

1-1 By: Van de Putte S.B. No. 100
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 6, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 100 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the adoption of voting procedures necessary to
1-11 implement the federal Military and Overseas Voter Empowerment Act,
1-12 including changing deadlines for declaration of candidacy and dates
1-13 for certain elections.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Chapter 101, Election Code, is amended to read as
1-16 follows:

1-17 CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 101.001. ELIGIBILITY. A person is eligible for early
1-20 voting by mail as provided by this chapter if:

1-21 (1) the person is qualified to vote in this state or,
1-22 if not registered to vote in this state, would be qualified if
1-23 registered; and

1-24 (2) the person is:

1-25 (A) a member of the armed forces of the United
1-26 States, or the spouse or a dependent of a member;

1-27 (B) a member of the merchant marine of the United
1-28 States, or the spouse or a dependent of a member; or

1-29 (C) domiciled in this state but temporarily
1-30 living outside the territorial limits of the United States and the
1-31 District of Columbia.

1-32 Sec. 101.002. GENERAL CONDUCT OF VOTING. Voting under this
1-33 chapter shall be conducted and the results shall be processed as
1-34 provided by Subtitle A for early voting by mail, except as otherwise
1-35 provided by this chapter.

1-36 Sec. 101.003. DEFINITIONS. [~~FORM AND CONTENTS OF~~
1-37 ~~APPLICATION. (a) An application for a ballot to be voted under~~
1-38 ~~this chapter must:~~

1-39 [~~(1) be submitted on an official federal postcard~~
1-40 ~~application form; and~~

1-41 [~~(2) include the information necessary to indicate~~
1-42 ~~that the applicant is eligible to vote in the election for which the~~
1-43 ~~ballot is requested.~~

1-44 [~~(b)~~] In this chapter:

1-45 (1) "Federal[~~, "federal"~~] postcard application" means
1-46 an application for a ballot to be voted under this chapter submitted
1-47 on the official federal form prescribed under the federal Uniformed
1-48 and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff
1-49 et seq.).

1-50 (2) "FPCA registrant" means a person registered to
1-51 vote under Section 101.055.

1-52 Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. For
1-53 each FPCA registrant accepted to vote, a notation shall be made
1-54 beside the voter's name on the early voting poll list indicating
1-55 that the voter is an FPCA registrant.

1-56 Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY
1-57 VOTING ROSTER. The entry on the early voting roster pertaining to a
1-58 voter under this chapter who is an FPCA registrant must include a
1-59 notation indicating that the voter is an FPCA registrant. The early
1-60 voting clerk shall note on the early voting by mail roster each
1-61 e-mail of a ballot under Subchapter C.

1-62 Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY
1-63 VOTING LIST. A person to whom a ballot is provided under this

2-1 chapter is not required to be included on the precinct early voting
 2-2 list if the person is an FPCA registrant.

2-3 Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. The
 2-4 secretary of state is designated as the state office to provide
 2-5 information regarding voter registration procedures and absentee
 2-6 ballot procedures, including procedures related to the federal
 2-7 write-in absentee ballot, to be used by persons eligible to vote
 2-8 under the federal Uniformed and Overseas Citizens Absentee Voting
 2-9 Act (42 U.S.C. Section 1973ff et seq.).

2-10 Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The
 2-11 secretary of state, in coordination with local election officials,
 2-12 shall implement an electronic free-access system by which a person
 2-13 eligible for early voting by mail under this chapter or Chapter 114
 2-14 may determine by telephone, by e-mail, or over the Internet
 2-15 whether:

2-16 (1) the person's federal postcard application or other
 2-17 registration or ballot application has been received and accepted;
 2-18 and

2-19 (2) the person's ballot has been received and the
 2-20 current status of the ballot.

2-21 SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

2-22 Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An
 2-23 application for a ballot to be voted under this subchapter must:

2-24 (1) be submitted on an official federal postcard
 2-25 application form; and

2-26 (2) include the information necessary to indicate that
 2-27 the applicant is eligible to vote in the election for which the
 2-28 ballot is requested.

2-29 Sec. 101.052 [~~101.004~~]. SUBMITTING APPLICATION. (a) A
 2-30 federal postcard application must be submitted to the early voting
 2-31 clerk for the election who serves the election precinct of the
 2-32 applicant's residence.

2-33 (a-1) A federal postcard application must be submitted by:

2-34 (1) mail; or

2-35 (2) electronic transmission of an image of the
 2-36 application under procedures prescribed by the secretary of state.

2-37 (b) A federal postcard application may be submitted at any
 2-38 time during the calendar year in which the election for which a
 2-39 ballot is requested occurs, but not later than the deadline for
 2-40 submitting a regular application for a ballot to be voted by mail.

