

AN ACT

relating to provisional voting by a person who applied for an early voting ballot by mail.

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

SECTION 1. Section 63.011, Election Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A person to whom the early voting clerk was required to provide an early voting ballot by mail under Section 86.001 and who did not vote early by mail may cast a provisional ballot on election day if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) did not vote early by mail.

(b) A form for an affidavit required by this section [~~the affidavit~~] shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person. The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

SECTION 2. Section 65.054(b), Election Code, is amended to

1 read as follows:

2 (b) A provisional ballot may be accepted only if the board  
3 determines that, from the information in the affidavit or contained  
4 in public records, the person is eligible to vote in the election  
5 and has not previously voted in that election.

6 SECTION 3. The changes in law made by this Act apply only to  
7 an election ordered on or after September 1, 2007.

8 SECTION 4. This Act takes effect September 1, 2007.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 2823 was passed by the House on April 26, 2007, by the following vote: Yeas 125, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2823 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2823 on May 27, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

---

Chief Clerk of the House

H.B. No. 2823

I certify that H.B. No. 2823 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 29, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2823 on May 26, 2007, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor