

BILL ANALYSIS

C.S.H.B. 396
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed a concern about early voting by mail by military and overseas voters. The parties assert that such voters should have the opportunity to vote on issues relating to their precinct. However, these parties contend that some jurisdictions conducting certain elections are not required to send ballots to military and overseas voters if an application for a ballot does not identify the specific election for which the ballot is requested. C.S.H.B. 396 seeks to address this issue as it relates to providing a federal postcard applicant with a ballot for any election in which the applicant is eligible to vote.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 396 amends the Election Code, in a provision authorizing early voting by mail in one or more elections by a resident who applies for a ballot by submitting a single federal postcard application as prescribed under the federal Uniformed and Overseas Citizens Absentee Voting Act, to authorize such a person to apply for a ballot for any one or more elections in which the person is eligible to vote, rather than limiting such a person's application to an application for a ballot for any one or more elections in which the early voting clerk to whom the application is submitted conducts early voting.

C.S.H.B. 396 requires a federal postcard application that does not identify the election for which a ballot is requested to be treated as if it requests a ballot for each general or special election held by a county, a municipality, or an independent school district within one calendar year after the date the application is received and in which the person is eligible to vote, as well as for each general election in which the clerk conducts early voting and, if the application indicates a party preference and is submitted to the early voting clerk for a general primary election, for that general primary election. The bill requires an early voting clerk, if an application that does not identify the election for which a ballot is requested indicates the person is eligible to vote in such a general or special election held by a county, a municipality, or an independent school district in which the early voting clerk who received the application does not conduct early voting, to forward a copy of the application in a form prescribed by the secretary of state to each early voting clerk who conducts early voting for that election.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 396 may differ from the original in minor or nonsubstantive ways, the following

comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 101.054, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person may apply with a single federal postcard application for a ballot for any one or more elections in which the person is eligible to vote ~~[the early voting clerk to whom the application is submitted conducts early voting]~~.

(b) An application that does not identify the election for which a ballot is requested shall be treated as if it requests a ballot for:

(1) each general or special election held within one year after the date the application is received in which the person is eligible to vote ~~[in which the clerk conducts early voting]~~; and

(2) the general primary election if the application indicates party preference and is received within one year before the date of the general primary election ~~[submitted to the early voting clerk for the primary]~~.

(b-1) If an application under Subsection (b) indicates the person is eligible to vote in an election in which the early voting clerk who received the application does not conduct early voting, the clerk shall forward a copy of the application in a form prescribed by the secretary of state to each early voting clerk who conducts early voting for an election in which the person is eligible to vote.

SECTION 2. This Act takes effect September 1, 2013.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 101.054, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person may apply with a single federal postcard application for a ballot for any one or more elections in which the person is eligible to vote as provided by this section ~~[the early voting clerk to whom the application is submitted conducts early voting]~~.

(b) An application that does not identify the election for which a ballot is requested shall be treated as if it requests a ballot for:

(1) except as provided by Subdivision (3), each general election in which the clerk conducts early voting; ~~[and]~~

(2) the general primary election if the application indicates party preference and is submitted to the early voting clerk for the primary; and

(3) each general or special election held by a county, a municipality, or an independent school district within one calendar year after the date the application is received and in which the person is eligible to vote.

(b-1) If an application under Subsection (b) indicates the person is eligible to vote in an election described by Subsection (b)(3) in which the early voting clerk who received the application does not conduct early voting, the clerk shall forward a copy of the application in a form prescribed by the secretary of state to each early voting clerk who conducts early voting for that election.

SECTION 2. Same as introduced version.