

By: Van de Putte

S.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a pilot program to provide a ballot by electronic mail to military personnel serving overseas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 101, Election Code, is amended by adding Section 101.0071 to read as follows:

Sec. 101.0071. ELECTRONIC MAIL BALLOT PILOT PROGRAM. (a) Not later than August 15, 2006, the secretary of state shall implement a pilot program to evaluate the use of electronic mail to provide balloting materials to overseas voters who are members of the armed forces of the United States for the general election for state and county officers in 2006. A county may participate in the pilot program only if:

(1) the early voting clerk of the county makes a request to the secretary of state to participate; and

(2) the secretary of state approves the request.

(b) After balloting materials have been provided to the voter in accordance with Section 101.007(a), the early voting clerk in a county participating in the pilot program may send balloting materials to an electronic mail address in a form and manner prescribed by the secretary of state if the voter:

(1) is an FPCA registrant and is eligible for early voting by mail under Sections 101.001(1) and (2)(A);

(2) provides a current address that is located outside

1 the United States and is voting from outside the United States;

2 (3) provides an electronic mail address that contains  
3 the voter's name and the suffix ".mil"; and

4 (4) requests that balloting materials be sent by  
5 electronic mail because the voter did not receive the balloting  
6 materials provided under Section 101.007(a).

7 (c) Balloting materials sent to an electronic mail address  
8 under Subsection (b) shall include a signature sheet for the voter.

9 (d) If the early voting clerk provides a ballot to a voter at  
10 an electronic mail address under Subsection (b), the clerk must  
11 provide ballots to all voters who qualify under that subsection.

12 (e) If the early voting clerk provides a ballot to a voter at  
13 an electronic mail address under Subsection (b), the clerk shall  
14 amend the voter's federal postcard application for future elections  
15 with the voter's current address.

16 (f) A ballot sent to an electronic mail address under  
17 Subsection (b) must be returned with the signature sheet.

18 (g) An electronic mail address provided under this section  
19 is confidential and does not constitute public information for  
20 purposes of Chapter 552, Government Code. The early voting clerk  
21 shall ensure that an electronic mail address provided under this  
22 section is excluded from disclosure.

23 (h) If a voter returns both a voted ballot mailed to the  
24 voter under Section 101.007(a) and a voted ballot provided  
25 electronically to the voter under this section, only the ballot  
26 that was provided electronically may be counted.

27 (i) All other provisions of this code that would normally

1 apply to a ballot voted under this chapter apply to a ballot voted  
2 under this section, including the deadline provided by Section  
3 86.007 and electronic transmission of a ballot under Section  
4 105.001.

5 (j) The secretary of state may adopt rules as necessary to  
6 implement this section.

7 (k) At the conclusion of the pilot program established under  
8 this section, but not later than February 15, 2007, the secretary of  
9 state shall file a report on the program with the legislature. The  
10 report may include the secretary of state's:

11 (1) recommendations relating to the continued  
12 feasibility of providing balloting materials by electronic mail to  
13 military personnel overseas; and

14 (2) suggestions for permanent statutory authority  
15 regarding the provision of balloting materials by electronic mail.

16 (1) This section expires February 16, 2007.

17 SECTION 2. This Act takes effect June 1, 2006, if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house as provided by Section 39, Article III, Texas Constitution.  
20 If this Act does not receive the vote necessary for effect on that  
21 date, this Act takes effect on the 91st day after the last day of the  
22 legislative session.