

ELECTION CODE

TITLE 7. EARLY VOTING

SUBTITLE B. SPECIAL FORMS OF EARLY VOTING

CHAPTER 105. VOTING BY MILITARY PERSONNEL OR OTHER PERSONS OVERSEAS

Sec. 105.001. ELECTRONIC TRANSMISSION OF COMPLETED BALLOT.

(a) The secretary of state shall prescribe procedures to allow a person who is casting an early voting ballot by mail to return the ballot by telephonic facsimile machine or similar electronic means if the person:

(1) is a member of the armed forces of the United States who is on active duty overseas, or the spouse or a dependent of the member; and

(2) is casting the ballot from an area:

(A) in which members of the armed forces are eligible to receive hostile fire pay or imminent danger pay; or

(B) that has been designated by the president of the United States as a combat zone.

(b) The procedures must:

(1) provide for verification of the voter;

(2) provide for the security of the transmission; and

(3) require the early voting clerk to maintain a record of each ballot received under this section.

(c) A ballot transmitted under this section or by mail may not be counted if the ballot has previously been transmitted to the early voting clerk by electronic means under this section.

Added by Acts 1997, 75th Leg., ch. 1349, Sec. 45, eff. Sept. 1, 1997.

Sec. 105.002. STATE WRITE-IN BALLOT. (a) The secretary of

state shall prescribe procedures to allow a voter to apply for and cast a state write-in ballot before the time a voter may receive a regular ballot to be voted by mail if the voter:

(1) is a member of the armed forces of the United States or the spouse or a dependent of a member;

(2) is unable to cast a ballot on election day or during the regular period for early voting because of a military

contingency; and

(3) makes an application on an official federal postcard application form that:

(A) indicates that the person desires a state write-in ballot; and

(B) contains the information that is required for registration under Title 2.

(b) An application for a ballot under this section may not be submitted earlier than the 180th day before election day. If an application under this section is received after the time that regularly printed ballots become available, the early voting clerk shall send the applicant a regularly printed ballot.

(c) The secretary of state shall prescribe the form of the ballot to allow a voter to cast a vote in each federal, state, or local race in the election. The ballot must allow a voter to write in the name of a candidate.

(d) If a person casts a ballot under this section and under Chapter 114, the early voting clerk shall examine both ballots to determine the voter's intent.

Added by Acts 1997, 75th Leg., ch. 1349, Sec. 45, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 5.11, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 404 (H.B. 25), Sec. 5, eff. September 1, 2020.

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

(1) any general, special, primary, or runoff election for federal office; or

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

Added by Acts 2003, 78th Leg., ch. 566, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1318 (S.B. 100), Sec. 15, eff. September 1, 2011.

Sec. 105.004. E-MAIL BALLOT PROGRAM. (a) The secretary of state shall implement a program to allow a person who is casting an early voting ballot by mail to return the ballot by e-mail if the person is a member of the armed forces of the United States who is on active duty overseas and eligible for hostile fire pay. The secretary of state shall prescribe procedures to provide for a process implemented under this section to require:

(1) the voter to print the ballot, print and sign a voter signature form, and then scan the documents before submitting them by e-mail; and

(2) secure processing of ballots, including requiring the use of a voter's military e-mail address and common access card, or other measures the secretary of state considers appropriate.

(b) The secretary of state shall select to participate in the program any county that:

(1) desires to participate in the program; and

(2) is determined by the secretary of state to have the appropriate technological capabilities.

(c) Repealed by Acts 2017, 85th Leg., R.S., Ch. 201 (S.B. 752), Sec. 2, eff. May 27, 2017.

(d) Repealed by Acts 2017, 85th Leg., R.S., Ch. 201 (S.B. 752), Sec. 2, eff. May 27, 2017.

(e) Repealed by Acts 2017, 85th Leg., R.S., Ch. 201 (S.B. 752), Sec. 2, eff. May 27, 2017.

Added by Acts 2013, 83rd Leg., R.S., Ch. 902 (H.B. 1129), Sec. 1, eff. June 14, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 477 (S.B. 1115), Sec. 1, eff. June 15, 2015.

Acts 2017, 85th Leg., R.S., Ch. 201 (S.B. 752), Sec. 1, eff. May 27, 2017.

Acts 2017, 85th Leg., R.S., Ch. 201 (S.B. 752), Sec. 2, eff. May 27, 2017.