

By: White, Torres, et al.

H.B. No. 1502

A BILL TO BE ENTITLED

AN ACT

relating to allowing military voters on active duty overseas to receive and cast a ballot electronically.

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 TRANSMISSION OF BALLOTS TO AND FROM OVERSEAS MILITARY PERSONNEL. (a) The secretary of state shall 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 in a combat zone for the general primary election, a runoff primary election, or the general election for state and county officers.

(b) The procedures must:

(1) 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:

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

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

(C) provides an e-mail address that contains the

1 voter's name and the suffix ".mil"; and

2 (D) requests that balloting materials be sent by  
3 electronic transmission;

4 (2) provide for the verification of the voter;

5 (3) provide for the security of the transmission by  
6 having the balloting materials returned to the secretary of state  
7 for redistribution; and

8 (4) require the early voting clerk to maintain a  
9 record of each ballot received under this section.

10 (c) An e-mail address provided under this section is  
11 confidential and does not constitute public information for  
12 purposes of Chapter 552, Government Code. The early voting clerk  
13 shall ensure that an e-mail address provided under this section is  
14 excluded from disclosure.

15 (d) If a voter returns both a voted ballot mailed to the  
16 voter under Section 101.007(a) and a voted ballot transmitted  
17 electronically under this section, only the ballot that was  
18 transmitted electronically may be counted.

19 (e) The secretary of state may adopt rules as necessary to  
20 implement this section.

21 SECTION 2. Section 105.001, Election Code, is repealed.

22 SECTION 3. This Act takes effect September 1, 2011.