

By: Bohac

H.B. No. 2823

Substitute the following for H.B. No. 2823:

By: Berman

C.S.H.B. No. 2823

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to provisional voting by a person who applied for an early  
3 voting ballot by mail.

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

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

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

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

15 (2) did not vote early by mail.

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

24 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.