

1-1 By: Bucy, et al. (Senate Sponsor - Hughes , Hall) H.B. No. 1382  
1-2 (In the Senate - Received from the House May 3, 2021;  
1-3 May 4, 2021, read first time and referred to Committee on State  
1-4 Affairs; May 14, 2021, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Birdwell	X		
1-10	Campbell	X		
1-11	Hall	X		
1-12	Lucio	X		
1-13	Nelson	X		
1-14	Powell	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the availability of certain information regarding early  
1-20 voting.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 86, Election Code, is amended by adding  
1-23 Section 86.015 to read as follows:

1-24 Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT  
1-25 VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) The secretary of state  
1-26 shall develop or otherwise provide an online tool to each early  
1-27 voting clerk that enables a person who submits an application for a  
1-28 ballot to be voted by mail to track the location and status of the  
1-29 person's application and ballot on the secretary's Internet website  
1-30 and on the county's Internet website if the early voting clerk is  
1-31 the county clerk of a county that maintains an Internet website.

1-32 (b) The online tool developed or provided under Subsection  
1-33 (a) must require the voter to provide, before permitting the voter  
1-34 to access information described by that subsection:

1-35 (1) the voter's name and registration address and the  
1-36 last four digits of the voter's social security number; and

1-37 (2) the voter's:

1-38 (A) driver's license number; or

1-39 (B) personal identification card number issued  
1-40 by the Department of Public Safety.

1-41 (c) An online tool used under this section must update the  
1-42 applicable Internet website as soon as practicable after each of  
1-43 the following events occurs:

1-44 (1) receipt by the early voting clerk of the person's  
1-45 application for a ballot to be voted by mail;

1-46 (2) acceptance or rejection by the early voting clerk  
1-47 of the person's application for a ballot to be voted by mail;

1-48 (3) placement in the mail by the early voting clerk of  
1-49 the person's official ballot;

1-50 (4) receipt by the early voting clerk of the person's  
1-51 marked ballot; and

1-52 (5) acceptance or rejection by the early voting ballot  
1-53 board of a person's marked ballot.

1-54 (d) The secretary of state shall adopt rules and prescribe  
1-55 procedures as necessary to implement this section.

1-56 (e) The information contained in Subsection (c) is not  
1-57 public information for purposes of Chapter 552, Government Code,  
1-58 until after election day.

1-59 SECTION 2. Section 87.121, Election Code, as amended by  
1-60 Chapters 1083 (H.B. 1850) and 1215 (S.B. 902), Acts of the 86th  
1-61 Legislature, Regular Session, 2019, is reenacted and amended to

2-1 read as follows:

2-2 Sec. 87.121. EARLY VOTING ROSTERS. (a) The early voting  
2-3 clerk shall maintain for each election a roster listing each person  
2-4 who votes an early voting ballot by personal appearance and a roster  
2-5 listing each person to whom an early voting ballot to be voted by  
2-6 mail is sent.

2-7 (b) For each person listed, the applicable roster must  
2-8 include:

2-9 (1) the person's name, address, and voter registration  
2-10 number;

2-11 (2) an identification of the person's county election  
2-12 precinct of registration; and

2-13 (3) the date of voting or the date the ballot was  
2-14 mailed to the person, as applicable.

2-15 (c) Each roster shall be updated daily.

2-16 (d) Each roster may be maintained in any form approved by  
2-17 the secretary of state.

2-18 (e) The clerk shall preserve each roster after the election  
2-19 for the period for preserving the precinct election records.

2-20 (f) Information on the roster for a person for whom an early  
2-21 voting mail ballot has been sent is not available for public  
2-22 inspection, except to the voter seeking to verify that the  
2-23 information pertaining to the voter is accurate, until the first  
2-24 business day after election day.

2-25 (g) Information on the roster for a person who votes an  
2-26 early voting ballot by personal appearance shall be made available  
2-27 for public inspection as provided by Subsection (i) not later than  
2-28 11 a.m. on the day after the date the information is entered on the  
2-29 roster under Subsection (c).

2-30 (h) Information on the roster for a person who votes an  
2-31 early voting ballot by mail shall be made available for public  
2-32 inspection as provided by Subsection (i) not later than 11 a.m. on  
2-33 the day following the day the early voting clerk receives any [a]  
2-34 ballot voted by mail.

2-35 (i) The information under Subsections (g) and (h) must be  
2-36 made available:

2-37 (1) for an election in which the county clerk is the  
2-38 early voting clerk:

2-39 (A) on the publicly accessible Internet website  
2-40 of the county; or

2-41 (B) if the county does not maintain a website, on  
2-42 the bulletin board used for posting notice of meetings of the  
2-43 commissioners court; or

2-44 (2) for an election not described by Subdivision (1):

2-45 (A) on the publicly accessible Internet website  
2-46 of the authority ordering the election; or

2-47 (B) if the authority ordering the election does  
2-48 not maintain a website, on the bulletin board used for posting  
2-49 notice of meetings of the governing body of the authority.

2-50 (j) [(i)] The early voting clerk for a primary election or  
2-51 the general election for state and county officers shall submit to  
2-52 the secretary of state for posting on the secretary of state's  
2-53 Internet website the information described by:

2-54 (1) Subsection (g) not later than 11 a.m. on the day  
2-55 after the date the information is entered on the roster under  
2-56 Subsection (c); and

2-57 (2) Subsection (h) not later than 11 a.m. on the day  
2-58 following the day the early voting clerk receives any [a] ballot  
2-59 voted by mail.

2-60 (k) The early voting clerk for a primary election or the  
2-61 general election for state and county officers shall submit to the  
2-62 secretary of state for posting on the secretary of state's Internet  
2-63 website the election day information described by Subsections (g)  
2-64 and (h) not later than 11 a.m. on the day after the election.

2-65 (l) The early voting clerk for a primary election or the  
2-66 general election for state and county officers shall submit to the  
2-67 secretary of state for posting on the secretary of state's Internet  
2-68 website the final rosters containing information described by  
2-69 Subsections (g) and (h) not later than the 20th day after the date

3-1 of the local canvass.

3-2 (m) [(j)] The secretary of state shall ~~[make any early~~  
3-3 ~~voting roster created under this section available to the public on~~  
3-4 ~~the secretary's Internet website.~~

3-5 ~~[(j) The secretary of state shall]~~ post the information  
3-6 described by Subsection (j) [(i)] on the secretary of state's  
3-7 Internet website in a downloadable format not later than 11 a.m. on  
3-8 the day following the day of receipt of the information.

3-9 (n) [(k)] The secretary of state shall create a system for  
3-10 an early voting clerk for a primary election or the general election  
3-11 for state and county officers to provide the information to the  
3-12 secretary of state for posting on the secretary of state's Internet  
3-13 website under Subsection (j) [(i)].

3-14 SECTION 3. To the extent of any conflict, this Act prevails  
3-15 over another Act of the 87th Legislature, Regular Session, 2021,  
3-16 relating to nonsubstantive additions to and corrections in enacted  
3-17 codes.

3-18 SECTION 4. The changes in law made by Section 1 of this Act  
3-19 apply beginning with an application for a ballot to be voted by mail  
3-20 for an election held on or after January 1, 2022.

3-21 SECTION 5. This Act takes effect September 1, 2021.

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