2-41 (c) A federal postcard application requesting a ballot for
 2-42 an election to be held in January or February may be submitted in
 2-43 the preceding calendar year but not earlier than the earliest date
 2-44 for submitting a regular application for a ballot to be voted by
 2-45 mail.

2-46 (d) A timely application that is addressed to the wrong
 2-47 early voting clerk shall be forwarded to the proper early voting
 2-48 clerk not later than the day after the date it is received by the
 2-49 wrong clerk.

2-50 (e) An applicant who otherwise complies with applicable
 2-51 requirements is entitled to receive a full ballot to be voted by
 2-52 mail under this chapter if:

2-53 (1) the applicant submits a federal postcard
 2-54 application to the early voting clerk on or before the 20th day
 2-55 before election day; and

2-56 (2) the application contains the information that is
 2-57 required for registration under Title 2.

2-58 (f) The applicant is entitled to receive only a federal
 2-59 ballot to be voted by mail under Chapter 114 if:

2-60 (1) the applicant submits the federal postcard
 2-61 application to the early voting clerk after the date provided by
 2-62 Subsection (e)(1) and before the sixth day before election day; and

2-63 (2) the application contains the information that is
 2-64 required for registration under Title 2.

2-65 (g) An applicant who submits a federal postcard application
 2-66 to the early voting clerk on or after the sixth day before election
 2-67 day is not entitled to receive a ballot by mail for that election.

2-68 (h) If the applicant submits the federal postcard
 2-69 application within the time prescribed by Subsection (f)(1) and is

3-1 a registered voter at the address contained on the application, the
 3-2 applicant is entitled to receive a full ballot to be voted by mail
 3-3 under this chapter.

3-4 (i) Except as provided by Subsections (l) and (m), for
 3-5 purposes of determining the date a federal postcard application is
 3-6 submitted to the early voting clerk, an application is considered
 3-7 to be submitted on the date it is placed and properly addressed in
 3-8 the United States mail. An application mailed from an Army/Air
 3-9 Force Post Office (APO) or Fleet Post Office (FPO) is considered
 3-10 placed in the United States mail. The date indicated by the post
 3-11 office cancellation mark, including a United States military post
 3-12 office cancellation mark, is considered to be the date the
 3-13 application was placed in the mail unless proven otherwise. For
 3-14 purposes of an application made under Subsection (e):

3-15 (1) an application that does not contain a
 3-16 cancellation mark is considered to be timely if it is received by
 3-17 the early voting clerk on or before the 15th day before election
 3-18 day; and

3-19 (2) if the 20th day before the date of an election is a
 3-20 Saturday, Sunday, or legal state or national holiday, an
 3-21 application is considered to be timely if it is submitted to the
 3-22 early voting clerk on or before the next regular business day.

3-23 (j) If the early voting clerk determines that an application
 3-24 that is submitted before the time prescribed by Subsection (e)(1)
 3-25 does not contain the information that is required for registration
 3-26 under Title 2, the clerk shall notify the applicant of that fact.
 3-27 If the applicant has provided a telephone number or an address for
 3-28 receiving mail over the Internet, the clerk shall notify the
 3-29 applicant by that medium.

3-30 (k) If the applicant submits the missing information before
 3-31 the time prescribed by Subsection (e)(1), the applicant is entitled
 3-32 to receive a full ballot to be voted by mail under this chapter. If
 3-33 the applicant submits the missing information after the time
 3-34 prescribed by Subsection (e)(1), the applicant is entitled to
 3-35 receive a full ballot to be voted by mail for the next election that
 3-36 occurs:

3-37 (1) in the same calendar year; and

3-38 (2) after the 30th day after the date the information
 3-39 is submitted.

3-40 (l) For purposes of determining the end of the period that
 3-41 an application may be submitted under Subsection (f)(1), an
 3-42 application is considered to be submitted at the time it is received
 3-43 by the early voting clerk.

3-44 (m) The secretary of state by rule shall establish the date
 3-45 on which a federal postcard application is considered to be
 3-46 electronically submitted to the early voting clerk.

3-47 Sec. 101.053 [~~101.0041~~]. ACTION BY EARLY VOTING CLERK ON
 3-48 CERTAIN APPLICATIONS. The early voting clerk shall notify the
 3-49 voter registrar of a federal postcard application submitted by an
 3-50 applicant that states a voting residence address located outside
 3-51 the registrar's county.

3-52 Sec. 101.054 [~~101.005~~]. APPLYING FOR MORE THAN ONE ELECTION
 3-53 IN SAME APPLICATION. (a) A person may apply with a single federal
 3-54 postcard application for a ballot for any one or more elections in
 3-55 which the early voting clerk to whom the application is submitted
 3-56 conducts early voting.

