

By: Guillen

H.B. No. 2672

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to public inspection of certain early voting information;  
3 creating a criminal offense.

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

5 SECTION 1. Section [87.121](#), Election Code, as amended by  
6 Chapters 1083 (H.B. 1850) and 1215 (S.B. 902), Acts of the 86th  
7 Legislature, Regular Session, 2019, is reenacted and amended to  
8 read as follows:

9 Sec. 87.121. EARLY VOTING ROSTERS. (a) The early voting  
10 clerk shall maintain for each election a roster listing each person  
11 who votes an early voting ballot by personal appearance and a roster  
12 listing each person to whom an early voting ballot to be voted by  
13 mail is sent.

14 (b) For each person listed, the applicable roster must  
15 include:

16 (1) the person's name, address, and voter registration  
17 number;

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

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

22 (c) Each roster shall be updated daily.

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

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

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

8 (g) Information on the roster for a person who votes an  
9 early voting ballot by personal appearance shall be made available  
10 for public inspection as provided by Subsection (i) not later than  
11 11 a.m. on the day after the date the information is entered on the  
12 roster under Subsection (c). On the request of a person, the early  
13 voting clerk shall provide a copy of the roster in a paper or an  
14 electronic format.

15 (h) Information on the roster for a person who votes an  
16 early voting ballot by mail shall be made available for public  
17 inspection as provided by Subsection (i) not later than 11 a.m. on  
18 the day following the day the early voting clerk receives a ballot  
19 voted by mail. On the request of a person, the early voting clerk  
20 shall provide a copy of the roster in a paper or an electronic  
21 format.

22 (i) The information under Subsections (g) and (h) must be  
23 made available:

24 (1) for an election in which the county clerk is the  
25 early voting clerk:

26 (A) on the publicly accessible Internet website  
27 of the county; or

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

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

5 (A) on the publicly accessible Internet website  
6 of the authority ordering the election; or

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

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

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

17 (2) Subsection (h) not later than 11 a.m. on the day  
18 following the day the early voting clerk receives a ballot voted by  
19 mail.

20 (k) [~~(j)~~] The secretary of state shall [~~make any early~~  
21 ~~voting roster created under this section available to the public on~~  
22 ~~the secretary's Internet website.~~

23 [~~(j) The secretary of state shall~~] post the information  
24 described by Subsection (j) [~~(i)~~] on the secretary of state's  
25 Internet website in a downloadable format.

26 (l) [~~(k)~~] The secretary of state shall create a system for  
27 an early voting clerk for a primary election or the general election

1 for state and county officers to provide the information to the  
2 secretary of state for posting on the secretary of state's Internet  
3 website under Subsection (j) [~~(i)~~].

4 (m) A person commits an offense if the person:

5 (1) is responsible for maintaining the roster under  
6 this section; and

7 (2) fails to provide information on or a copy of the  
8 roster under Subsection (g) or (h).

9 (n) An offense under Subsection (m) is a Class C  
10 misdemeanor.

11 SECTION 2. To the extent of any conflict, this Act prevails  
12 over another Act of the 87th Legislature, Regular Session, 2021,  
13 relating to nonsubstantive additions to and corrections in enacted  
14 codes.

15 SECTION 3. This Act takes effect September 1, 2021.