

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Bonnen

H.B. No. 1146

A BILL TO BE ENTITLED

AN ACT

relating to the authority of small cities to conduct elections only  
by mail.

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

SECTION 1. Subtitle B, Title 7, Election Code, is amended by  
adding Chapter 107 to read as follows:

CHAPTER 107. VOTING BY MAIL IN CERTAIN SMALL CITIES

Sec. 107.001. AUTHORITY TO CONDUCT MAIL-ONLY ELECTION. (a)

A city with a population of less than 250 may by ordinance provide  
that one or more elections held by the city will be conducted only  
by mail under this chapter.

(b) The ordinance must be adopted before the 90th day before  
the election date of the first election conducted by mail under this  
chapter.

Sec. 107.002. CONDUCT OF MAIL-ONLY ELECTION. (a) In an  
election held under this chapter:

(1) a person must vote early by mail; and

(2) voting by personal appearance is not permitted.

(b) Not more than 45 days and not less than 21 days before  
the deadline for requesting a ballot under this section, the early  
voting clerk shall send to each registered voter of the city a  
postage-paid ballot application. The city shall include with the  
ballot application a statement to educate voters about the  
mail-only election that contains instructions on how to obtain a

1 ballot and how to vote in the election.

2 (c) To vote in an election held under this chapter, a  
3 registered voter must request a ballot from the early voting clerk,  
4 in writing or in person at the office of the early voting clerk, not  
5 later than the seventh day before election day. A written request  
6 must be signed by the voter. The early voting clerk shall provide  
7 an official ballot to each registered voter in the city who requests  
8 a ballot under this subsection in the manner provided by Chapter 86.

9 (d) The balloting materials must be sent to the address at  
10 which the voter is registered to vote, unless the voter has applied  
11 for a ballot to be voted early by mail under Chapter 84 and the  
12 balloting materials are to be sent to a different address as  
13 authorized by Section 86.003(c).

14 Sec. 107.003. NOTICE OF MAIL-ONLY ELECTION. (a) A city  
15 conducting an election by mail under this chapter shall publish  
16 notice in a newspaper of general circulation in the city at least  
17 once during the week before the deadline for a voter to request a  
18 ballot.

19 (b) The notice must state:

20 (1) that there will be no voting by personal  
21 appearance for the election;

22 (2) that a ballot will not be mailed to a voter and the  
23 voter may not vote in the election unless the voter requests a  
24 ballot in writing or in person from the early voting clerk;

25 (3) that if requested, the ballot will be mailed to a  
26 registered voter at the address at which the voter is registered to  
27 vote, unless the voter has submitted an application to vote early by

1 mail on grounds of age, disability, confinement in jail, or absence  
2 from the voter's county of residence, in which case the ballot will  
3 be mailed to an authorized address stated on the application;

4 (4) the deadline for requesting a ballot; and

5 (5) the deadline for returning marked ballots.

6 Sec. 107.004. TIME FOR PROVIDING BALLOT. (a) Except as  
7 provided by Subsection (b), the balloting materials for an election  
8 held under this chapter shall be mailed to a voter not later than  
9 the 25th day before election day.

10 (b) Section 86.004 applies to the mailing of a ballot to a  
11 voter who applied for a ballot to be voted early by mail under  
12 Chapter 84.

13 Sec. 107.005. APPLICABILITY OF EARLY VOTING BY MAIL  
14 PROVISIONS. Except as otherwise provided by this chapter, the  
15 provisions applicable to early voting by mail apply to an election  
16 held under this chapter.

17 Sec. 107.006. ADDITIONAL PROCEDURES. The secretary of  
18 state shall prescribe any additional procedures necessary to  
19 implement this chapter.

20 SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2007.

**ADOPTED**

MAY 23 2007

*Atay Spaw*  
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY: *Ellen*

1 Amend H.B. 1146 (engrossed version) at page 3, line 20, by  
2 adding the following new section:

3 Sec. 107.007. SUNSET PROVISION. This Chapter expires

4 January 1, 2009.

COMMITTEE AMENDMENT NO. 1

BY: Ellis

Amend H.B. No. 1146 by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill as necessary:

SECTION \_\_\_\_ . Section 84.004, Election Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) It is an exception to the application of Subsection (a) that the person signed early voting ballot applications for more than one applicant in an election conducted under Chapter 107. This subsection expires January 1, 2009.

**ADOPTED**

MAY 23 2007

*Leta Spaw*  
Secretary of the Senate

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 18, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1146** by Bonnen (Relating to the authority of small cities to conduct elections only by mail.), **Committee Report 2nd House, As Amended**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code by authorizing a city with a population of less than 250 to adopt an ordinance providing that one or more elections held by the city would be held by mail only. Procedures for implementation are identified in the bill, and the Secretary of State would also be required to prescribe any additional procedures necessary. These provisions would expire on January 1, 2009.

The Secretary of State's office indicates the agency could implement provisions of the bill using current resources.

**Local Government Impact**

It is anticipated that a city would adopt an ordinance for a mail-only election if the city would experience a savings over the costs associated with operating a polling place.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, KJG, MN, DB

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LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 10, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1146** by Bonnen (Relating to the authority of small cities to conduct elections only by mail.), As **Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code by authorizing a city with a population of less than 250 to adopt an ordinance providing that one or more elections held by the city would be held by mail only. Procedures for implementation are identified in the bill, and the Secretary of State would also be required to prescribe any additional procedures necessary.

The Secretary of State's office indicates the agency could implement provisions of the bill using current resources.

**Local Government Impact**

It is anticipated that a city would adopt an ordinance for a mail-only election if the city would experience a savings over the costs associated with operating a polling place.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, KJG, MN, DB

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 10, 2007**

**TO:** Honorable Leo Berman, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1146** by Bonnen (Relating to the authority of small cities to conduct elections only by mail.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code by authorizing a city with a population of less than 250 to adopt an ordinance providing that one or more elections held by the city would be held by mail only. Procedures for implementation are identified in the bill, and the Secretary of State would also be required to prescribe any additional procedures necessary.

The Secretary of State's office indicates the agency could implement provisions of the bill using current resources.

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It is anticipated that a city would adopt an ordinance for a mail-only election if the city would experience a savings over the costs associated with operating a polling place.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, MN, DB



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 6, 2007**

**TO:** Honorable Leo Berman, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1146** by Bonnen (Relating to the authority of small cities to conduct elections only by mail.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code by authorizing a city with a population of less than 250 to adopt an ordinance providing that one or more elections held by the city would be held by mail only. Procedures for implementation are identified in the bill, and the Secretary of State would also be required to prescribe any additional procedures necessary.

The Secretary of State's office indicates the agency could implement provisions of the bill using current resources.

**Local Government Impact**

It is anticipated that a city would adopt an ordinance for a mail-only election if the city would experience a savings over the costs associated with operating a polling place.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JOB, MN, DB