

1-1 By: Davis of Harris, Dunnam (Senate Sponsor - Janek) H.B. No. 928  
1-2 (In the Senate - Received from the House May 10, 2007;  
1-3 May 14, 2007, read first time and referred to Committee on State  
1-4 Affairs; May 17, 2007, reported favorably by the following vote:  
1-5 Yeas 8, Nays 0; May 17, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the deadline for submitting a federal postcard  
1-9 application to the early voting clerk.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 101.004(e), (f), and (i), Election  
1-12 Code, are amended to read as follows:

1-13 (e) An applicant who otherwise complies with applicable  
1-14 requirements is entitled to receive a full ballot to be voted by  
1-15 mail under this chapter if:

1-16 (1) the applicant submits a federal postcard  
1-17 application to the early voting clerk on or before the 20th [~~30th~~]  
1-18 day before election day; and

1-19 (2) the application contains the information that is  
1-20 required for registration under Title 2.

1-21 (f) The applicant is entitled to receive only a federal  
1-22 ballot to be voted by mail under Chapter 114 if:

1-23 (1) the applicant submits the federal postcard  
1-24 application to the early voting clerk after the date provided by  
1-25 Subsection (e)(1) [~~30th day before election day~~] and before the  
1-26 sixth day before election day; and

1-27 (2) the application contains the information that is  
1-28 required for registration under Title 2.

1-29 (i) Except as provided by Subsection (1), for purposes of  
1-30 determining the date a federal postcard application is submitted to  
1-31 the early voting clerk, an application is considered to be  
1-32 submitted on the date it is placed and properly addressed in the  
1-33 United States mail. An application mailed from an Army/Air Force  
1-34 Post Office (APO) or Fleet Post Office (FPO) is considered placed in  
1-35 the United States mail. The date indicated by the post office  
1-36 cancellation mark, including a United States military post office  
1-37 cancellation mark, is considered to be the date the application was  
1-38 placed in the mail unless proven otherwise. For purposes of an  
1-39 application made under Subsection (e):

1-40 (1) an application that does not contain a  
1-41 cancellation mark is considered to be timely if it is received by  
1-42 the early voting clerk on or before the 15th [~~22nd~~]  
1-43 day before election day; and

1-44 (2) if the 20th [~~30th~~] day before the date of an  
1-45 election is a Saturday, Sunday, or legal state or national holiday,  
1-46 an application is considered to be timely if it is submitted to the  
1-47 early voting clerk on or before the next regular business day.

1-48 SECTION 2. The changes in law made by this Act apply only to  
1-49 an election held on or after January 1, 2008.

1-50 SECTION 3. This Act takes effect September 1, 2007.

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