

AN ACT

relating to the electronic transmission of a federal postcard application used for voting.

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

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

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

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

(1) mail; or

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 551 was passed by the House on March 31, 2009, by the following vote: Yeas 147, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 551 was passed by the Senate on May 20, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor