

BILL ANALYSIS

H.B. 2173
By: Torres
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, military and overseas personnel receive ballot materials to cast ballots by mail. There have been reports of instances under this procedure in which military votes have gone uncounted. The purpose of H.B. 2173 is to create a pilot program for military and overseas voters to electronically receive and submit a ballot.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

H.B. 2173 amends the Election Code to establish a temporary provision, set to expire February 16, 2013, requiring the secretary of state, not later than July 1, 2012, to prescribe procedures for implementing a pilot program to allow the electronic transmission of balloting materials to, and the electronic transmission of a voted ballot by, a voter who is eligible for early voting by mail who is located outside the territorial limits of the United States and the District of Columbia for the general election for state and county officers in 2012. The bill authorizes a county to participate in the pilot program only if the early voting clerk of the county makes a request to the secretary of state to participate and the secretary of state approves the request.

H.B. 2173 requires the procedures to require that the early voting clerk of a participating county send balloting materials to an e-mail address in a form and manner prescribed by the secretary of state if the voter is a federal postcard application (FPCA) registrant and is eligible for early voting by mail, provides a current address that is located outside the United States and is voting from outside the United States, provides an e-mail address, and requests that balloting materials be sent by electronic transmission. The bill requires the procedures to provide for the verification of the voter and the security of the transmission and to require the early voting clerk to maintain a record of each ballot received. The bill establishes that an e-mail address provided for the purpose of the bill's provisions is confidential and does not constitute public information for purposes of the state's open records law and requires the early voting clerk to ensure that an e-mail address provided under the bill's provisions is excluded from disclosure. The bill specifies that only the electronically transmitted ballot may be counted for a voter who returns both a voted ballot mailed to the voter and a voted ballot transmitted electronically.

H.B. 2173 authorizes the secretary of state to adopt rules as necessary to implement the bill's provisions and requires the secretary of state, at the conclusion of the pilot program, but not later than February 15, 2013, to file a report on the program with the legislature. The bill specifies that the report may include the secretary of state's recommendations relating to the continued feasibility of providing balloting materials by electronic transmission to military and overseas voters and suggestions for permanent statutory authority regarding the provision of balloting materials by electronic transmission.

EFFECTIVE DATE

September 1, 2011.