

By: Bucy, Morales Shaw, Ortega, et al.

H.B. No. 1382

A BILL TO BE ENTITLED

AN ACT

relating to the availability of certain information regarding early voting.

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

SECTION 1. Chapter 86, Election Code, is amended by adding Section 86.015 to read as follows:

Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) The secretary of state shall develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary's Internet website and on the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.

(b) The online tool developed or provided under Subsection (a) must require the voter to provide, before permitting the voter to access information described by that subsection:

(1) the voter's name and registration address and the last four digits of the voter's social security number; and

(2) the voter's:

(A) driver's license number; or

(B) personal identification card number issued by the Department of Public Safety.

(c) An online tool used under this section must update the

1 applicable Internet website as soon as practicable after each of
2 the following events occurs:

3 (1) receipt by the early voting clerk of the person's
4 application for a ballot to be voted by mail;

5 (2) acceptance or rejection by the early voting clerk
6 of the person's application for a ballot to be voted by mail;

7 (3) placement in the mail by the early voting clerk of
8 the person's official ballot;

9 (4) receipt by the early voting clerk of the person's
10 marked ballot; and

11 (5) acceptance or rejection by the early voting ballot
12 board of a person's marked ballot.

13 (d) The secretary of state shall adopt rules and prescribe
14 procedures as necessary to implement this section.

15 (e) The information contained in Subsection (c) is not
16 public information for purposes of Chapter 552, Government Code,
17 until after election day.

18 SECTION 2. Section 87.121, Election Code, as amended by
19 Chapters 1083 (H.B. 1850) and 1215 (S.B. 902), Acts of the 86th
20 Legislature, Regular Session, 2019, is reenacted and amended to
21 read as follows:

22 Sec. 87.121. EARLY VOTING ROSTERS. (a) The early voting
23 clerk shall maintain for each election a roster listing each person
24 who votes an early voting ballot by personal appearance and a roster
25 listing each person to whom an early voting ballot to be voted by
26 mail is sent.

27 (b) For each person listed, the applicable roster must

1 include:

2 (1) the person's name, address, and voter registration
3 number;

4 (2) an identification of the person's county election
5 precinct of registration; and

6 (3) the date of voting or the date the ballot was
7 mailed to the person, as applicable.

8 (c) Each roster shall be updated daily.

9 (d) Each roster may be maintained in any form approved by
10 the secretary of state.

11 (e) The clerk shall preserve each roster after the election
12 for the period for preserving the precinct election records.

13 (f) Information on the roster for a person to whom an early
14 voting mail ballot has been sent is not available for public
15 inspection, except to the voter seeking to verify that the
16 information pertaining to the voter is accurate, until the first
17 business day after election day.

18 (g) Information on the roster for a person who votes an
19 early voting ballot by personal appearance shall be made available
20 for public inspection as provided by Subsection (i) not later than
21 11 a.m. on the day after the date the information is entered on the
22 roster under Subsection (c).

23 (h) Information on the roster for a person who votes an
24 early voting ballot by mail shall be made available for public
25 inspection as provided by Subsection (i) not later than 11 a.m. on
26 the day following the day the early voting clerk receives any [a]
27 ballot voted by mail.

1 (i) The information under Subsections (g) and (h) must be
2 made available:

3 (1) for an election in which the county clerk is the
4 early voting clerk:

5 (A) on the publicly accessible Internet website
6 of the county; or

7 (B) if the county does not maintain a website, on
8 the bulletin board used for posting notice of meetings of the
9 commissioners court; or

10 (2) for an election not described by Subdivision (1):

11 (A) on the publicly accessible Internet website
12 of the authority ordering the election; or

13 (B) if the authority ordering the election does
14 not maintain a website, on the bulletin board used for posting
15 notice of meetings of the governing body of the authority.

16 (j) [~~(i)~~] The early voting clerk for a primary election or
17 the general election for state and county officers shall submit to
18 the secretary of state for posting on the secretary of state's
19 Internet website the information described by:

20 (1) Subsection (g) not later than 11 a.m. on the day
21 after the date the information is entered on the roster under
22 Subsection (c); and

23 (2) Subsection (h) not later than 11 a.m. on the day
24 following the day the early voting clerk receives any [~~a~~] ballot
25 voted by mail.

26 (k) The early voting clerk for a primary election or the
27 general election for state and county officers shall submit to the

1 secretary of state for posting on the secretary of state's Internet
2 website the election day information described by Subsections (g)
3 and (h) not later than 11 a.m. on the day after the election.

4 (l) The early voting clerk for a primary election or the
5 general election for state and county officers shall submit to the
6 secretary of state for posting on the secretary of state's Internet
7 website the final rosters containing information described by
8 Subsections (g) and (h) not later than the 20th day after the date
9 of the local canvass.

10 (m) [~~(j)~~] The secretary of state shall [~~make any early~~
11 voting roster created under this section available to the public on
12 the secretary's Internet website.

13 [~~(j) The secretary of state shall~~] post the information
14 described by Subsection (j) [~~(i)~~] on the secretary of state's
15 Internet website in a downloadable format not later than 11 a.m. on
16 the day following the day of receipt of the information.

17 (n) [~~(k)~~] The secretary of state shall create a system for
18 an early voting clerk for a primary election or the general election
19 for state and county officers to provide the information to the
20 secretary of state for posting on the secretary of state's Internet
21 website under Subsection (j) [~~(i)~~].

22 SECTION 3. To the extent of any conflict, this Act prevails
23 over another Act of the 87th Legislature, Regular Session, 2021,
24 relating to nonsubstantive additions to and corrections in enacted
25 codes.

26 SECTION 4. The changes in law made by Section 1 of this Act
27 apply beginning with an application for a ballot to be voted by mail

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1 for an election held on or after January 1, 2022.

2 SECTION 5. This Act takes effect September 1, 2021.