

## **BILL ANALYSIS**

C.S.H.B. 536  
By: Anchia  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law allows 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 American 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 from abroad.

C.S.H.B. 536 allows for the federal postcard application to automatically constitute registration for both the federal postcard application and the standard mail-in ballot. C.S.H.B. 536 simplifies the voting process for both standard mail-in ballot voters and voters returning home from abroad who have already used the federal postcard application process.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 536 amends the Election Code to establish that the submission of a federal postcard application for voting constitutes an application for registration to vote at the voting residence address stated on the application. The bill makes this provision inapplicable to a person who indicates on the person's federal postcard application that the person is residing outside the United States indefinitely. The bill requires the secretary of state to prescribe rules to implement this provision, 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.

C.S.H.B. 536 amends provisions relating to the submission of a federal postcard application for voting to specify that, unless the person indicates on the application that the person is residing outside the United States indefinitely, such a submission that complies with applicable requirements by an unregistered applicant constitutes registration by the applicant under Texas voter qualification and registration laws, in addition to constituting registration for the purpose of voting in the election for which the ballot is requested. The bill removes a provision specifying that a submission complying with applicable requirements constitutes registration by the applicant for 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.

### **EFFECTIVE DATE**

September 1, 2009.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 536 adds a provision not in the original stating that the submission of a federal postcard application constitutes an application for registration to vote at the voting residence address stated on the application, that this provision does not apply to a person who indicates on the application that the person is residing outside the United States indefinitely, and that rulemaking authority is granted to the secretary of state to prescribe rules to implement this provision.

C.S.H.B. 536 specifies that the submission of a federal postcard application for voting that complies with applicable requirements by an unregistered applicant constitutes registration by the applicant under Texas voter qualification and registration laws unless the person indicates on the application that the person is residing outside the United States indefinitely, rather than if the application contains the information that is required for registration under those laws as in the original.

C.S.H.B. 536 adds a provision not in the original that applies the bill's provisions to a federal postcard application that is received on or after September 1, 2009, without regard to the date the application is submitted.