By:  Guillen (Senate Sponsor - Hughes) H.B. No. 1622

(In the Senate - Received from the House April 19, 2021; April 21, 2021, read first time and referred to Committee on State Affairs; May 4, 2021, reported favorably by the following vote: Yeas 9, Nays 0; May 4, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Birdwell        X

Campbell        X

Hall            X

Lucio           X

Nelson          X

Powell          X

Schwertner      X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to reporting of early voting rosters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  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, is reenacted and amended to read as follows:

Sec. 87.121.  EARLY VOTING ROSTERS. (a) The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent.

(b)  For each person listed, the applicable roster must include:

(1)  the person's name, address, and voter registration number;

(2)  an identification of the person's county election precinct of registration; and

(3)  the date of voting or the date the ballot was mailed to the person, as applicable.

(c)  Each roster shall be updated daily.

(d)  Each roster may be maintained in any form approved by the secretary of state.

(e)  The clerk shall preserve each roster after the election for the period for preserving the precinct election records.

(f)  Information on the roster for a person to whom an early voting mail ballot has been sent is not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after election day.

(g)  Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided by Subsection (i) not later than 11 a.m. on the day after the date the information is entered on the roster under Subsection (c).

(h)  Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided by Subsection (i) not later than 11 a.m. on the day following the day the early voting clerk receives a ballot voted by mail.

(i)  The information under Subsections (g) and (h) must be made available:

(1)  for an election in which the county clerk is the early voting clerk:

(A)  on the publicly accessible Internet website of the county; or

(B)  if the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or

(2)  for an election not described by Subdivision (1):

(A)  on the publicly accessible Internet website of the authority ordering the election; or

(B)  if the authority ordering the election does not maintain a website, on the bulletin board used for posting notice of meetings of the governing body of the authority.

(j) [~~(i)~~]  The early voting clerk for a primary election or the general election for state and county officers shall submit to the secretary of state for posting on the secretary of state's Internet website the information described by:

(1)  Subsection (g) not later than 11 a.m. on the day after the date the information is entered on the roster under Subsection (c); and

(2)  Subsection (h) not later than 11 a.m. on the day following the day the early voting clerk receives a ballot voted by mail.

(k) [~~(j)~~]  The secretary of state shall [~~make any early voting roster created under this section available to the public on the secretary's Internet website.~~

[~~(j)  The secretary of state shall~~] post the information described by Subsection (j) [~~(i)~~] on the secretary of state's Internet website in a downloadable format.

(l) [~~(k)~~]  The secretary of state shall create a system for an early voting clerk for a primary election or the general election for state and county officers to provide the information to the secretary of state for posting on the secretary of state's Internet website under Subsection (j) [~~(i)~~].

(m)  A person registered to vote in the county where the early voting clerk is conducting early voting may submit a complaint to the secretary of state stating that an early voting clerk has not complied with this section.

(n)  The secretary of state by rule shall create and maintain a system for receiving and recording complaints made under this section.

(o)  The secretary of state shall maintain a record indicating early voting clerks who have failed to comply with the requirements of this section.

SECTION 2.  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 3.  This Act takes effect September 1, 2021.

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