

1-1 By: Madden, Peña (Senate Sponsor - Harris) H.B. No. 551
1-2 (In the Senate - Received from the House April 1, 2009;
1-3 April 27, 2009, read first time and referred to Committee on State
1-4 Affairs; May 15, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the electronic transmission of a federal postcard
1-9 application used for voting.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 101.004, Election Code, is amended by
1-12 amending Subsections (a) and (i) and adding Subsections (a-1) and
1-13 (m) to read as follows:

1-14 (a) A federal postcard application must be submitted [~~by~~
1-15 ~~mailing it~~] to the early voting clerk for the election who serves
1-16 the election precinct of the applicant's residence.

1-17 (a-1) A federal postcard application must be submitted by:

1-18 (1) mail; or

1-19 (2) electronic transmission of an image of the
1-20 application under procedures prescribed by the secretary of state.

1-21 (i) Except as provided by Subsections [~~Subsection~~] (1) and
1-22 (m), for purposes of determining the date a federal postcard
1-23 application is submitted to the early voting clerk, an application
1-24 is considered to be submitted on the date it is placed and properly
1-25 addressed in the United States mail. An application mailed from an
1-26 Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is
1-27 considered placed in the United States mail. The date indicated by
1-28 the post office cancellation mark, including a United States
1-29 military post office cancellation mark, is considered to be the
1-30 date the application was placed in the mail unless proven
1-31 otherwise. For purposes of an application made under Subsection
1-32 (e):

1-33 (1) an application that does not contain a
1-34 cancellation mark is considered to be timely if it is received by
1-35 the early voting clerk on or before the 15th day before election
1-36 day; and

1-37 (2) if the 20th day before the date of an election is a
1-38 Saturday, Sunday, or legal state or national holiday, an
1-39 application is considered to be timely if it is submitted to the
1-40 early voting clerk on or before the next regular business day.

1-41 (m) The secretary of state by rule shall establish the date
1-42 on which a federal postcard application is considered to be
1-43 electronically submitted to the early voting clerk.

1-44 SECTION 2. This Act takes effect September 1, 2009.

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