

BILL ANALYSIS

Senate Research Center

H.B. 2173
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2173 amends current law relating to a pilot program allowing certain military overseas voters to receive and cast a ballot electronically.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 101.0072, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 101, Election Code, by adding Section 101.0072, as follows:

Sec. 101.0072. PILOT PROGRAM FOR ELECTRONIC TRANSMISSION OF BALLOTS TO AND FROM OVERSEAS MILITARY VOTERS. (a) Requires the secretary of state (SOS), not later than July 1, 2012, to prescribe procedures to implement a pilot program to allow the electronic transmission of balloting materials to, and the electronic transmission of a voted ballot by, a member of the armed forces of the United States who is on active duty overseas for the general election for state and county officers in 2012. Authorizes a county to participate in the pilot program only if:

- (1) the early voting clerk of the county makes a request to SOS to participate; and
- (2) SOS approves the request.

(b) Requires that the procedures:

- (1) require that the early voting clerk of a participating county send balloting materials to an e-mail address in a form and manner prescribed by the secretary of state if the voter:
 - (A) is an FPCA registrant and is eligible for early voting by mail under Section 101.001 (Eligibility);
 - (B) provides a current address that is located outside the United States and is voting from outside the United States;
 - (C) provides an e-mail address that contains the suffix ".mil"; and
 - (D) requests that balloting materials be sent by electronic transmission;
- (2) provide for the verification of the voter;
- (3) provide for the security of the transmission by having the balloting materials returned to the secretary of state for verification and redistribution;

(4) require the early voting clerk to maintain a record of each ballot received under this section; and

(5) require that the balloting materials be sent to and returned from the e-mail address provided under Subdivision (1)(C).

(c) Provides that an e-mail address provided under this section is confidential and does not constitute public information for purposes of Chapter 552 (Public Information), Government Code. Requires the early voting clerk to ensure that an e-mail address provided under this section is excluded from disclosure.

(d) Provides that if a voter returns both a voted ballot mailed to the voter under Section 101.007(a) (requiring that balloting materials provided under this chapter shall be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act, in an envelope labeled "Official Election Balloting Material - via Airmail") and a voted ballot transmitted electronically under this section, only the ballot that was transmitted electronically may be counted.

(e) Requires SOS to adopt rules as necessary to implement this section.

(f) Requires SOS, at the conclusion of the pilot program established under this section, but not later than February 15, 2013, to file a report on the program with the legislature. Authorizes the report to include SOS's:

(1) recommendations relating to the continued feasibility of providing balloting materials by electronic transmission to military overseas voters; and

(2) suggestions for permanent statutory authority regarding the provision of balloting materials by electronic transmission.

(g) Provides that this section expires February 16, 2013.

SECTION 2. Effective date: September 1, 2011.