

1-1 By: Bohac, et al. (Senate Sponsor - Patrick) H.B. No. 2823
1-2 (In the Senate - Received from the House April 27, 2007;
1-3 May 1, 2007, read first time and referred to Committee on State
1-4 Affairs; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 18, 2007, sent to printer.)

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

1-8 relating to provisional voting by a person who applied for an early
1-9 voting ballot by mail.

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

1-11 SECTION 1. Section 63.011, Election Code, is amended by
1-12 adding Subsection (a-1) and amending Subsection (b) to read as
1-13 follows:

1-14 (a-1) A person to whom the early voting clerk was required
1-15 to provide an early voting ballot by mail under Section 86.001 and
1-16 who did not vote early by mail may cast a provisional ballot on
1-17 election day if the person executes an affidavit stating that the
1-18 person:

1-19 (1) is a registered voter in the precinct in which the
1-20 person seeks to vote; and

1-21 (2) did not vote early by mail.

1-22 (b) A form for an affidavit required by this section [~~the~~
1-23 ~~affidavit~~] shall be printed on an envelope in which the provisional
1-24 ballot voted by the person may be placed and must include a space
1-25 for entering the identification number of the provisional ballot
1-26 voted by the person. The affidavit form may include space for
1-27 disclosure of any necessary information to enable the person to
1-28 register to vote under Chapter 13. The secretary of state shall
1-29 prescribe the form of the affidavit under this section.

1-30 SECTION 2. Section 65.054(b), Election Code, is amended to
1-31 read as follows:

1-32 (b) A provisional ballot may be accepted only if the board
1-33 determines that, from the information in the affidavit or contained
1-34 in public records, the person is eligible to vote in the election
1-35 and has not previously voted in that election.

1-36 SECTION 3. The changes in law made by this Act apply only to
1-37 an election ordered on or after September 1, 2007.

1-38 SECTION 4. This Act takes effect September 1, 2007.

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