

1-1 By: Van de Putte, Uresti S.B. No. 90
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on State Affairs;
1-4 February 28, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0;
1-6 February 28, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 90 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the establishment of a pilot program to provide a ballot
1-11 by electronic mail to military personnel serving overseas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 101, Election Code, is amended by adding
1-14 Section 101.0071 to read as follows:

1-15 Sec. 101.0071. ELECTRONIC MAIL BALLOT PILOT PROGRAM.

1-16 (a) Not later than July 1, 2008, the secretary of state shall
1-17 implement a pilot program to evaluate the use of electronic mail to
1-18 provide balloting materials to overseas voters who are members of
1-19 the armed forces of the United States for the general election for
1-20 state and county officers in 2008. A county may participate in the
1-21 pilot program only if:

1-22 (1) the early voting clerk of the county makes a
1-23 request to the secretary of state to participate; and

1-24 (2) the secretary of state approves the request.

1-25 (b) After balloting materials have been provided to the
1-26 voter in accordance with Section 101.007(a), the early voting clerk
1-27 in a county participating in the pilot program may send balloting
1-28 materials to an electronic mail address in a form and manner
1-29 prescribed by the secretary of state if the voter:

1-30 (1) is an FPCA registrant and is eligible for early
1-31 voting by mail under Sections 101.001(1) and (2)(A);

1-32 (2) provides a current address that is located outside
1-33 the United States and is voting from outside the United States;

1-34 (3) provides an electronic mail address that contains
1-35 the voter's name and the suffix ".mil"; and

1-36 (4) requests that balloting materials be sent by
1-37 electronic mail because the voter did not receive the balloting
1-38 materials provided under Section 101.007(a).

1-39 (c) Balloting materials sent to an electronic mail address
1-40 under Subsection (b) shall include a signature sheet for the voter.

1-41 (d) If the early voting clerk provides a ballot to a voter at
1-42 an electronic mail address under Subsection (b), the clerk must
1-43 provide ballots to all voters who qualify under that subsection.

1-44 (e) If the early voting clerk provides a ballot to a voter at
1-45 an electronic mail address under Subsection (b), the clerk shall
1-46 amend the voter's federal postcard application for future elections
1-47 with the voter's current address.

1-48 (f) A ballot sent to an electronic mail address under
1-49 Subsection (b) must be returned with the signature sheet by the
1-50 method provided by Section 101.008 unless the person qualifies for
1-51 a different method under Section 105.001.

1-52 (g) An electronic mail address provided under this section
1-53 is confidential and does not constitute public information for
1-54 purposes of Chapter 552, Government Code. The early voting clerk
1-55 shall ensure that an electronic mail address provided under this
1-56 section is excluded from disclosure.

1-57 (h) If a voter returns both a voted ballot mailed to the
1-58 voter under Section 101.007(a) and a voted ballot provided
1-59 electronically to the voter under this section, only the ballot
1-60 that was provided electronically may be counted. A ballot returned
1-61 under this chapter shall be processed in the same manner as any
1-62 other ballot voted by mail as provided by Chapter 87.

1-63 (i) All other provisions of this code that would normally

2-1 apply to a ballot voted under this chapter apply to a ballot voted
2-2 under this section, including the deadline provided by Section
2-3 86.007 and electronic transmission of a ballot under Section
2-4 105.001.

2-5 (j) The secretary of state may adopt rules as necessary to
2-6 implement this section.

2-7 (k) At the conclusion of the pilot program established under
2-8 this section, but not later than February 15, 2009, the secretary of
2-9 state shall file a report on the program with the legislature. The
2-10 report may include the secretary of state's:

2-11 (1) recommendations relating to the continued
2-12 feasibility of providing balloting materials by electronic mail to
2-13 military personnel overseas; and

2-14 (2) suggestions for permanent statutory authority
2-15 regarding the provision of balloting materials by electronic mail.

2-16 (l) This section expires February 16, 2009.

2-17 SECTION 2. This Act takes effect September 1, 2007.

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