

## **BILL ANALYSIS**

Senate Research Center  
80R958 DRH-D

S.B. 90  
By: Van de Putte  
State Affairs  
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As Filed

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

According to a March 2006 report to the United States Congress released by the United States Election Assistance Commission, 33 percent of military and overseas voters are disenfranchised during elections. The federal Department of Defense and the Voting Assistance Program have undertaken efforts to address this problem, but there is still opportunity for the State of Texas to initiate measures to address this issue. Current law permits the faxing of ballots to overseas voters. This legislation enacts a pilot program for the 2008 general election for state and county officers election that would allow a county clerk or election administrator in Texas to deliver a blank ballot via electronic mail to a voter outside the United States provided that the voter has requested the ballot to be delivered via electronic mail to ensure speed and efficiency of the voting process for overseas military voters.

As proposed, S.B. 90 allows overseas military voters to vote via an electronically provided ballot to expedite the process of absentee voting.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state under SECTION 1 (Section 101.0071, Election Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 101, Election Code, by adding Section 101.0071, as follows:

Sec. 101.0071. ELECTRONIC MAIL BALLOT PILOT PROGRAM. (a) Requires the secretary of state, not later than July 1, 2008, to implement a pilot program to evaluate the use of electronic mail (e-mail) in providing balloting materials to overseas voters who are members of the United States military for the general election for the state and county officers in 2008. Sets forth certain conditions under which a county is permitted to participate in the pilot program.

(b) Permits the early voting clerk (clerk) of a participating county to send balloting materials to an e-mail address in a form and manner provided by the secretary of state after the ballot materials have been provided to the voter in accordance with Section 101.007(a), if the voter meets certain criteria.

(c) Requires balloting materials sent to an e-mail address to include a signature sheet for the voter.

(d) Requires the clerk to provide ballots to all voters who qualify under Subsection (b) if the clerk provides a ballot to a single voter who qualifies.

(e) Requires the clerk to amend the voter's federal postcard application for future elections with the voter's current address if the clerk provides a ballot via e-mail under Subsection (b).

(f) Requires a ballot sent to an e-mail address under Subsection (b) to be returned with the signed signature sheet.

(g) Specifies that an e-mail address provided under this section is confidential and not public information for purposes of Chapter 552 (open Records), Government Code. Requires the clerk to ensure that an e-mail address is excluded from disclosure.

(h) Sets forth that only a ballot that was provided electronically may be counted if a voter returns a mailed ballot and an electronically provided ballot.

(i) Provides that all other provisions of this code that apply to ballots apply to an electronically provided ballot, including certain deadlines.

(j) Authorizes the secretary of state to adopt rules as necessary to implement this section.

(k) Requires the secretary of state to file a report with the legislature at the conclusion of the pilot program but no later than February 15, 2009, regarding the pilot program. Sets forth certain provisions the secretary of state may include in the report.

(l) Provides that this section expires February 16, 2009.

SECTION 2. Effective date: September 1, 2007.