

BILL ANALYSIS

Senate Research Center
77R5638 DRH-D

S.B. 1424
By: Brown, J. E. "Buster"
State Affairs
3/25/2001
As Filed

DIGEST AND PURPOSE

After the 2000 presidential election, the Texas Election Code was analyzed to identify what statutory changes could be made to avoid the voting difficulties encountered by members of the armed forces of the United States who live in Florida. As a result of that analysis, S.B. 1424, as proposed, makes three changes to the Texas Election Code. S.B. 1424 makes a member of the armed forces eligible for early voting by mail under certain conditions. Texas currently allows early voting by mail only for citizens over 65. S.B. 1424 also increases the time period that balloting materials for voting by mail are made available to voters from 45 days prior to the election date to 60 days before the election date and mandates that county clerks return problematic mail ballots or Federal Post Card Application ballot requests to voters within two working days if received within a certain time frame.

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 Chapter 82, Election Code, by adding Section 82.006, as follows:

Sec. 82.006. EMERGENCY MILITARY DEPLOYMENT. Provides that a qualified voter who is a member of the armed forces of the United States is eligible for early voting by mail if the voter expects to be absent from the county of the voter's residence because of an emergency military deployment on election day and during the regular hours for conducting early voting at the main early voting polling place for the period for early voting by personal appearance.

SECTION 2. Amends Section 86.004, Election Code, to require the balloting materials for voting by mail to be mailed to voters as soon as practicable after the ballots become available but not earlier than the 60th (rather than the 45th) day before election day.

SECTION 3. Amends Section 86.011(d), Election Code, to require the clerk, notwithstanding any other provisions of this code, if the clerk receives a timely carrier envelope before the seventh day before election day that does not fully comply with the applicable requirements prescribed by this title, to return the carrier envelope by mail to the voter not later than the second day after the date the envelope is received. Requires the clerk, if the clerk receives a timely carrier envelope on or after the seventh day before election day, to, if possible, notify the voter of the defect by telephone and advise the voter that the voter may come to the clerk's office in person to correct the defect or cancel the voter's application to vote by mail and vote on election day.

SECTION 4. Effective date: September 1, 2001.