

BILL ANALYSIS

C.S.H.B. 46
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Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that there is no system in place for an early voting clerk to make a reasonable effort to notify an applicant of any errors in an early voting by mail application before rejecting it or for allowing the applicant to cure any error. C.S.H.B. 46 seeks to address this issue by providing for an application correction process administered by the early voting clerk.

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

C.S.H.B. 46 amends the Election Code to require the officially prescribed application form for an early voting ballot by mail to include a space for entering an applicant's email address. The bill requires an early voting clerk, before rejecting such an application on the basis of a clerical error, to make a reasonable effort to contact the applicant by telephone or email at any telephone number or email address provided on the application to notify the applicant of the error.

C.S.H.B. 46 authorizes the applicant to appear at the early voting clerk's office to make clerical corrections to the application or submit a new application after receiving notice of the error. The bill authorizes the early voting clerk to reject the application if the applicant does not appear at the office before the fourth day after the date the clerk contacted the applicant at the telephone number or email address provided on the application.

C.S.H.B. 46 requires the early voting clerk to attach to and maintain with the original application any records created or submitted related to correcting a clerical error.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 46 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the methods set out in the original for correcting a clerical error on an application for an early voting ballot by mail by doing the following:

- authorizing the clerk to contact the applicant by telephone in addition to by email, as in the original;
- changing the purpose of such contact from asking questions about the application, as in the original, to notifying the applicant of the error;
- authorizing the applicant to appear at the early voting clerk's office to make clerical corrections to the application, whereas the original authorized the applicant to make the corrections by email; and
- removing the original's provision prohibiting an applicant from changing the address or county of residence submitted on the original application to a different address or county of residence by email.