3-57 (b) An application that does not identify the election for
 3-58 which a ballot is requested shall be treated as if it requests a
 3-59 ballot for:

3-60 (1) each general election in which the clerk conducts
 3-61 early voting; and

3-62 (2) the general primary election if the application
 3-63 indicates party preference and is submitted to the early voting
 3-64 clerk for the primary.

3-65 (c) An application shall be treated as if it requests a
 3-66 ballot for [+]

3-67 [~~(1)~~] a runoff election that results from an election
 3-68 for which a ballot is requested[~~, and~~

3-69 [~~(2) each election for a federal office, including a~~

4-1 ~~primary or runoff election, that occurs on or before the date of the~~
4-2 ~~second general election for state and county officers that occurs~~
4-3 ~~after the date the application is submitted].~~

4-4 (d) An application requesting a ballot for more than one
4-5 election shall be preserved for the period for preserving the
4-6 precinct election records for the last election for which the
4-7 application is effective.

4-8 Sec. 101.055 [~~101.006~~]. FPCA VOTER REGISTRATION. (a) The
4-9 submission of a federal postcard application that complies with the
4-10 applicable requirements by an unregistered applicant constitutes
4-11 registration by the applicant:

4-12 (1) for the purpose of voting in the election for which
4-13 a ballot is requested; and

4-14 (2) under Title 2 unless the person indicates on the
4-15 application that the person is residing outside the United States
4-16 indefinitely.

4-17 (b) For purposes of registering to vote under this chapter,
4-18 a person shall provide the address of the last place of residence of
4-19 the person in this state or the last place of residence in this
4-20 state of the person's parent or legal guardian.

4-21 (c) The voter registrar shall register the person at the
4-22 address provided under Subsection (b) unless that address no longer
4-23 is recognized as a residential address, in which event the
4-24 registrar shall assign the person to an address under procedures
4-25 prescribed by the secretary of state [In this chapter, "FPCA
4-26 registrant" means a person registered to vote under this section].

4-27 Sec. 101.056 [~~101.007~~]. METHOD OF PROVIDING BALLOT;
4-28 REQUIRED ADDRESS. (a) The balloting materials provided under this
4-29 subchapter [~~chapter~~] shall be airmailed to the voter free of United
4-30 States postage, as provided by the federal Uniformed and Overseas
4-31 Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in
4-32 an envelope labeled "Official Election Balloting Material - via
4-33 Airmail." The secretary of state shall provide early voting clerks
4-34 with instructions on compliance with this subsection.

4-35 (b) The address to which the balloting materials are sent to
4-36 a voter must be:

4-37 (1) an address outside the county of the voter's
4-38 residence; or

4-39 (2) an address in the United States for forwarding or
4-40 delivery to the voter at a location outside the United States.

4-41 (c) If the address to which the balloting materials are to
4-42 be sent is within the county served by the early voting clerk, the
4-43 federal postcard application must indicate that the balloting
4-44 materials will be forwarded or delivered to the voter at a location
4-45 outside the United States.

4-46 Sec. 101.057 [~~101.008~~]. RETURN OF VOTED BALLOT. A ballot
4-47 voted under this subchapter [~~chapter~~] may be returned to the early
4-48 voting clerk by mail, common or contract carrier, or courier.

4-49 [~~Sec. 101.009. NOTING FPCA REGISTRATION ON POLL LIST. For~~
4-50 ~~each FPCA registrant accepted to vote, a notation shall be made~~
4-51 ~~beside the voter's name on the early voting poll list indicating~~
4-52 ~~that the voter is an FPCA registrant.~~

4-53 [~~Sec. 101.010. NOTING FPCA REGISTRATION ON EARLY VOTING~~
4-54 ~~ROSTER. The entry on the early voting roster pertaining to a voter~~
4-55 ~~under this chapter who is an FPCA registrant must include a notation~~
4-56 ~~indicating that the voter is an FPCA registrant.~~

4-57 [~~Sec. 101.011. EXCLUDING FPCA REGISTRANT FROM PRECINCT~~
4-58 ~~EARLY VOTING LIST. A person to whom a ballot is provided under this~~
4-59 ~~chapter is not required to be included on the precinct early voting~~
4-60 ~~list if the person is an FPCA registrant.]~~

4-61 Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The
4-62 officially prescribed carrier envelope for voting under this
4-63 subchapter [~~chapter~~] shall be prepared so that it can be mailed free
4-64 of United States postage, as provided by the federal Uniformed and
4-65 Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et
4-66 seq.) [Federal Voting Assistance Act of 1955], and must contain the
4-67 label prescribed by Section 101.056(a) [~~101.007(a)~~] for the
4-68 envelope in which the balloting materials are sent to a voter. The
4-69 secretary of state shall provide early voting clerks with

5-1 instructions on compliance with this section.

