

1-1 By: Patrick, et al. S.B. No. 904
1-2 (In the Senate - Filed February 23, 2011; March 8, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 904 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the eligibility of certain citizens residing outside
1-11 the United States to vote a full ballot.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 101.001, Election Code, is amended to
1-14 read as follows:

1-15 Sec. 101.001. ELIGIBILITY. (a) A person is eligible for
1-16 early voting by mail as provided by this chapter if:

1-17 (1) the person is qualified to vote in this state or,
1-18 if not registered to vote in this state, would be qualified if
1-19 registered; and

1-20 (2) the person is:

1-21 (A) a member of the armed forces of the United
1-22 States, or the spouse or a dependent of a member;

1-23 (B) a member of the merchant marine of the United
1-24 States, or the spouse or a dependent of a member; or

1-25 (C) domiciled in this state but temporarily
1-26 living outside the territorial limits of the United States and the
1-27 District of Columbia.

1-28 (b) Notwithstanding Subsection (a) and Chapter 114, a
1-29 person who indicates on a federal postcard application that the
1-30 person is a United States citizen residing outside the United
1-31 States indefinitely is entitled to vote a full ballot as provided by
1-32 this chapter if the person is otherwise eligible to vote under this
1-33 chapter and is a registered voter at the address contained on the
1-34 application.

1-35 SECTION 2. Section 101.004, Election Code, is amended by
1-36 adding Subsection (n) to read as follows:

1-37 (n) The early voting clerk shall provide notice to a person
1-38 who indicates on a federal postcard application that the person is a
1-39 United States citizen residing outside the United States
1-40 indefinitely, other than a person described by Section 101.001(b),
1-41 that as a result of the person's indication, the person is only
1-42 eligible to vote a federal ballot as provided by Chapter 114. The
1-43 secretary of state shall prescribe the form and manner of the notice
1-44 provided under this subsection.

1-45 SECTION 3. Chapter 101, Election Code, is amended by adding
1-46 Section 101.014 to read as follows:

1-47 Sec. 101.014. NOTICE ON COUNTY WEBSITE FOR CITIZENS
1-48 RESIDING OUTSIDE OF UNITED STATES INDEFINITELY. If a county
1-49 maintains an Internet website to provide information on voting, the
1-50 website must include information that describes the effects on the
1-51 ballot a person will receive under state law if the person indicates
1-52 on a federal postcard application that the person is a United States
1-53 citizen residing outside the United States indefinitely.

1-54 SECTION 4. Section 114.002, Election Code, is amended to
1-55 read as follows:

1-56 Sec. 114.002. ELIGIBILITY. A United States citizen
1-57 residing [dwelling] outside the United States is eligible to vote a
1-58 federal ballot by mail if:

1-59 (1) the citizen's most recent domicile in the United
1-60 States was in this state and the citizen is residing outside the
1-61 United States indefinitely [citizen's intent to return to this
1-62 state is uncertain];

1-63 (2) the citizen would be eligible for registration as

2-1 a voter in this state if a resident; and
2-2 (3) the citizen is not eligible to vote on federal
2-3 offices in any other state.

2-4 SECTION 5. The change in law made by this Act applies to a
2-5 federal postcard application that requests a ballot for an election
2-6 that is held on or after the effective date of this Act.

2-7 SECTION 6. This Act takes effect September 1, 2011.

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