

BILL ANALYSIS

C.S.H.B. 1129
By: White
Defense & Veterans' Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that, during the 2012 election, a number of absentee ballots cast by overseas servicemembers were unable to be counted because of issues with international mailing services. These parties contend that allowing servicemembers to receive and cast their votes electronically could prevent this situation from happening again. C.S.H.B. 1129 seeks to give overseas servicemembers the ability to vote, while avoiding potential delays or interruptions in the receipt of absentee ballots.

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. 1129 amends the Election Code to establish temporary provisions set to expire September 1, 2015, requiring the secretary of state to implement a program that allows a person who is casting an early voting ballot by mail to return the ballot by e-mail if the person is a member of the U.S. military who is on active duty overseas and eligible for hostile fire pay. The bill requires the secretary of state to prescribe procedures for an e-mail ballot submission process that requires the voter to print the ballot, print and sign a voter signature form, and then scan the documents before submitting them by e-mail and that requires secure processing of ballots, including requiring the use of a voter's military e-mail address and common access card, or other measures the secretary of state considers appropriate.

C.S.H.B. 1129 requires the secretary of state to select for program participation a county that desires to participate in the program and that is determined by the secretary of state to have the appropriate technological capabilities. The bill requires the secretary of state to operate the e-mail ballot program as a pilot program until September 1, 2015. The bill requires the secretary of state, not later than January 1, 2015, to file a report with the legislature and authorizes the report to include the secretary of state's recommendations on the future use of e-mail ballot submission by members of the U.S. military and suggestions for permanent statutory authority regarding e-mail ballot submission by members of the U.S. military.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1129 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 105.001(a), Election Code, is amended to read as follows:

(a) The secretary of state shall prescribe procedures to allow a person who is casting an early voting ballot by mail to return the ballot by telephonic facsimile machine, e-mail, or similar electronic means if the person[;

~~[(1)] is a member of the armed forces of the United States who is on active duty overseas, or the spouse or a dependent of the member[; and~~

~~[(2) is casting the ballot from an area:~~

~~[(A) in which members of the armed forces are eligible to receive hostile fire pay or imminent danger pay; or~~

~~[(B) that has been designated by the president of the United States as a combat zone].~~

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 105, Election Code, is amended by adding Section 105.004 to read as follows:

No equivalent provision.

Sec. 105.004. E-MAIL BALLOT PROGRAM. (a) The secretary of state shall implement a program to allow a person who is casting an early voting ballot by mail to return the ballot by e-mail if the person is a member of the armed forces of the United States who is on active duty overseas and eligible for hostile fire pay. The secretary of state shall prescribe procedures to provide for a process implemented under this section to require:

(1) the voter to print the ballot, print and sign a voter signature form, and then scan the documents before submitting them by e-mail; and

(2) secure processing of ballots, including requiring the use of a voter's military e-mail address and common access card, or other measures the secretary of state considers appropriate.

(b) The secretary of state shall select to participate in the program a county that:

(1) desires to participate in the program; and

(2) is determined by the secretary of state to have the appropriate technological capabilities.

(c) The secretary of state shall operate the program established under Subsection (a) as a pilot program until September 1, 2015.

(d) Not later than January 1, 2015, the secretary of state shall file a report with the legislature. The report may include the

secretary of state's recommendations on the future use of e-mail ballot submission by members of the armed forces of the United States and suggestions for permanent statutory authority regarding e-mail ballot submission by members of the armed forces of the United States.
(e) This section expires September 1, 2015.

No equivalent provision.

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.