

BILL ANALYSIS

S.B. 904
By: Patrick
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

To receive an absentee ballot while living overseas, a person must submit a federal postcard Application (FPCA). Section 81.40 (Federal Postcard Application as Application for Permanent Registration and FPCA Eligibility for Electronic Transmission of Image), Texas Administrative Code, currently provides that a jurisdiction may send a ballot including only federal offices to those who submit an FPCA and claim to be residing outside of the United States indefinitely. Military and civilian voters have claimed an indefinite status on the FPCA, without knowledge of the limitations. This leaves persons temporarily stationed or living overseas unable to vote in state or local elections, as long as their stay is indefinite.

S.B. 904 amends the Election Code to state that a person claiming to live overseas for an indefinite amount of time may still receive a full ballot, including state and local elections, if they are otherwise eligible to vote in the election. This bill will ensure that those stationed or living overseas will be allowed to fully participate in the voting process.

S.B. 904 amends current law relating to the eligibility of certain citizens residing outside the United States to vote a full ballot.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 101.001, Election Code, as follows:

Sec. 101.001. ELIGIBILITY. (a) Creates this subsection from existing text. Makes no further changes.

(b) Provides that notwithstanding Subsection (a) (relating to eligibility for early voting by mail) and Chapter 114 (Voting Federal Ballot by Overseas Citizen), a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely is entitled to vote a full ballot as provided by this chapter if the person is otherwise eligible to vote under this chapter and is a registered voter at the address contained on the application.

SECTION 2. Amends Section 101.004, Election Code, by adding Subsection (n), as follows:

(n) Requires the early voting clerk to provide notice to a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely, other than a person described by Section 101.001(b), that as a result of the person's indication, the person is only eligible to vote a federal ballot as

provided by Chapter 114. Requires the secretary of state to prescribe the form and manner of the notice provided under this subsection.

SECTION 3. Amends Chapter 101, Election Code, by adding Section 101.014, as follows:

Sec. 101.014. NOTICE ON COUNTY WEBSITE FOR CITIZENS RESIDING OUTSIDE OF UNITED STATES INDEFINITELY. Requires that, if a county maintains an Internet website to provide information on voting, the website include information that describes the effects on the ballot a person will receive under state law if the person indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely.

SECTION 4. Amends Section 114.002, Election Code, as follows:

Sec. 114.002. ELIGIBILITY. Provides that a United States citizen residing, rather than dwelling, outside the United States is eligible to vote a federal ballot by mail if:

(1) the citizen's most recent domicile in the United States was in this state and the citizen is residing outside the United States indefinitely, rather than the citizen's most recent domicile in the United States was in this state and the citizen's intent to return to this state is uncertain; and

(2)-(3) Makes no changes to these subdivisions.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2011.

EFFECTIVE DATE

September 1, 2011.