

BILL ANALYSIS

Senate Research Center

H.B. 928
By: Davis, John, Dunnam (Janek)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires mail-in ballot applications to be submitted 30 days or earlier prior to a state election. However, federal regulations require mail-in ballot applications to be sent 20 days or earlier before an election. This can create confusion for an individual who attempts to vote in both state and federal elections, as the individual's vote in the state election would not count if the individual complied only with the federal regulations.

H.B. 928 entitles applicants who otherwise comply with the applicable requirements to receive a full ballot to be voted by mail if the applicant submits a federal postcard application to the early voting clerk 20 days, rather than 30 days, before an election. The bill also clarifies the method used to determine the date an application sent by an Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is considered to be submitted.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 101.004(e), (f), and (i), Election Code, as follows:

(e) Entitles an applicant who otherwise complies with applicable requirements to receive a full ballot to be voted by mail under this chapter (Voting by Resident Federal Postcard Applicant) if the applicant submits a federal postcard application to the early voting clerk on or before the 20th day, rather than the 30th day, before election day, in addition to certain other requirements.

(f) Makes a conforming change.

(i) Provides that, for purposes of determining the date a federal postcard application is submitted to the early voting clerk, an application mailed from an Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is considered placed in the United States mail and that the date indicated by the post office cancellation mark, including a United States military post office cancellation mark, is considered to be the date the application was placed in the mail unless proven otherwise. Provides that, for purposes of Subsection (e), an application that does not contain a cancellation mark is considered to be timely if it is received by the early voting clerk on or before the 15th day, rather than the 22nd day, before election day. Makes a conforming change.

SECTION 2. Makes application of this Act prospective to January 1, 2008.

SECTION 3. Effective date: September 1, 2007.