

By: Janek

S.B. No. 361

A BILL TO BE ENTITLED

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AN ACT

relating to the deadline for submitting a federal postcard application to the early voting clerk.

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

SECTION 1. Subsections (e), (f), and (i), Section 101.004, Election Code, are amended to read as follows:

(e) An applicant who otherwise complies with applicable requirements is entitled to receive a full ballot to be voted by mail under this chapter if:

(1) the applicant submits a federal postcard application to the early voting clerk on or before:

(A) the 30th day before election day; or

(B) for an applicant described by Section 101.001(2)(A) or (B), the 20th day before election day; and

(2) the application contains the information that is required for registration under Title 2.

(f) The applicant is entitled to receive only a federal ballot to be voted by mail under Chapter 114 if:

(1) the applicant submits the federal postcard application to the early voting clerk after the date provided by Subsection (e)(1) [30th day before election day] and before the sixth day before election day; and

(2) the application contains the information that is required for registration under Title 2.

1 (i) Except as provided by Subsection (1), for purposes of
2 determining the date a federal postcard application is submitted to
3 the early voting clerk, an application is considered to be
4 submitted on the date it is placed and properly addressed in the
5 United States mail. An application mailed from an Army/Air Force
6 Post Office (APO) or Fleet Post Office (FPO) is considered placed in
7 the United States mail. The date indicated by the post office
8 cancellation mark, including a United States military post office
9 cancellation mark, is considered to be the date the application was
10 placed in the mail unless proven otherwise. For purposes of an
11 application made under:

12 (1) Subsection (e)(1)(A) [~~(e)~~]:

13 (A) [~~(1)~~] an application that does not contain a
14 cancellation mark is considered to be timely if it is received by
15 the early voting clerk on or before the 22nd day before election
16 day; and

17 (B) [~~(2)~~] if the 30th day before the date of an
18 election is a Saturday, Sunday, or legal state or national holiday,
19 an application is considered to be timely if it is submitted to the
20 early voting clerk on or before the next regular business day; and

21 (2) Subsection (e)(1)(B):

22 (A) an application that does not contain a
23 cancellation mark is considered to be timely if it is received by
24 the early voting clerk on or before the 15th day before election
25 day; and

26 (B) if the 20th day before the date of an election
27 is a Saturday, Sunday, or legal state or national holiday, an

1 application is considered to be timely if it is submitted to the
2 early voting clerk on or before the next regular business day.

3 SECTION 2. The changes in law made by this Act apply only to
4 an election held on or after January 1, 2008.

5 SECTION 3. This Act takes effect September 1, 2007.