

## **BILL ANALYSIS**

Senate Research Center  
81R17216 ATP-D

H.B. 536  
By: Anchia et al. (Van de Putte)  
State Affairs  
5/1/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law authorizes military personnel, members of the merchant marine, and any other Texas residents temporarily living abroad to use the federal postcard application to register and apply to vote by mail. The applications are available to United States citizens through United States embassies and consular offices abroad. However, applying to vote by mail through the federal postcard application process does not serve as a voter registration for in-person voting in the voter's county when the voter returns home from abroad.

H.B. 536 authorizes the federal postcard application to automatically constitute registration for both the federal postcard application and the standard mail-in ballot.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 13.002, Election Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 13.002, Election Code, by adding Subsection (h), as follows:

(h) Provides that the submission of a federal postcard application constitutes an application for registration under this section at the voting residence address stated on the application. Provides that this subsection does not apply to a person who indicates on the person's federal postcard application that the person is residing outside the United States indefinitely. Requires the secretary of state to prescribe rules to implement this subsection, including rules providing directions to court clerks regarding the inclusion on jury lists of persons who submit federal postcard applications, and rules relating to whether a person who submits a federal postcard application is to be considered a registered voter of the applicable authority for the purposes of determining the number of signatures required on a petition.

SECTION 2. Amends Section 101.006(a), Election Code, as follows:

(a) Provides that submission of a federal postcard application that complies with applicable requirements by an unregistered applicant constitutes registration by the applicant for the purpose of voting in the election for which a ballot is requested, rather than only for the purpose of voting in the election for which a ballot is requested, under Title 2 (Voter Qualifications and Registration) unless the person indicates on the application that the person is residing outside the United States indefinitely, rather than each election that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted.

SECTION 3. Makes application of Section 13.002(h), Election Code, as added by this Act, and Section 101.006(a), Election Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2009.