

## **BILL ANALYSIS**

Senate Research Center  
80R15160 ATP-D

C.S.S.B. 361  
By: Janek  
State Affairs  
4/17/2007  
Committee Report (Substituted)

### **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.

C.S.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 applicant submits a federal postcard application 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) Provides that a person described in Section 101.001(2)(A) or (B) (a person eligible vote early due to membership in, marriage to, or dependency on a member of the United States Armed Forces or Merchant Marines) is entitled to receive a full ballot to be voted by mail under this chapter if the person submits a federal postcard application (application) to the early voting clerk on or before the 20<sup>th</sup> 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)(1)(A) (regarding an application by an applicant required to submit the application 30 days before the election), an application is considered timely if it is received as previously set forth in this subsection. Provides that, for the purposes of an application made under Subsection (e)(1)(B) (regarding an application by a servicemember or servicemember's dependant), 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 15<sup>th</sup> day before election day, and if the 20<sup>th</sup> 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 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.