5-2 SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

5-3 Sec. 101.101. PURPOSE. The purpose of this subchapter is to
 5-4 implement the federal Military and Overseas Voter Empowerment Act
 5-5 (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

5-6 Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) A
 5-7 person eligible to vote under this chapter may request from the
 5-8 appropriate early voting clerk e-mail transmission of balloting
 5-9 materials under this subchapter.

5-10 (b) The early voting clerk shall grant a request made under
 5-11 this section for the e-mail transmission of balloting materials if:

5-12 (1) the requestor has submitted a valid federal
 5-13 postcard application and:

5-14 (A) if the requestor is a person described by
 5-15 Section 101.001(2)(C), has provided a current mailing address that
 5-16 is located outside the United States; or

5-17 (B) if the requestor is a person described by
 5-18 Section 101.001(2)(A) or (B), has provided a current mailing
 5-19 address that is located outside the requestor's county of
 5-20 residence;

5-21 (2) the requestor provides an e-mail address that:

5-22 (A) corresponds to the address on file with the
 5-23 requestor's federal postcard application; or

5-24 (B) is stated on a newly submitted federal
 5-25 postcard application;

5-26 (3) the request is submitted on or before the seventh
 5-27 day before the date of the election; and

5-28 (4) a marked ballot for the election from the
 5-29 requestor has not been received by the early voting clerk.

5-30 Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail
 5-31 address used under this subchapter to request balloting materials
 5-32 is confidential and does not constitute public information for
 5-33 purposes of Chapter 552, Government Code. An early voting clerk
 5-34 shall ensure that a voter's e-mail address provided under this
 5-35 subchapter is excluded from public disclosure.

5-36 Sec. 101.104. ELECTIONS COVERED. The e-mail transmission
 5-37 of balloting materials under this subchapter is limited to:

5-38 (1) an election in which an office of the federal
 5-39 government appears on the ballot, including a primary election;

5-40 (2) an election to fill a vacancy in the legislature
 5-41 unless:

5-42 (A) the election is ordered as an emergency
 5-43 election under Section 41.0011; or

5-44 (B) the election is held as an expedited election
 5-45 under Section 203.013; or

5-46 (3) an election held jointly with an election
 5-47 described by Subdivision (1) or (2).

5-48 Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL.
 5-49 Balloting materials to be sent by e-mail under this subchapter
 5-50 include:

5-51 (1) the appropriate ballot;

5-52 (2) ballot instructions, including instructions that
 5-53 inform a voter that the ballot must be returned by mail to be
 5-54 counted;

5-55 (3) instructions prescribed by the secretary of state
 5-56 on:

5-57 (A) how to print a return envelope from the
 5-58 federal Voting Assistance Program website; and

5-59 (B) how to create a carrier envelope or signature
 5-60 sheet for the ballot; and

5-61 (4) a list of certified write-in candidates, if
 5-62 applicable.

5-63 Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) The
 5-64 balloting materials may be provided by e-mail to the voter in PDF
 5-65 format, through a scanned format, or by any other method of
 5-66 electronic transmission authorized by the secretary of state in
 5-67 writing.

5-68 (b) The secretary of state shall prescribe procedures for
 5-69 the retransmission of balloting materials following an

6-1 unsuccessful transmission of the materials to a voter.
 6-2 Sec. 101.107. RETURN OF BALLOT. (a) A voter described by
 6-3 Section 101.001(2)(A) or (B) must be voting from outside the
 6-4 voter's county of residence. A voter described by Section
 6-5 101.001(2)(C) must be voting from outside the United States.

6-6 (b) A voter who receives a ballot under this subchapter must
 6-7 return the ballot in the same manner as required under Section
 6-8 101.057 and, except as provided by Chapter 105, may not return the
 6-9 ballot by electronic transmission.

6-10 (c) A ballot that is not returned as required by Subsection
 6-11 (b) is considered a ballot not timely returned and is not sent to
 6-12 the early voting ballot board for processing.

6-13 (d) The deadline for the return of a ballot under this
 6-14 section is the same deadline as provided in Section 86.007.

6-15 Sec. 101.108. TRACKING OF BALLOTING MATERIALS. The
 6-16 secretary of state by rule shall create a tracking system under
 6-17 which an FPCA registrant may determine whether a voted ballot has
 6-18 been received by the early voting clerk. Each county that sends
 6-19 ballots to FPCA registrants shall provide information required by
 6-20 the secretary of state to implement the system.

6-21 Sec. 101.109. RULES. (a) The secretary of state may adopt
 6-22 rules as necessary to implement this subchapter.

