

## **BILL ANALYSIS**

Senate Research Center

S.B. 904  
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State Affairs  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 82nd Legislature passed S.B. 100, which helped implement the federal government's Military and Overseas Voter Empowerment (MOVE) Act. S.B. 100 provided for the electronic transmission of blank ballots, at the request of the military/overseas voters, no later than 45 days before an election for federal office, an election held statewide, or any election held jointly with a federal or statewide election.

To ensure full compliance with the MOVE Act's 45-day ballot transmittal requirement, Texas had to shift its election calendar. Unfortunately, a few filing deadlines were missed when establishing the new calendar.

S.B. 904 corrects these oversights in the Texas Election Code and also provides for certain voting procedures that will help ease military and overseas voting.

S.B. 904 helps streamline the voting process by requiring the secretary of state to provide guidelines for returning a ballot and also by allowing a military and overseas voter to utilize a signature sheet instead of a carrier envelope.

S.B. 904 amends current law relating to the adoption of certain voting procedures and the modification of certain election deadlines, including those necessary to implement the federal Military and Overseas Voter Empowerment Act.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the secretary of state is rescinded in SECTION 8 (Section 50, Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 101.007, Election Code, by adding Subsection (d), to require the secretary of state to make a checklist or similar guidelines available for optional use by early voting clerks in processing an application and providing balloting materials under this chapter.

SECTION 2. Amends Section 101.107(b), Election Code, as follows:

(b) Requires a voter who receives a ballot under this subchapter to return the ballot in the same manner as required under Section 101.057 (Return of Voted Ballot) except that a voter who completes a signature sheet is not required to complete a carrier envelope. Prohibits the voter, except as provided by Chapter 105 (Voting by Military Personnel or Other Persons Overseas), from returning the ballot by electronic transmission.

SECTION 3. Amends Section 145.092(a), Election Code, to prohibit a candidate, except as otherwise provided by this section, from withdrawing from an election after 5 p.m. of the fifth day, rather than the third day, after the deadline for filing the candidate's application for a place on the ballot.

SECTION 4. Amends Sections 172.054(a) and (b), Election Code, as follows:

(a) Provides that the deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies with the applicable requirements:

(1) dies on or after the fifth day before the date of the regular filing deadline and on or before the first day after the date of the regular filing deadline, rather than on or before the 79th day before general primary election day;

(2) holds the office for which the application was made and withdraws or is declared ineligible on the date of the regular filing deadline or the first day after the date of the regular filing deadline, rather than on or after the date of the regular filing deadline and on or before the 79th day before general primary election day; or

(3) Makes no change to this subdivision.

(b) Requires that an application for an office sought by a withdrawn, deceased, or ineligible candidate be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline, rather than the 81st day before general primary election day. Provides that an application filed by mail with the state chair is not timely if received later than 5 p.m. of the fifth day after the date of the regular filing deadline, rather than the 81st day before general primary election day.

SECTION 5. Amends Section 172.057, Election Code, to make conforming changes.

SECTION 6. Amends Section 172.058(a), Election Code, to make conforming changes.

SECTION 7. Amends Sections 202.004(a) and (c), Election Code, as follows:

(a) Requires a political party's nominee for an unexpired term to be nominated by primary election if the vacancy occurs or before the fifth day before the date if the regular deadline for candidates to file applications for a place on the general primary ballot, rather than on or before the 62nd day before general primary election day.

(c) Requires that an application for the unexpired term, if the vacancy occurs after the 10th day before the date of the regular filing deadline, be filed not later than 6 p.m. of the fifth day after the date of the regular filing deadline, rather than not later than 5 p.m. of the 15th day after the date the vacancy occurs or 5 p.m. of the 60th day before the general primary election day, whichever is earlier.

SECTION 8. (a) Repealer: Section 50 (relating to requiring the secretary of state to adopt rules as necessary to implement this Act, including the adjustment or modification of any affected date, deadline, or procedure), Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011.

(b) Prohibits the secretary of state from adjusting or modifying affected election dates, deadlines, or procedures to implement the federal Military and Overseas Voter Empowerment Act under Section 50, Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011.

(c) Effective date, this section: December 31, 2016.

SECTION 9. Effective date, except as otherwise provided by this Act: September 1, 2013.