

By: Bonnen

H.B. No. 1146

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of small cities to conduct elections only  
3 by mail.

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

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

7 CHAPTER 107. VOTING BY MAIL IN CERTAIN SMALL CITIES

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

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

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

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

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

18 (2) voting by personal appearance is not permitted.

19 (b) The early voting clerk shall provide an official ballot  
20 to each registered voter in the city in the manner provided by  
21 Chapter 86.

22 (c) The balloting materials must be sent to the address at  
23 which the voter is registered to vote, unless the voter has applied  
24 for a ballot to be voted early by mail and the balloting materials

1 are to be sent to a different address as authorized by Section  
2 86.003(c).

3 Sec. 107.003. NOTICE OF MAIL-ONLY ELECTION. (a) A city  
4 conducting an election by mail under this chapter shall publish  
5 notice in a newspaper of general circulation in the city at least  
6 once during the week in which the ballots are mailed to the voters.

7 (b) The notice must state:

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

10 (2) that a ballot automatically will be mailed to each  
11 registered voter at the address at which the voter is registered to  
12 vote, unless the voter has submitted an application to vote early by  
13 mail, in which case the ballot will be mailed to an authorized  
14 address stated on the application; and

15 (3) the deadline for returning marked ballots.

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

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

23 Sec. 107.005. APPLICABILITY OF EARLY VOTING BY MAIL  
24 PROVISIONS. Except as otherwise provided by this chapter, the  
25 provisions applicable to early voting by mail apply to an election  
26 held under this chapter.

27 Sec. 107.006. ADDITIONAL PROCEDURES. The secretary of

1 state shall prescribe any additional procedures necessary to  
2 implement this chapter.

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