6-23 (b) The secretary of state may provide for an alternate
 6-24 secure method of electronic ballot transmission under this
 6-25 subchapter instead of transmission by e-mail

6-26 ~~[Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. The~~
 6-27 ~~secretary of state is designated as the state office to provide~~
 6-28 ~~information regarding voter registration procedures and absentee~~
 6-29 ~~ballot procedures, including procedures related to the federal~~
 6-30 ~~write-in absentee ballot, to be used by persons eligible to vote~~
 6-31 ~~under the federal Uniformed and Overseas Citizens Absentee Voting~~
 6-32 ~~Act (42 U.S.C. Section 1973ff et seq.), as amended].~~

6-33 SECTION 2. Section 2.025, Election Code, is amended by
 6-34 amending Subsection (a) and adding Subsection (d) to read as
 6-35 follows:

6-36 (a) Except as provided by Subsection (d) or as otherwise
 6-37 provided by this code, a runoff election shall be held not earlier
 6-38 than the 20th or later than the 45th day after the date the final
 6-39 canvass of the main election is completed.

6-40 (d) A runoff election for a special election to fill a
 6-41 vacancy in Congress or a special election to fill a vacancy in the
 6-42 legislature to which Section 101.104 applies shall be held not
 6-43 earlier than the 70th day or later than the 77th day after the date
 6-44 the final canvass of the main election is completed.

6-45 SECTION 3. Subsection (c), Section 3.005, Election Code, is
 6-46 amended to read as follows:

6-47 (c) For an election to be held on:
 6-48 (1) the date of the general election for state and
 6-49 county officers, the election shall be ordered not later than the
 6-50 78th [70th] day before election day; and

6-51 (2) a uniform election date other than the date of the
 6-52 general election for state and county officers, the election shall
 6-53 be ordered not later than the 71st day before election day.

6-54 SECTION 4. Subsection (a), Section 41.001, Election Code,
 6-55 is amended to read as follows:

6-56 (a) Except as otherwise provided by this subchapter, each
 6-57 general or special election in this state shall be held on one of
 6-58 the following dates:

6-59 (1) the second Saturday in May in an odd-numbered
 6-60 year; or

6-61 (2) the first Tuesday after the first Monday in
 6-62 November.

6-63 SECTION 5. Subsection (a), Section 41.0052, Election Code,
 6-64 is amended to read as follows:

6-65 (a) The governing body of a political subdivision other than
 6-66 a county may, not later than December 31, 2012 [2005], change the
 6-67 date on which it holds its general election for officers to another
 6-68 authorized uniform election date.

6-69 SECTION 6. Subsection (b), Section 41.007, Election Code,

7-1 is amended to read as follows:

7-2 (b) The runoff primary election date is the fourth Tuesday
7-3 in May [~~second Tuesday in April~~] following the general primary
7-4 election.

7-5 SECTION 7. Section 65.051, Election Code, is amended by
7-6 adding Subsection (c) to read as follows:

7-7 (c) Section 1.006 does not apply to this section.

7-8 SECTION 8. Subsection (b), Section 86.004, Election Code,
7-9 is amended to read as follows:

7-10 (b) For an election to which Section 101.104 applies [~~the~~
7-11 ~~general election for state and county officers~~], the balloting
7-12 materials for a voter who indicates on the application for a ballot
7-13 to be voted by mail or the federal postcard application that the
7-14 voter is eligible to vote early by mail as a consequence of the
7-15 voter's being outside the United States shall be mailed on or before
7-16 the later of the 45th day before election day or the seventh
7-17 calendar day after the date the clerk receives the application.
7-18 However, if it is not possible to mail the ballots by the deadline
7-19 of the 45th day before election day, the clerk shall notify the
7-20 secretary of state within 24 hours of knowing that the deadline will
7-21 not be met. The secretary of state shall monitor the situation and
7-22 advise the clerk, who shall mail the ballots as soon as possible in
7-23 accordance with the secretary of state's guidelines.

7-24 SECTION 9. Subsection (b), Section 86.011, Election Code,
7-25 is amended to read as follows:

7-26 (b) If the return is timely, the clerk shall enclose the
7-27 carrier envelope and the voter's early voting ballot application in
7-28 a jacket envelope. The clerk shall also include in the jacket
7-29 envelope:

7-30 (1) a copy of the voter's federal postcard application
7-31 if the ballot is voted under Chapter 101; and

7-32 (2) the signature cover sheet, if the ballot is voted
7-33 under Chapter 105.

