

BILL ANALYSIS

H.B. 1502
By: White
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires the secretary of state to prescribe procedures for early voting via electronic means by a member of the armed forces, or the spouse or a dependent of the member, if the voter is casting the ballot from an area in which members of the armed forces are eligible to receive hostile fire pay or imminent danger pay or that has been designated by the president of the United States as a combat zone.

H.B. 1502 repeals that statutory provision and requires the secretary of state to prescribe procedures allowing the electronic transmission of balloting materials to, and the electronic transmission of a voted ballot from, a member of the armed forces who is on active duty overseas for certain elections.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

H.B. 1502 amends the Election Code to require the secretary of state to prescribe procedures to allow the electronic transmission of balloting materials to, and the electronic transmission of a voted ballot by, a member of the armed forces of the United States who is on active duty overseas for the general primary election, a runoff primary election, or the general election for state and county officers. The bill requires the procedures to require that the early voting clerk of a county send balloting materials to an e-mail address in a form and manner prescribed by the secretary of state if the voter:

- is an FPCA registrant and is eligible for early voting by mail under provisions of current law;
- provides a current address that is located outside the United States and is voting from outside the United States;
- provides an e-mail address that contains the voter's name and the suffix ".mil"; and
- requests that balloting materials be sent by electronic transmission.

The bill requires the procedures to provide for the verification of the voter, provide for the security of the transmission, and require the early voting clerk to maintain a record of each ballot received from overseas military personnel.

H.B. 1502 makes an e-mail address provided for purposes of electronic transmission of ballots to and from overseas military personnel confidential. The bill specifies that the e-mail address does not constitute public information under state public information law and requires the early voting clerk to ensure that such an e-mail address is excluded from disclosure. The bill authorizes only the ballot that was transmitted electronically to be counted if a voter returns both a voted ballot mailed to the voter and a voted ballot transmitted electronically. The bill authorizes the secretary

of state to adopt rules as necessary to implement the bill's provisions.

H.B. 1502 repeals Section 105.001, Election Code, relating to the electronic transmission of a completed ballot by certain overseas military personnel or certain family members.

EFFECTIVE DATE

September 1, 2011.