

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

H.B. No. 396

A BILL TO BE ENTITLED

1 AN ACT

2 relating to providing a federal postcard applicant with a ballot
3 for certain elections in which the applicant is eligible to vote.

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

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

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

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

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

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

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

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

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

ADOPTED

MAY 16 2013


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 396 (senate committee report) in SECTION 1 of
2 the bill, in amended Section 101.054(b), Election Code (page 1,
3 lines 39-40) by striking "within one calendar year after the date"
4 and substituting "in the calendar year in which".

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 16 2013 BY:

Atay Spaw
Secretary of the Senate

Joe Palmer

1 Amend H.B. No. 396 (senate committee printing) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering the remaining SECTIONS of the bill accordingly:

4 SECTION ____ . Section 101.001, Election Code, is amended to
5 read as follows:

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

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

11 (2) the person is:

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

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

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

19 (b) Notwithstanding Subsection (a) and Chapter 114, a
20 person who indicates on a federal postcard application that the
21 person is a United States citizen residing outside the United
22 States indefinitely is entitled to vote a full ballot as
23 provided by this chapter if the person is otherwise eligible to
24 vote under this chapter and is a registered voter at the address
25 contained on the application.

26 SECTION ____ . Section 101.052, Election Code, is amended by
27 adding Subsection (n) to read as follows:

28 (n) The early voting clerk shall provide notice to a
29 person who indicates on a federal postcard application that the
30 person is a United States citizen residing outside the United

1 States indefinitely, other than a person described by Section
2 101.001(b), that as a result of the person's indication, the
3 person is only eligible to vote a federal ballot as provided by
4 Chapter 114. The secretary of state shall prescribe the form
5 and manner of the notice provided under this subsection.

6 SECTION ____ . Subchapter B, Chapter 101, Election Code, is
7 amended by adding Section 101.059 to read as follows:

8 Sec. 101.059. NOTICE ON COUNTY WEBSITE FOR CITIZENS
9 RESIDING OUTSIDE OF UNITED STATES INDEFINITELY. If a county
10 maintains an Internet website to provide information on voting,
11 the website must include information that describes the effects
12 on the ballot a person will receive under state law if the
13 person indicates on a federal postcard application that the
14 person is a United States citizen residing outside the United
15 States indefinitely.

16 SECTION ____ . Section 114.002, Election Code, is amended to
17 read as follows:

18 Sec. 114.002. ELIGIBILITY. A United States citizen
19 residing [~~dwelling~~] outside the United States is eligible to
20 vote a federal ballot by mail if:

21 (1) the citizen's most recent domicile in the United
22 States was in this state and the citizen is residing outside the
23 United States indefinitely [~~citizen's intent to return to this~~
24 ~~state is uncertain~~];

25 (2) the citizen would be eligible for registration as
26 a voter in this state if a resident; and

27 (3) the citizen is not eligible to vote on federal
28 offices in any other state.

29

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB396 by Thompson, Senfronia (Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote. The bill would require the early voting clerk to provide notice to a person who indicates on a federal postcard application that the person is a United States citizen residing abroad that the person is only eligible to vote a federal ballot as provided by the bill. The bill would require the Secretary of State (SOS) to prescribe the form and manner of the notice provided by the early voting clerk.

SOS indicated that any costs associated with the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

Costs associated with implementing the provisions of the bill would vary by locality; however, those amounts are not anticipated to be significant.

Source Agencies:

LBB Staff: UP, AG, JI, AHE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 10, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB396 by Thompson, Senfronia (Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to allow a person to apply for a ballot with a single federal postcard application for one or more elections in which the person is eligible to vote. The bill would require the early voting clerk who does not conduct early voting to forward a copy of the application in a form prescribed by the Secretary of State (SOS) to each early voting clerk who conducts early voting in general or special elections held by a county, a municipality, or an independent school district.

SOS indicated that any costs associated with the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

There would be a fiscal impact to local governments, but those amounts would vary depending on the affected entity's budget. Shelby County reported estimated costs totaling \$11,500 for fiscal year (FY) 2014, and \$14,000 for FY 2015; with similar amounts in subsequent fiscal years. The county indicated the costs would have a significant fiscal impact on the affected department's current fiscal year budget of \$75,000.

Source Agencies:

LBB Staff: UP, AG, KJo, JI, AHE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 11, 2013

TO: Honorable Geanie Morrison, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB396** by Thompson, Senfronia (Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to allow a person to apply for a ballot with a single federal postcard application for one or more elections in which the person is eligible to vote. The bill would require the early voting clerk who does not conduct early voting to forward a copy of the application in a form prescribed by the Secretary of State (SOS) to each early voting clerk who conducts early voting in general or special elections held by a county, a municipality, or an independent school district.

SOS indicated that any costs associated with the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

There would be a fiscal impact to local governments, but those amounts would vary depending on the affected entity's budget. Shelby County reported estimated costs totaling \$11,500 for fiscal year (FY) 2014, and \$14,000 for FY 2015; with similar amounts in subsequent fiscal years. The county indicated the costs would have a significant fiscal impact on the affected department's current fiscal year budget of \$75,000.

Source Agencies:

LBB Staff: UP, KJo, JI, AHE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 13, 2013

TO: Honorable Geanie Morrison, Chair, House Committee On Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB396 by Thompson, Senfronia (Relating to providing a federal postcard applicant with a ballot for any election in which the applicant is eligible to vote.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Election Code to authorize a person to apply for a ballot with a single federal postcard application for one or more elections in which the person is eligible to vote. Early voting clerks who do not conduct early voting would be required to forward a copy of a federal postcard application in a format prescribed by the Secretary of State (SOS) to each early voting clerk who conducts early voting for an election in which the person is eligible to vote.

SOS indicated that any costs associated with the provisions of the bill could be absorbed within the agency's existing resources.

Local Government Impact

According to the Texas Municipal League (TML), it could be costly to send out ballots to applicants that may or may not be interested in a particular election.

Shelby County reported estimated costs totaling \$11,500 for fiscal year (FY) 2014; and \$14,000 for FY 2015. The costs would include the salary for one new employee (\$10,000); and computer and supplies (\$1,500) with similar amounts in subsequent fiscal years. The county indicated the costs would have a significant fiscal impact on the affected department's current fiscal year budget of \$75,000.

Tarrant County reported estimated costs totaling \$15,000 for FY 2014 through FY 2018 for postage and supplies (\$15,000). The county indicated the costs are not anticipated to have a significant fiscal impact on the affected department's current budget of \$5.4 million.

Washington County reported estimated costs totaling \$7,000 for FY 2014 through FY 2008. The costs would include the salary for one new employee (\$5,000); and postage and supplies (\$2,000). The county indicated the costs are not anticipated to have a significant fiscal impact on the affected department's current budget of \$308,200.

Garza and Travis counties reported no fiscal impact is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, JI, AHE, KJo, TP