

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 20, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2173 by Torres (Relating to the adoption of certain voting procedures and to certain elections, including procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, deadlines for declaration of candidacy and dates for certain elections, and to terms of certain elected officials.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would provide voting procedures to implement the federal Military and Overseas Voter Empowerment (MOVE) Act.

The bill would require for each Federal Postcard Application (FPCA) registrant accepted to vote, a notation be made beside the voter's name on the early voting poll list and early voting roster indicating that the voter is an FPCA registrant. The early voting clerk would be required to note on the early voting by mail roster each e-mail of a ballot.

The Secretary of State (SOS) would be designated to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act.

SOS in coordination with local election officials would be required to implement an electronic free-access system by which certain persons eligible for early voting by mail may determine that their application and ballot have been received.

The bill would allow certain voters to request from early voting clerks e-mail transmission of balloting materials and the clerk would be required to ensure that a voter's e-mail address is excluded from public disclosure.

The Secretary of State (SOS) would be required to prescribe procedures for the retransmission of balloting materials following an unsuccessful transmission of the materials to a voter. SOS would also be required to create a tracking system under which a Federal Postcard Application registrant may determine whether a voted ballot has been received by the early voting clerk. In addition, SOS would be required to prescribe certain procedures and would be allowed to adopt rules for the implementation of this legislation. SOS would also be allowed to provide an alternate secure method of electronic ballot transmission. In addition, the bill would change various election related dates.

The clerks would be required to include in a jacket envelope a copy of the voter's federal postcard application and the signature cover sheet if the ballot is voted.

The early voting board would be required to keep a record of the number of rejected ballots. The board would also be required to make a notation on the carrier envelope of any ballot that was rejected after the carrier envelope was opened and include the reason the envelope was opened and the ballot was rejected. If the ballot was transmitted by e-mail, the presiding judge would be required to provide the notice of rejected ballot to the e-mail address to which the ballot was sent.

The bill would repeal Sections 41.0052(a-1) of the Election Code, 11.056(e) and 130.825(e) of the Education Code, 285.131(g) of the Health and Safety Code, and 63.0945(f) of the Water Code related to election dates.

It is anticipated that any costs associated with implementation of the legislation could be absorbed within existing resources.

Local Government Impact

According to Texas Association of Counties, Montgomery County does not anticipate significant fiscal impact associated with the bill based on the current level of overseas ballot submissions. Montgomery County anticipates overall savings if they were not required to conduct May elections on even numbered years.

Shelby County reported no significant fiscal impact associated with the bill; however, they noted that complying with the bill may be costly for any counties that don't currently have internet access.

Source Agencies: 307 Secretary of State

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