Code, Chapters 64 and 86, related to providing voter assistance. It is the responsibility of program providers and facilities to review the new law and ensure that their policies and procedures align with the requirements of the law.

### 2.0 Policy Details & Provider Responsibilities

The Texas Election Integrity Protection Act of 2021 (Senate Bill 1, 86<sup>th</sup> Legislature, Second Called Session) includes Article 6, Assistance of Voters. Article 6 includes changes to the law in how voting assistance may be provided. Significant changes to voter assistance laws include the following:

- A person assisting seven or more voters who are unable to enter a polling place by providing the voters with transportation to the polling place for curbside voting must complete a form provided at the polling place by an election officer, unless the person assisting the voters is

related to each voter transported within the second degree of affinity<sup>1</sup> or third degree of consanguinity<sup>2</sup>. The form must be completed as required by the law.

- A voter may receive assistance in marking or reading a ballot if the voter cannot prepare or read the ballot because of a physical disability that renders the voter unable to write or see or an inability to read the language in which the ballot is written.
- A person assisting a voter in marking or reading a ballot must complete a form stating the name and address of the person assisting the voter, the person's relationship to the voter, and whether the person received any form of compensation or benefit from a candidate, campaign, or political committee. If the voter is early voting by mail, the form is on the official carrier envelope for returning a marked ballot to the early voting clerk. If the voter is voting in-person, the person assisting the voter must say the Oath of Assistance aloud and complete the form at the time the voter casts a ballot at a polling place.
- A person commits a state jail felony if the person compensates another person, offers to compensate another person, or solicits, receives, or accepts compensation for assisting a voter in voting a

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<sup>1</sup> People related by affinity are related by marriage. Whether a person assisting a voter is related to the voter within the second degree of affinity is determined under Texas Government Code [Chapter 573](#). Under this chapter, a person assisting a voter is related to the voter within the first degree of affinity if the person is the voter's spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepparent, or stepchild. A person assisting a voter is related to the voter within the second degree of affinity if the person is the voter's brother-in-law, sister-in-law, spouse's grandparent, step-grandchild, grandchild's spouse, or step-grandparent.

<sup>2</sup> People related by consanguinity are generally related by blood. Whether a person assisting a voter is related to the voter within the second degree of affinity is also determined under Texas Government Code [Chapter 573](#). Under this chapter, a person assisting a voter is related to the voter within the first degree of consanguinity if the person is a parent or child of the voter. A person assisting a voter is related to the voter within the second degree of consanguinity if the person is a grandparent, grandchild, or sibling of the voter. A person assisting a voter is related to the voter within the third degree of consanguinity if the person is a great-grandparent, great-grandchild, sibling of a parent, or child of a sibling of the voter. An adopted child is considered to be a child of the adoptive parent for purposes of determining relationships by consanguinity.

ballot by mail. The criminal offense section does not apply if the person assisting the voter is an attendant or caregiver previously known to the voter.

### **3.0 Background/History**

The Texas Election Integrity Protection Act modifies statutes related to: voter registration, the conduct and security of elections, election officers and observers, early mail-in voting, the assistance of voters, election fraud and other unlawful practices, election-related court proceedings, and ineligible voters and related reforms.

Article 6, Assistance of Voters, codified in the Texas Elections Code, Chapters 64 and 86, governs the requirements of any individual providing assistance to a voter.

### **4.0 Resources**

- [Senate Bill 1, 87th Legislature, Second Called Session, 2021](#)
- [Texas Election Code, Title 6, Chapter 64, Voting Procedures](#)
- [Texas Election Code, Title 7, Chapter 86, Conduct of Voting by Mail](#)

### **5.0 Contact Information**

If you have any questions about this letter, please contact the Policy and Rules Section by email at [LTCRPolicy@hhs.texas.gov](mailto:LTCRPolicy@hhs.texas.gov) or call (512) 438-3161.