

## **BILL ANALYSIS**

Senate Research Center  
82R7680 DRH-D

S.B. 904  
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State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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.

As proposed, S.B. 904 amends current law relating to the eligibility of certain overseas voters to receive a full ballot.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION 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. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.