

By: Bonnen

H.B. No. 1146

A BILL TO BE ENTITLED

AN ACT

relating to the authority of small cities to conduct elections only by mail.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 7, Election Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. VOTING BY MAIL IN CERTAIN SMALL CITIES

Sec. 107.001. AUTHORITY TO CONDUCT MAIL-ONLY ELECTION. (a)

A city with a population of less than 250 may by ordinance provide that one or more elections held by the city will be conducted only by mail under this chapter.

(b) The ordinance must be adopted before the 90th day before the election date of the first election conducted by mail under this chapter.

Sec. 107.002. CONDUCT OF MAIL-ONLY ELECTION. (a) In an election held under this chapter:

(1) a person must vote early by mail; and

(2) voting by personal appearance is not permitted.

(b) Not more than 45 days and not less than 21 days before the deadline for requesting a ballot under this section, the early voting clerk shall send to each registered voter of the city a postage-paid ballot application. The city shall include with the ballot application a statement to educate voters about the mail-only election that contains instructions on how to obtain a

1 ballot and how to vote in the election.

2 (c) To vote in an election held under this chapter, a
3 registered voter must request a ballot from the early voting clerk,
4 in writing or in person at the office of the early voting clerk, not
5 later than the seventh day before election day. A written request
6 must be signed by the voter. The early voting clerk shall provide
7 an official ballot to each registered voter in the city who requests
8 a ballot under this subsection in the manner provided by Chapter 86.

9 (d) The balloting materials must be sent to the address at
10 which the voter is registered to vote, unless the voter has applied
11 for a ballot to be voted early by mail under Chapter 84 and the
12 balloting materials are to be sent to a different address as
13 authorized by Section 86.003(c).

14 Sec. 107.003. NOTICE OF MAIL-ONLY ELECTION. (a) A city
15 conducting an election by mail under this chapter shall publish
16 notice in a newspaper of general circulation in the city at least
17 once during the week before the deadline for a voter to request a
18 ballot.

19 (b) The notice must state:

20 (1) that there will be no voting by personal
21 appearance for the election;

22 (2) that a ballot will not be mailed to a voter and the
23 voter may not vote in the election unless the voter requests a
24 ballot in writing or in person from the early voting clerk;

25 (3) that if requested, the ballot will be mailed to a
26 registered voter at the address at which the voter is registered to
27 vote, unless the voter has submitted an application to vote early by

1 mail on grounds of age, disability, confinement in jail, or absence
2 from the voter's county of residence, in which case the ballot will
3 be mailed to an authorized address stated on the application;

4 (4) the deadline for requesting a ballot; and

5 (5) the deadline for returning marked ballots.

6 Sec. 107.004. TIME FOR PROVIDING BALLOT. (a) Except as
7 provided by Subsection (b), the balloting materials for an election
8 held under this chapter shall be mailed to a voter not later than
9 the 25th day before election day.

10 (b) Section 86.004 applies to the mailing of a ballot to a
11 voter who applied for a ballot to be voted early by mail under
12 Chapter 84.

13 Sec. 107.005. APPLICABILITY OF EARLY VOTING BY MAIL
14 PROVISIONS. Except as otherwise provided by this chapter, the
15 provisions applicable to early voting by mail apply to an election
16 held under this chapter.

17 Sec. 107.006. ADDITIONAL PROCEDURES. The secretary of
18 state shall prescribe any additional procedures necessary to
19 implement this chapter.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.