

## **BILL ANALYSIS**

C.S.H.B. 928  
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Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires a person applying to receive a federal ballot to be voted by mail (absentee ballot) to submit a federal postcard to the early voting clerk on or before the 30th day before election day. C.S.H.B. 928 extends the submission deadline to the 20th day before election day for an active member of the Armed Forces of the United States, an active member of the Merchant Marine of the United States, or the spouses or dependents of such members, giving them an additional ten days to submit their request.

C.S.H.B. 928 takes into account that active members of the Armed Forces and the Merchant Marine are often informed of their upcoming assignments with relatively short notice. A ten day extension to qualified applicants will increase the likelihood that they will meet the submission deadline and have the opportunity to cast an absentee vote for Texas state elections.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 928 amends the Election Code to say that an applicant who is a member of the Armed Forces of the United States, a member of the Merchant Marine of the United States, or the spouse or a dependent of such a member has until the 20th day before election day to submit a federal postcard application to the early voting clerk. The bill provides that an application mailed from an Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is considered placed in the United States mail. The bill provides that the date indicated by the post office cancellation mark, including a United States military post office cancellation mark, is considered to be the date the application was placed in the mail unless proven otherwise.

The bill amends the Election Code to provide that, for purposes of an application made under §101.004 (e)(1)(B), Election Code, an application that does not contain a cancellation mark is considered to be timely if it is received by the early voting clerk on or before the 15th day before the election day; and if the 20th day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the early voting clerk on or before the next regular business day.

Changes in law made by C.S.H.B. 928 apply only to an election held on or after January 1, 2008.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

H.B. 928 states that for purposes of determining the date a federal application is submitted to the early voting clerk, an application is considered to be submitted on the day it is placed and properly addressed in the United States mail. C.S.H.B. 928 clarifies that an application mailed from an Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is considered placed in the United States mail.

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C.S.H.B. 928 states that the date indicated by the post office cancellation mark, including a United States military post office cancellation mark, is considered to be the date the application was placed in the mail unless proven otherwise.

C.S.H.B. 928 clarifies when an application submitted by a member of the Armed Forces, Merchant Marine, or the spouses or dependents of such a member that does not contain a cancellation mark is considered to be timely if it meets the measure's requirements.