

By: Baxter

H.B. No. 2263

A BILL TO BE ENTITLED

AN ACT

relating to the provision of a ballot to be voted by mail to military personnel and their spouses and dependents.

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

SECTION 1. Section 86.004, Election Code, is amended to read as follows:

Sec. 86.004. TIME FOR PROVIDING BALLOT TO VOTER. (a) Except as provided by Subsection (b), the ~~[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) Balloting materials that are to be sent to 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 a member of the armed forces of the United States or the spouse or dependent of a member shall be mailed on or before the later of:

(1) the 45th day before election day;

(2) the third business day after the date on which the balloting materials become available for mailing; or

1           (3) the third business day after the date on which the  
2 early voting clerk receives the application for a ballot to be voted  
3 by mail.

4           SECTION 2. The change in law made by this Act to Section  
5 86.004, Election Code, applies only to the provision of balloting  
6 materials for an election ordered on or after September 1, 2005.

7           SECTION 3. This Act takes effect September 1, 2005.