

By: Torres

H.B. No. 2173

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program allowing certain military and overseas voters 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. PILOT PROGRAM FOR ELECTRONIC TRANSMISSION OF BALLOTS TO AND FROM OVERSEAS AND MILITARY VOTERS. (a) Not later than July 1, 2012, the secretary of state shall prescribe procedures to implement a pilot program to allow the electronic transmission of balloting materials to, and the electronic transmission of a voted ballot by, a voter described by Section 101.001 who is located outside the territorial limits of the United States and the District of Columbia for the general election for state and county officers in 2012. A county may participate in the pilot program only if:

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

(2) the secretary of state approves the request.

(b) The procedures must:

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

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

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

6           (C) provides an e-mail address; 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; and

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

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

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

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

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

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

4           (2) suggestions for permanent statutory authority  
5 regarding the provision of balloting materials by electronic  
6 transmission.

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

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