

By: Patrick, et al.
(King of Parker, Taylor of Galveston)

S.B. No. 904

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of certain citizens residing outside
3 the United States to vote a full ballot.

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

5 SECTION 1. Section 101.001, Election Code, is amended to
6 read as follows:

7 Sec. 101.001. ELIGIBILITY. (a) A person is eligible for
8 early voting by mail as provided by this chapter if:

9 (1) the person is qualified to vote in this state or,
10 if not registered to vote in this state, would be qualified if
11 registered; and

12 (2) the person is:

13 (A) a member of the armed forces of the United
14 States, or the spouse or a dependent of a member;

15 (B) a member of the merchant marine of the United
16 States, or the spouse or a dependent of a member; or

17 (C) domiciled in this state but temporarily
18 living outside the territorial limits of the United States and the
19 District of Columbia.

20 (b) Notwithstanding Subsection (a) and Chapter 114, a
21 person who indicates on a federal postcard application that the
22 person is a United States citizen residing outside the United
23 States indefinitely is entitled to vote a full ballot as provided by
24 this chapter if the person is otherwise eligible to vote under this

1 chapter and is a registered voter at the address contained on the
2 application.

3 SECTION 2. Section 101.004, Election Code, is amended by
4 adding Subsection (n) to read as follows:

5 (n) The early voting clerk shall provide notice to a person
6 who indicates on a federal postcard application that the person is a
7 United States citizen residing outside the United States
8 indefinitely, other than a person described by Section 101.001(b),
9 that as a result of the person's indication, the person is only
10 eligible to vote a federal ballot as provided by Chapter 114. The
11 secretary of state shall prescribe the form and manner of the notice
12 provided under this subsection.

13 SECTION 3. Chapter 101, Election Code, is amended by adding
14 Section 101.014 to read as follows:

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

22 SECTION 4. Section 114.002, Election Code, is amended to
23 read as follows:

24 Sec. 114.002. ELIGIBILITY. A United States citizen
25 residing [~~dwelling~~] outside the United States is eligible to vote a
26 federal ballot by mail if:

27 (1) the citizen's most recent domicile in the United

1 States was in this state and the citizen is residing outside the
2 United States indefinitely [~~citizen's intent to return to this~~
3 ~~state is uncertain~~];

4 (2) the citizen would be eligible for registration as
5 a voter in this state if a resident; and

6 (3) the citizen is not eligible to vote on federal
7 offices in any other state.

8 SECTION 5. The change in law made by this Act applies to a
9 federal postcard application that requests a ballot for an election
10 that is held on or after the effective date of this Act.

11 SECTION 6. This Act takes effect September 1, 2011.