7-34 SECTION 10. Subchapter B, Chapter 87, Election Code, is
7-35 amended by adding Section 87.0223 to read as follows:

7-36 Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR
7-37 MAIL AND E-MAIL. (a) If the early voting clerk has provided a
7-38 voter a ballot to be voted by mail by both regular mail and e-mail
7-39 under Subchapter C, Chapter 101, the clerk may not deliver a jacket
7-40 envelope containing the early voting ballot voted by mail by the
7-41 voter to the board until:

7-42 (1) both ballots are returned; or

7-43 (2) the deadline for returning marked ballots under
7-44 Section 86.007 has passed.

7-45 (b) If both the ballot provided by regular mail and the
7-46 ballot provided by e-mail are returned before the deadline, the
7-47 early voting clerk shall deliver only the jacket envelope
7-48 containing the ballot provided by e-mail to the board. The ballot
7-49 provided by regular mail is considered to be a ballot not timely
7-50 returned.

7-51 SECTION 11. Section 87.041, Election Code, is amended by
7-52 adding Subsection (f) to read as follows:

7-53 (f) In making the determination under Subsection (b)(2) for
7-54 a ballot cast under Chapter 101 or 105, the board shall compare the
7-55 signature on the carrier envelope or signature cover sheet with the
7-56 signature of the voter on the federal postcard application. If the
7-57 board determines that the signatures could have been made by the
7-58 same person, the ballot shall be accepted.

7-59 SECTION 12. Section 87.043, Election Code, is amended by
7-60 amending Subsection (a) and adding Subsection (d) to read as
7-61 follows:

7-62 (a) The early voting ballot board shall place the carrier
7-63 envelopes containing rejected ballots in an envelope and shall seal
7-64 the envelope. More than one envelope may be used if necessary. The
7-65 board shall keep a record of the number of rejected ballots in each
7-66 envelope.

7-67 (d) A notation must be made on the carrier envelope of any
7-68 ballot that was rejected after the carrier envelope was opened and
7-69 include the reason the envelope was opened and the ballot was

8-1 rejected.

8-2 SECTION 13. Section 87.0431, Election Code, is amended to
8-3 read as follows:

8-4 Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the
8-5 10th day after election day, the presiding judge of the early voting
8-6 ballot board shall deliver written notice of the reason for the
8-7 rejection of a ballot to the voter at the residence address on the
8-8 ballot application. If the ballot was transmitted to the voter by
8-9 e-mail under Subchapter C, Chapter 101, the presiding judge shall
8-10 also provide the notice to the e-mail address to which the ballot
8-11 was sent.

8-12 SECTION 14. Subsection (a), Section 87.044, Election Code,
8-13 is amended to read as follows:

8-14 (a) The early voting ballot board shall place each
8-15 application for a ballot voted by mail in its corresponding jacket
8-16 envelope. For a ballot voted under Chapter 101 or 105, the board
8-17 shall also place the copy of the voter's federal postcard
8-18 application or signature cover sheet in the same location as the
8-19 carrier envelope. If the voter's ballot was accepted, the board
8-20 shall also place the carrier envelope in the jacket envelope.
8-21 However, if the jacket envelope is to be used in a subsequent
8-22 election, the carrier envelope shall be retained elsewhere.

8-23 SECTION 15. Section 105.003, Election Code, is amended to
8-24 read as follows:

8-25 Sec. 105.003. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR
8-26 ELECTIONS FOR FEDERAL OFFICE. The secretary of state shall
8-27 prescribe procedures to allow a voter who qualifies to vote by a
8-28 federal write-in absentee ballot to vote through use of a federal
8-29 write-in absentee ballot in:

8-30 (1) any general, special, primary, or runoff election
8-31 for federal office; or

8-32 (2) an election for any office for which balloting
8-33 materials may be sent under Section 101.104.

8-34 SECTION 16. Subsection (b), Section 142.010, Election Code,
8-35 is amended to read as follows:

8-36 (b) Not later than the 68th [~~55th~~] day before general
8-37 election day, the certifying authority shall deliver the
8-38 certification to the authority responsible for having the official
8-39 ballot prepared in each county in which the candidate's name is to
8-40 appear on the ballot.

8-41 SECTION 17. Subsection (c), Section 143.007, Election Code,
8-42 is amended to read as follows:

8-43 (c) For an election to be held on:

8-44 (1) the date of the general election for state and
8-45 county officers, the day of the filing deadline is the 78th [~~70th~~]
8-46 day before election day; and

8-47 (2) a uniform election date other than the date of the
8-48 general election for state and county officers, the day of the
8-49 filing deadline is the 71st day before election day.

8-50 SECTION 18. Subsection (d), Section 144.005, Election Code,
8-51 is amended to read as follows:

8-52 (d) For an election to be held on:

8-53 (1) the date of the general election for state and
8-54 county officers, the day of the filing deadline is the 78th [~~70th~~]
8-55 day before election day; and

8-56 (2) a uniform election date other than the date of the
8-57 general election for state and county officers, the day of the
8-58 filing deadline is the 71st day before election day.

