

## **BILL ANALYSIS**

H.B. 3786  
By: Phelan  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

A question has been raised recently as to whether certain provisional ballot voting materials are public information during the "cure period." Interested parties explain that, based on an interpretation of administrative rules, the secretary of state does not consider a provisional ballot voting record able to be made public if the record was returned to the general custodian of election records after the ballot had been accepted or rejected and also is concerned that making such records public during that time could lead to fraud in relation to outstanding votes. The parties contend that provisional balloting materials should not be made public until the materials have been reviewed and counted or rejected, thereby limiting the potential for fraud. H.B. 3786 seeks to impose this requirement.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 3786 amends the Election Code to establish that provisional voting records do not become public information until the first business day after the early voting ballot board verifies and counts the ballots and returns them to the general custodian of election records.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.