

BILL ANALYSIS

C.S.H.B. 17
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Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In the 1950's, the US House of Representatives received testimony regarding the voting disenfranchisement of military personnel serving in Korea. Testimony revealed that election officials were unable to mail absentee ballots in a timely manner. More than half a century later, according to at least one survey, more than half of the military and overseas citizens who tried to vote in the 2004 Presidential election in Arkansas were disenfranchised. Fewer than half the ballots mailed by Arkansas counties were returned in time. According to a report to Congress, there is a high rate of disenfranchisement among military and overseas voters. Military voters are serving overseas in part to protect and defend American democracy, and their disenfranchisement is particularly troubling.

The purpose of this bill is to establish a pilot program to evaluate the use of electronic mail to provide a ballot to certain military personnel who are voting from overseas.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1, Chapter 101.0071(j) Election Code, of this bill.

ANALYSIS

CSHB 17 amends Chapter 101, Election Code, by adding Section 101.0071 to provide for 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. Not later than July 1, 2008, the secretary of state shall implement the program. A county may participate in the program if their request is made to and approved by the Secretary of State. Participating early voting clerks may send balloting materials to an electronic mail address in a form and manner prescribed by the Secretary of State to a qualifying voter. A ballot sent to an electronic mail address under this section must be returned with a signature sheet by the method provided by Section 101.008, Election Code, unless the person qualifies for a different method under Section 105.001. A ballot returned under this chapter shall be processed in the same manner as any other ballot voted by mail as provided by Chapter 87, Election Code. Not later than February 15, 2009, the Secretary of State shall file a report on the program with the legislature.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

In subsection (f), language was added to clarify that completed ballots must be returned to the early voting clerk by mail, common or contract carrier, or courier, unless the person qualifies for a different method under Section 105.001, Election Code. Language was added to subsection (h) of the bill to clarify that a ballot returned under this chapter shall be processed in the same manner as any other ballot voted by mail as provided by Chapter 87, Election Code.