

By: Madden, Peña

H.B. No. 551

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the electronic transmission of a federal postcard
3 application used for voting.

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

5 SECTION 1. Section 101.004, Election Code, is amended by
6 amending Subsections (a) and (i) and adding Subsections (a-1) and
7 (m) to read as follows:

8 (a) A federal postcard application must be submitted [~~by~~
9 ~~mailing it~~] to the early voting clerk for the election who serves
10 the election precinct of the applicant's residence.

11 (a-1) A federal postcard application must be submitted by:

12 (1) mail; or

13 (2) electronic transmission of an image of the
14 application under procedures prescribed by the secretary of state.

15 (i) Except as provided by Subsections [~~Subsection~~] (1) and
16 (m), for purposes of determining the date a federal postcard
17 application is submitted to the early voting clerk, an application
18 is considered to be submitted on the date it is placed and properly
19 addressed in the United States mail. An application mailed from an
20 Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is
21 considered placed in the United States mail. The date indicated by
22 the post office cancellation mark, including a United States
23 military post office cancellation mark, is considered to be the
24 date the application was placed in the mail unless proven

1 otherwise. For purposes of an application made under Subsection
2 (e):

3 (1) an application that does not contain a
4 cancellation mark is considered to be timely if it is received by
5 the early voting clerk on or before the 15th day before election
6 day; and

7 (2) if the 20th day before the date of an election is a
8 Saturday, Sunday, or legal state or national holiday, an
9 application is considered to be timely if it is submitted to the
10 early voting clerk on or before the next regular business day.

11 (m) The secretary of state by rule shall establish the date
12 on which a federal postcard application is considered to be
13 electronically submitted to the early voting clerk.

14 SECTION 2. This Act takes effect September 1, 2009.