

BILL ANALYSIS

Senate Research Center

S.B. 361
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires mail-in ballot applications to be submitted 30 days or earlier prior to an election. However, federal regulations require mail-in ballot applications to be sent 20 days or earlier before an election. This can create confusion for a member of the armed forces serving overseas, or that servicemember's dependant, who attempts to vote in both state and federal elections, as the individual's vote in the state election would not count if the individual complied only with the federal regulations.

S.B. 361 entitles certain applicants who are members of the armed forces or the merchant marines and their dependants outside of the United States to receive a full ballot if the federal postcard application is submitted to the early voting clerk 20 days before election day.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 101.004(e), (f), and (i), Election Code, as follows:

(e) Entitles an applicant who otherwise complies with applicable requirements to receive a full ballot to be voted by mail under this chapter (Voting by Resident Federal Postcard Applicant) if the person submits a federal postcard application (application) to the early voting clerk on or before the 20th day, rather than 30th day, before election day.

(f) Makes a conforming change.

(i) 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, and that the date indicated by the 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. Provides that, for the purposes of an application made under Subsection (e), 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, rather than 22nd day, before election day, and, if the 20th day, rather than 30th 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.

SECTION 2. Makes application this Act prospective to January 1, 2008.

SECTION 3. Effective date: September 1, 2007.