

By: Patrick, Birdwell

S.B. No. 1723

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(2) the person is:

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

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

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

(b) Notwithstanding Subsection (a) and Chapter 114, a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely is entitled to vote a full ballot as provided by 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 101.052, 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. Subchapter B, Chapter 101, Election Code, is  
14 amended by adding Section 101.059 to read as follows:

15 Sec. 101.059. 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, 2013.