

By: Van de Putte

S.B. No. 92

A BILL TO BE ENTITLED

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AN ACT

relating to the establishment of a program to provide a ballot by electronic mail to military personnel serving overseas.

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

SECTION 1. Chapter 101, Election Code, is amended by adding Section 101.0072 to read as follows:

Sec. 101.0072. ELECTRONIC MAIL BALLOT PROGRAM. (a) The secretary of state shall implement a program to allow the use of electronic mail to provide balloting materials to overseas voters who are members of the armed forces of the United States for a general election for state and county officers. A county with a population of 100,000 or more shall participate in the program. A county with a population of less than 100,000 may participate in the program only if:

(1) the early voting clerk of the county makes a request to the secretary of state to participate; and

(2) the secretary of state approves the request.

(b) After balloting materials have been provided to the voter in accordance with Section 101.007(a), the early voting clerk in a county participating in the program shall send balloting materials to an electronic mail address in a form and manner prescribed by the secretary of state if the voter:

(1) is an FPCA registrant and is eligible for early voting by mail under Sections 101.001(1) and (2)(A);

1           (2) provides a current address that is located outside  
2 the United States and is voting from outside the United States;

3           (3) provides an electronic mail address that contains  
4 the voter's name and the suffix ".mil"; and

5           (4) requests that balloting materials be sent by  
6 electronic mail because the voter did not receive the balloting  
7 materials provided under Section 101.007(a).

8           (c) Balloting materials sent to an electronic mail address  
9 under Subsection (b) shall include a signature sheet for the voter.  
10 The secretary of state shall prescribe procedures to allow for the  
11 signature sheet to be signed by a voter using a digital signature.

12           (d) If the early voting clerk provides a ballot to a voter at  
13 an electronic mail address under Subsection (b), the clerk must  
14 provide ballots to all voters who qualify under that subsection.

15           (e) If the early voting clerk provides a ballot to a voter at  
16 an electronic mail address under Subsection (b), the clerk shall  
17 amend the voter's federal postcard application for future elections  
18 with the voter's current address.

19           (f) A ballot sent to an electronic mail address under  
20 Subsection (b) must be returned with the signature sheet by the  
21 method provided by:

22                   (1) Section 101.008; or

23                   (2) Section 105.001, regardless of whether the voter  
24 would qualify under that section.

25           (g) An electronic mail address provided under this section  
26 is confidential and does not constitute public information for  
27 purposes of Chapter 552, Government Code. The early voting clerk

1 shall ensure that an electronic mail address proved under this  
2 section is excluded from disclosure.

3 (h) If a voter returns both a voted ballot mailed to the  
4 voter under Section 101.007(a) and a voted ballot provided  
5 electronically to the voter under this section, only the ballot  
6 that was provided electronically may be counted. A ballot returned  
7 under this chapter shall be processed in the same manner as any  
8 other ballot voted by mail as provided by Chapter 87.

9 (i) All other provisions of this code that would normally  
10 apply to a ballot voted under this chapter apply to a ballot voted  
11 under this section, including the deadline provided by Section  
12 86.007 and electronic transmission of a ballot under Section  
13 105.001.

14 (j) The secretary of state may adopt rules as necessary to  
15 implement this section.

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