

House Bill 396
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. 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 chapter and is a registered voter at the address contained on the application. [FA2]

No equivalent provision.

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

(n) The early voting clerk shall provide notice to a person who indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely, other than a person described by Section 101.001(b), that as a result of the person's indication, the person is only eligible to vote a federal ballot as provided by

House Bill 396
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Chapter 114. The secretary of state shall prescribe the form and manner of the notice provided under this subsection.
[FA2]

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 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 in the calendar year in which the application is received and in which the person is eligible to vote. [FA1]

(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.

House Bill 396
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Subchapter B, Chapter 101, Election Code, is amended by adding Section 101.059 to read as follows:
Sec. 101.059. NOTICE ON COUNTY WEBSITE FOR CITIZENS RESIDING OUTSIDE OF UNITED STATES INDEFINITELY. If a county maintains an Internet website to provide information on voting, the website must include information that describes the effects on the ballot a person will receive under state law if the person indicates on a federal postcard application that the person is a United States citizen residing outside the United States indefinitely. [FA2]

No equivalent provision.

SECTION __. Section 114.002, Election Code, is amended to read as follows:
Sec. 114.002. ELIGIBILITY. A United States citizen residing [dwelling] outside the United States is eligible to vote a federal ballot by mail if:
(1) the citizen's most recent domicile in the United States was in this state and the citizen is residing outside the United States indefinitely [citizen's intent to return to this state is uncertain];
(2) the citizen would be eligible for registration as a voter in this state if a resident; and
(3) the citizen is not eligible to vote on federal offices in any other state. [FA2]

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

SECTION 2. Same as House version.