

BILL ANALYSIS

Senate Research Center
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H.B. 1382
By: Bucy et al. (Hughes)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1382 amends the Election Code to require the secretary of state (SOS) to develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary's website.

H.B. 1382 requires the early voting clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's website certain election day information regarding early voter rosters and SOS to post that information online.

H.B. 1382 amends current law relating to the availability of certain information regarding early voting.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 86.015, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 86, Election Code, by adding Section 86.015, as follows:

Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) Requires the secretary of state (SOS) to develop or otherwise provide an online tool to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on SOS's Internet website and on the county's Internet website if the early voting clerk is the county clerk of a county that maintains an Internet website.

(b) Requires that the online tool developed or provided under Subsection (a) require the voter to provide, before permitting the voter to access information described by that subsection:

(1) the voter's name and registration address and the last four digits of the voter's social security number; and

(2) the voter's driver's license number or personal identification card number issued by the Department of Public Safety of the State of Texas.

(c) Requires that an online tool used under this section update the applicable Internet website as soon as practicable after each of the following events occurs:

(1) receipt by the early voting clerk of the person's application for a ballot to be voted by mail;

(2) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;

(3) placement in the mail by the early voting clerk of the person's official ballot;

(4) receipt by the early voting clerk of the person's marked ballot; and

(5) acceptance or rejection by the early voting ballot board of a person's marked ballot.

(d) Requires SOS to adopt rules and prescribe procedures as necessary to implement this section.

(e) Provides that the information contained in Subsection (c) is not public information for purposes of Chapter 552 (Public Information), Government Code, until after election day.

SECTION 2. Reenacts Section 87.121, Election Code, as amended by Chapters 1083 (H.B. 1850) and 1215 (S.B. 902), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

Sec. 87.121. EARLY VOTING ROSTERS. (a)-(g) Makes no changes to these subsections.

(h) Requires that information on the roster for a person who votes an early voting ballot by mail be made available for public inspection as provided by Subsection (i) (relating to certain information required to be made available on the county's Internet website or bulletin board for certain elections) not later than 11 a.m. on the day following the day the early voting clerk receives any ballot, rather than a ballot voted by mail.

(i) Makes no changes to this subsection.

(j) Creates this subsection from existing text and makes a conforming change.

(k) Requires the early voting clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the election day information described by Subsections (g) (relating to information on the roster for a person who votes an early voting ballot by personal appearance) and (h) not later than 11 a.m. on the day after the election.

(l) Requires the early voting clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the final rosters containing information described by Subsections (g) and (h) not later than the 20th day after the date of the local canvass.

(m) Creates this subsection from existing text. Requires SOS to post the information described by Subsection (j) (relating to the early voting clerk's duty for a primary or general election for state and county officers to timely submit to SOS information described by Subsections (g) and (h)) on SOS's Internet website in a downloadable format not later than 11 a.m. on the day following the day of receipt of the information. Deletes existing text requiring SOS to make any early voting roster created under this section available to the public on SOS's Internet website. Makes a conforming change.

(n) Creates this subsection from existing text. Makes a conforming change.

SECTION 3. Provides that to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Provides that the changes in law made by Section 1 of this Act apply beginning with an application for a ballot to be voted by mail for an election held on or after January 1, 2022.

SECTION 5. Effective date: September 1, 2021.