8-59 SECTION 19. Subsection (b), Section 144.006, Election Code,
8-60 is amended to read as follows:

8-61 (b) For an election to be held on:

8-62 (1) the date of the general election for state and
8-63 county officers, the day of the filing deadline is the 78th [~~67th~~]
8-64 day before election day; and

8-65 (2) a uniform election date other than the date of the
8-66 general election for state and county officers, the day of the
8-67 filing deadline is the 71st day before election day.

8-68 SECTION 20. Subsection (f), Section 145.092, Election Code,
8-69 is amended to read as follows:

9-1 (f) A candidate in an election for which the filing deadline
 9-2 for an application for a place on the ballot is not later than 5 p.m.
 9-3 of the 78th [~~70th~~] day before election day may not withdraw from the
 9-4 election after 5 p.m. of the 71st [~~67th~~] day before election day.

9-5 SECTION 21. Subsection (a), Section 145.094, Election Code,
 9-6 is amended to read as follows:

9-7 (a) The name of a candidate shall be omitted from the ballot
 9-8 if the candidate:

9-9 (1) dies before the second day before the date of the
 9-10 deadline for filing the candidate's application for a place on the
 9-11 ballot;

9-12 (2) withdraws or is declared ineligible before 5 p.m.
 9-13 of the second day before the beginning of early voting by personal
 9-14 appearance, in an election subject to Section 145.092(a);

9-15 (3) withdraws or is declared ineligible before 5 p.m.
 9-16 of the 53rd day before election day, in an election subject to
 9-17 Section 145.092(b); or

9-18 (4) withdraws or is declared ineligible before 5 p.m.
 9-19 of the 71st [~~67th~~] day before election day, in an election subject
 9-20 to Section 145.092(f).

9-21 SECTION 22. Subsection (a), Section 145.096, Election Code,
 9-22 is amended to read as follows:

9-23 (a) Except as provided by Subsection (b), a candidate's name
 9-24 shall be placed on the ballot if the candidate:

9-25 (1) dies on or after the second day before the deadline
 9-26 for filing the candidate's application for a place on the ballot;

9-27 (2) is declared ineligible after 5 p.m. of the second
 9-28 day before the beginning of early voting by personal appearance, in
 9-29 an election subject to Section 145.092(a);

9-30 (3) is declared ineligible after 5 p.m. of the 53rd day
 9-31 before election day, in an election subject to Section 145.092(b);
 9-32 or

9-33 (4) is declared ineligible after 5 p.m. of the 71st
 9-34 [~~67th~~] day before election day, in an election subject to Section
 9-35 145.092(f).

9-36 SECTION 23. Subsections (a) and (b), Section 146.025,
 9-37 Election Code, are amended to read as follows:

9-38 (a) A declaration of write-in candidacy must be filed not
 9-39 later than 5 p.m. of the 78th [~~70th~~] day before general election
 9-40 day, except as otherwise provided by this code. A declaration may
 9-41 not be filed earlier than the 30th day before the date of the
 9-42 regular filing deadline.

9-43 (b) If a candidate whose name is to appear on the general
 9-44 election ballot dies or is declared ineligible after the third day
 9-45 before the date of the filing deadline prescribed by Subsection
 9-46 (a), a declaration of write-in candidacy for the office sought by
 9-47 the deceased or ineligible candidate may be filed not later than 5
 9-48 p.m. of the 75th [~~67th~~] day before election day.

9-49 SECTION 24. Subsection (c), Section 146.029, Election Code,
 9-50 is amended to read as follows:

9-51 (c) Not later than the 68th [~~62nd~~] day before election day,
 9-52 the certifying authority shall deliver the certification to the
 9-53 authority responsible for having the official ballot prepared in
 9-54 each county in which the office sought by the candidate is to be
 9-55 voted on.

9-56 SECTION 25. Subsection (b), Section 146.054, Election Code,
 9-57 is amended to read as follows:

9-58 (b) For an election to be held on:

9-59 (1) the date of the general election for state and
 9-60 county officers, the day of the filing deadline is the 74th [~~67th~~]
 9-61 day before election day; and

9-62 (2) a uniform election date other than the date of the
 9-63 general election for state and county officers, the day of the
 9-64 filing deadline is the 71st day before election day.

9-65 SECTION 26. Subsection (b), Section 161.008, Election Code,
 9-66 is amended to read as follows:

9-67 (b) Not later than the 68th [~~62nd~~] day before general
 9-68 election day, the secretary of state shall deliver the
 9-69 certification to the authority responsible for having the official

10-1 general election ballot prepared in each county in which the
10-2 candidate's name is to appear on the ballot.

