

1-1 By: Janek S.B. No. 361  
1-2 (In the Senate - Filed January 30, 2007; February 21, 2007,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 April 18, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 18, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 361 By: Williams

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

1-10 relating to the deadline for submitting a federal postcard  
1-11 application to the early voting clerk.

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

1-13 SECTION 1. Subsections (e), (f), and (i), Section 101.004,  
1-14 Election Code, are amended to read as follows:

1-15 (e) An applicant who otherwise complies with applicable  
1-16 requirements is entitled to receive a full ballot to be voted by  
1-17 mail under this chapter if:

1-18 (1) the applicant submits a federal postcard  
1-19 application to the early voting clerk on or before:

1-20 (A) the 30th day before election day; or

1-21 (B) for an applicant described by Section  
1-22 101.001(2)(A) or (B), the 20th day before election day; and

1-23 (2) the application contains the information that is  
1-24 required for registration under Title 2.

1-25 (f) The applicant is entitled to receive only a federal  
1-26 ballot to be voted by mail under Chapter 114 if:

1-27 (1) the applicant submits the federal postcard  
1-28 application to the early voting clerk after the date provided by  
1-29 Subsection (e)(1) [~~30th day before election day~~] and before the  
1-30 sixth day before election day; and

1-31 (2) the application contains the information that is  
1-32 required for registration under Title 2.

1-33 (i) Except as provided by Subsection (1), for purposes of  
1-34 determining the date a federal postcard application is submitted to  
1-35 the early voting clerk, an application is considered to be  
1-36 submitted on the date it is placed and properly addressed in the  
1-37 United States mail. An application mailed from an Army/Air Force  
1-38 Post Office (APO) or Fleet Post Office (FPO) is considered placed in  
1-39 the United States mail. The date indicated by the post office  
1-40 cancellation mark, including a United States military post office  
1-41 cancellation mark, is considered to be the date the application was  
1-42 placed in the mail unless proven otherwise. For purposes of an  
1-43 application made under:

1-44 (1) Subsection (e)(1)(A) [~~(e)~~]:

1-45 (A) [~~(1)~~] an application that does not contain a  
1-46 cancellation mark is considered to be timely if it is received by  
1-47 the early voting clerk on or before the 22nd day before election  
1-48 day; and

1-49 (B) [~~(2)~~] if the 30th day before the date of an  
1-50 election is a Saturday, Sunday, or legal state or national holiday,  
1-51 an application is considered to be timely if it is submitted to the  
1-52 early voting clerk on or before the next regular business day; and

1-53 (2) Subsection (e)(1)(B):

1-54 (A) an application that does not contain a  
1-55 cancellation mark is considered to be timely if it is received by  
1-56 the early voting clerk on or before the 15th day before election  
1-57 day; and

1-58 (B) if the 20th day before the date of an election  
1-59 is a Saturday, Sunday, or legal state or national holiday, an  
1-60 application is considered to be timely if it is submitted to the  
1-61 early voting clerk on or before the next regular business day.

1-62 SECTION 2. The changes in law made by this Act apply only to  
1-63 an election held on or after January 1, 2008.

2-1 SECTION 3. This Act takes effect September 1, 2007.

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