

BILL ANALYSIS

H.B. 377
By: Talton
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Legislation enacted during the 78th regular legislative session attempted to help prevent election fraud, particularly fraud targeted at voters who vote early by mail. Under current law, the early voting clerk maintains a roster, with names and addresses, of voters who have applied for an early voting by mail ballot. The list of voters who have been sent a ballot is not available for public inspection until the first business day after election day. The list of voters who have returned their ballots, however, is available for public inspection, once the early voting clerk has updated the list with this information.

Allegations have arisen in some areas, however, that the list of voters who have been sent ballots, but who have not returned them, continues to be released. These allegations assert that mail ballots have been removed from voter's mailboxes by individuals who had obtained the list. These unscrupulous individuals then effectively disenfranchise the voters by marking the ballots and returning the fraudulently marked ballots to the early voting clerk. Current state and federal law already provide penalties for removing ballots from mailboxes and for marking and returning other individuals' ballots without their consent, but these crimes are often difficult to prosecute. House Bill 377 attempts to better prevent this type of fraud by creating a criminal offense for violating current state law by disclosing the prohibited information.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 377 amends the Election Code by providing that a person who discloses information on the roster for a person to whom an early voting mail ballot has been sent commits a Class C misdemeanor.

EFFECTIVE DATE

September 1, 2005.