10-3 SECTION 27. Subsection (a), Section 172.023, Election Code,
10-4 is amended to read as follows:

10-5 (a) An application for a place on the general primary
10-6 election ballot must be filed not later than 6 p.m. on the third
10-7 Monday in December of an odd-numbered year [~~January 2 in the primary~~
10-8 ~~election year~~] unless the filing deadline is extended under
10-9 Subchapter C.

10-10 SECTION 28. Subsection (c), Section 172.082, Election Code,
10-11 is amended to read as follows:

10-12 (c) The drawing shall be conducted at the county seat not
10-13 later than the fourth Tuesday in December of an odd-numbered year
10-14 [~~53rd day before general primary election day~~].

10-15 SECTION 29. Subsection (b), Section 192.033, Election Code,
10-16 is amended to read as follows:

10-17 (b) The secretary of state shall deliver the certification
10-18 to the authority responsible for having the official ballot
10-19 prepared in each county before the later of the 68th [~~62nd~~]
10-20 day before presidential election day or the second business day after
10-21 the date of final adjournment of the party's national presidential
10-22 nominating convention.

10-23 SECTION 30. Subsection (b), Section 201.051, Election Code,
10-24 is amended to read as follows:

10-25 (b) For a vacancy to be filled by a special election to be
10-26 held on the date of the general election for state and county
10-27 officers, the election shall be ordered not later than the 78th
10-28 [~~70th~~] day before election day.

10-29 SECTION 31. Subsection (f), Section 201.054, Election Code,
10-30 is amended to read as follows:

10-31 (f) For a special election to be held on the date of the
10-32 general election for state and county officers, the day of the
10-33 filing deadline is the 75th [~~67th~~] day before election day.

10-34 SECTION 32. Subsections (a) and (c), Section 11.055,
10-35 Education Code, are amended to read as follows:

10-36 (a) Except as provided by Subsection (c), an application of
10-37 a candidate for a place on the ballot must be filed not later than 5
10-38 p.m. of the 71st [~~62nd~~] day before the date of the election. An
10-39 application may not be filed earlier than the 30th day before the
10-40 date of the filing deadline.

10-41 (c) For an election to be held on the date of the general
10-42 election for state and county officers, the day of the filing
10-43 deadline is the 78th [~~70th~~] day before election day.

10-44 SECTION 33. Subsection (b), Section 11.056, Education Code,
10-45 is amended to read as follows:

10-46 (b) A [~~Except as provided by Subsection (e), a~~] declaration
10-47 of write-in candidacy must be filed not later than the deadline
10-48 prescribed by Section 146.054, Election Code, for a write-in
10-49 candidate in a city election [~~5 p.m. of the fifth day after the date~~
10-50 ~~an application for a place on the ballot is required to be filed~~].

10-51 SECTION 34. Subsection (b), Section 130.0825, Education
10-52 Code, is amended to read as follows:

10-53 (b) A [~~Except as provided by Subsection (e), a~~] declaration
10-54 of write-in candidacy must be filed not later than the deadline
10-55 prescribed by Section 146.054, Election Code, for a write-in
10-56 candidate in a city election [~~5 p.m. of the fifth day after the date~~
10-57 ~~an application for a place on the ballot is required to be filed~~].

10-58 SECTION 35. Subsection (d), Section 285.131, Health and
10-59 Safety Code, is amended to read as follows:

10-60 (d) A [~~Except as provided by Subsection (g), a~~] declaration
10-61 of write-in candidacy must be filed not later than the deadline
10-62 prescribed by Section 146.054, Election Code, for a write-in
10-63 candidate in a city election [~~5 p.m. of the fifth day after the date~~
10-64 ~~an application for a place on the ballot is required to be filed~~].

10-65 SECTION 36. Subsection (d), Section 63.0945, Water Code, is
10-66 amended to read as follows:

10-67 (d) A [~~Except as provided by Subsection (f), a~~] declaration
10-68 of write-in candidacy must be filed not later than the deadline
10-69 prescribed by Section 146.054, Election Code, for a write-in

11-1 candidate in a city election [~~5 p.m. of the fifth day after the date~~
11-2 ~~an application for a place on the ballot is required to be filed~~].

11-3 SECTION 37. The following are repealed:

11-4 (1) Subsection (a-1), Section 41.0052, Election Code;

11-5 (2) Subsection (e), Section 11.056, and Subsection
11-6 (e), Section 130.0825, Education Code;

11-7 (3) Subsection (g), Section 285.131, Health and Safety
11-8 Code; and

11-9 (4) Subsection (f), Section 63.0945, Water Code.

11-10 SECTION 38. This Act takes effect September 1, 2011.

11-11 * * * * *