

By: Shapiro

S.B. No. 1280

A BILL TO BE ENTITLED

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.

(b) After balloting materials have been provided to the voter in accordance with Section 101.007(a), the early voting clerk 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);

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

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

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

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

5       (d) If the early voting clerk provides a ballot to a voter at  
6 an electronic mail address under Subsection (b), the clerk shall  
7 amend the voter's federal postcard application for future elections  
8 with the voter's current address.

9       (e) A ballot sent to an electronic mail address under  
10 Subsection (b) must be returned with the signature sheet by the  
11 method provided by:

12               (1) Section 101.008; or

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

15       (f) An electronic mail address provided under this section  
16 is confidential and does not constitute public information for  
17 purposes of Chapter 552, Government Code. The early voting clerk  
18 shall ensure that an electronic mail address provided under this  
19 section is excluded from disclosure.

20       (g) If a voter returns both a voted ballot mailed to the  
21 voter under Section 101.007(a) and a voted ballot provided  
22 electronically to the voter under this section, only the ballot  
23 that was provided electronically may be counted. A ballot returned  
24 under this chapter shall be processed in the same manner as any  
25 other ballot voted by mail as provided by Chapter 87.

26       (h) All other provisions of this code that would normally  
27 apply to a ballot voted under this chapter apply to a ballot voted

1 under this section, including the deadline provided by Section  
2 86.007 and electronic transmission of a ballot under Section  
3 105.001.

4 (i) The secretary of state may adopt rules as necessary to  
5 implement this section.

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