

By: Torres, Burkett, White, et al.

H.B. No. 2173

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a pilot program allowing certain military overseas
3 voters to receive and cast a ballot electronically.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 101, Election Code, is amended by adding
6 Section 101.0072 to read as follows:

7 Sec. 101.0072. PILOT PROGRAM FOR ELECTRONIC TRANSMISSION OF
8 BALLOTS TO AND FROM OVERSEAS MILITARY VOTERS. (a) Not later than
9 July 1, 2012, the secretary of state shall prescribe procedures to
10 implement a pilot program to allow the electronic transmission of
11 balloting materials to, and the electronic transmission of a voted
12 ballot by, a member of the armed forces of the United States who is
13 on active duty overseas for the general election for state and
14 county officers in 2012. A county may participate in the pilot
15 program only if:

16 (1) the early voting clerk of the county makes a
17 request to the secretary of state to participate; and

18 (2) the secretary of state approves the request.

19 (b) The procedures must:

20 (1) require that the early voting clerk of a
21 participating county send balloting materials to an e-mail address
22 in a form and manner prescribed by the secretary of state if the
23 voter:

24 (A) is an FPCA registrant and is eligible for

1 early voting by mail under Section 101.001;

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

5 (C) provides an e-mail address that contains the
6 suffix ".mil"; and

7 (D) requests that balloting materials be sent by
8 electronic transmission;

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

10 (3) provide for the security of the transmission by
11 having the balloting materials returned to the secretary of state
12 for verification and redistribution;

13 (4) require the early voting clerk to maintain a
14 record of each ballot received under this section; and

15 (5) require that the balloting materials be sent to
16 and returned from the e-mail address provided under Subdivision
17 (1)(C).

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

23 (d) If a voter returns both a voted ballot mailed to the
24 voter under Section 101.007(a) and a voted ballot transmitted
25 electronically under this section, only the ballot that was
26 transmitted electronically may be counted.

27 (e) The secretary of state shall adopt rules as necessary to

1 implement this section.

2 (f) At the conclusion of the pilot program established under
3 this section, but not later than February 15, 2013, the secretary of
4 state shall file a report on the program with the legislature. The
5 report may include the secretary of state's:

6 (1) recommendations relating to the continued
7 feasibility of providing balloting materials by electronic
8 transmission to military overseas voters; and

9 (2) suggestions for permanent statutory authority
10 regarding the provision of balloting materials by electronic
11 transmission.

12 (g) This section expires February 16, 2013.

13 SECTION 2. This Act takes effect September 1, 2011.