

AN ACT

relating to the establishment of a pilot program to provide a ballot by electronic mail to military personnel serving overseas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 101, Election Code, is amended by adding Section 101.0071 to read as follows:

Sec. 101.0071. ELECTRONIC MAIL BALLOT PILOT PROGRAM.

(a) Not later than July 1, 2008, the secretary of state shall implement a pilot program to evaluate the use of electronic mail to provide balloting materials to overseas voters who are members of the armed forces of the United States for the general election for state and county officers in 2008. A county may participate in the pilot program only if:

(1) the early voting clerk of the county makes a request to the secretary of state to participate; and

(2) the secretary of state approves the request.

(b) After balloting materials have been provided to the voter in accordance with Section 101.007(a), the early voting clerk in a county participating in the pilot program may send balloting materials to an electronic mail address in a form and manner prescribed by the secretary of state if the voter:

(1) is an FPCA registrant and is eligible for early voting by mail under Sections 101.001(1) and (2)(A);

(2) provides a current address that is located outside

1 the United States and is voting from outside the United States;

2 (3) provides an electronic mail address that contains  
3 the voter's name and the suffix ".mil"; and

4 (4) requests that balloting materials be sent by  
5 electronic mail because the voter did not receive the balloting  
6 materials provided under Section 101.007(a).

7 (c) Balloting materials sent to an electronic mail address  
8 under Subsection (b) shall include a signature sheet for the voter.

9 (d) If the early voting clerk provides a ballot to a voter at  
10 an electronic mail address under Subsection (b), the clerk must  
11 provide ballots to all voters who qualify under that subsection.

12 (e) If the early voting clerk provides a ballot to a voter at  
13 an electronic mail address under Subsection (b), the clerk shall  
14 amend the voter's federal postcard application for future elections  
15 with the voter's current address.

16 (f) A ballot sent to an electronic mail address under  
17 Subsection (b) must be returned with the signature sheet by the  
18 method provided by Section 101.008 unless the person qualifies for  
19 a different method under Section 105.001.

20 (g) An electronic mail address provided under this section  
21 is confidential and does not constitute public information for  
22 purposes of Chapter 552, Government Code. The early voting clerk  
23 shall ensure that an electronic mail address provided under this  
24 section is excluded from disclosure.

25 (h) If a voter returns both a voted ballot mailed to the  
26 voter under Section 101.007(a) and a voted ballot provided  
27 electronically to the voter under this section, only the ballot

1 that was provided electronically may be counted. A ballot returned  
2 under this chapter shall be processed in the same manner as any  
3 other ballot voted by mail as provided by Chapter 87.

4 (i) All other provisions of this code that would normally  
5 apply to a ballot voted under this chapter apply to a ballot voted  
6 under this section, including the deadline provided by Section  
7 86.007 and electronic transmission of a ballot under Section  
8 105.001.

9 (j) The secretary of state may adopt rules as necessary to  
10 implement this section.

11 (k) At the conclusion of the pilot program established under  
12 this section, but not later than February 15, 2009, the secretary of  
13 state shall file a report on the program with the legislature. The  
14 report may include the secretary of state's:

15 (1) recommendations relating to the continued  
16 feasibility of providing balloting materials by electronic mail to  
17 military personnel overseas and the expansion of the program to  
18 include all overseas voters; and

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

21 (1) This section expires February 16, 2009.

22 SECTION 2. This Act takes effect September 1, 2007.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 90 passed the Senate on March 12, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on April 2, 2007, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 90 passed the House, with amendment, on March 28, 2007, by the following vote: Yeas 142, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor