

SENATE AMENDMENTS

2nd Printing

By: Bucy, Morales Shaw, Ortega, et al.

H.B. No. 1382

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the availability of certain information regarding early
3 voting.

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

5 SECTION 1. Chapter 86, Election Code, is amended by adding
6 Section 86.015 to read as follows:

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

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

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

20 (2) the voter's:

21 (A) driver's license number; or

22 (B) personal identification card number issued
23 by the Department of Public Safety.

24 (c) An online tool used under this section must update the

1 applicable Internet website as soon as practicable after each of
2 the following events occurs:

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

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

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

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

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

13 (d) The secretary of state shall adopt rules and prescribe
14 procedures as necessary to implement this section.

15 (e) The information contained in Subsection (c) is not
16 public information for purposes of Chapter 552, Government Code,
17 until after election day.

18 SECTION 2. Section 87.121, Election Code, as amended by
19 Chapters 1083 (H.B. 1850) and 1215 (S.B. 902), Acts of the 86th
20 Legislature, Regular Session, 2019, is reenacted and amended to
21 read as follows:

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

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

1 include:

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

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

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

8 (c) Each roster shall be updated daily.

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

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

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

18 (g) Information on the roster for a person who votes an
19 early voting ballot by personal appearance shall be made available
20 for public inspection as provided by Subsection (i) not later than
21 11 a.m. on the day after the date the information is entered on the
22 roster under Subsection (c).

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

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

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

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

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

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

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

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

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

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

23 (2) Subsection (h) not later than 11 a.m. on the day
24 following the day the early voting clerk receives any [~~a~~] ballot
25 voted by mail.

26 (k) The early voting clerk for a primary election or the
27 general election for state and county officers shall submit to the

1 secretary of state for posting on the secretary of state's Internet
2 website the election day information described by Subsections (g)
3 and (h) not later than 11 a.m. on the day after the election.

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

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

13 [~~(j) The secretary of state shall~~] post the information
14 described by Subsection (j) [~~(i)~~] on the secretary of state's
15 Internet website in a downloadable format not later than 11 a.m. on
16 the day following the day of receipt of the information.

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

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

26 SECTION 4. The changes in law made by Section 1 of this Act
27 apply beginning with an application for a ballot to be voted by mail

H.B. No. 1382

1 for an election held on or after January 1, 2022.

2 SECTION 5. This Act takes effect September 1, 2021.

ADOPTED

MAY 18 2021

Hatery Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Bryan Hughes*

1 Amend H.B. 1382 (senate committee report) in SECTION 1 of the
2 bill by striking added Subsection 86.015(c), Election Code (page 1,
3 lines 41 through 53), and substituting the following:

4 (c) An online tool used under this section must:

5 (1) for each election, record:

6 (A) each application for a ballot to be voted by
7 mail received by the clerk; and

8 (B) each carrier envelope sent to a voter by the
9 clerk;

10 (2) for each carrier envelope, record or assign a
11 serially numbered and sequentially issued barcode or tracking
12 number that is unique to each envelope; and

13 (3) update the applicable Internet website as soon as
14 practicable after each of the following events occurs:

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

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

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1382 by Bucy (Relating to the availability of certain information regarding early voting.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the Secretary of State (SOS) to develop and implement a system that allows a voter to track the status of vote-by-mail applications and ballots.

According to the SOS, the bill would require additional programming to the existing Texas Election Administration (TEAM) system; however, the costs of these modifications could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JMc, LBO, SMAT, SLE, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 7, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1382 by Bucy (Relating to the availability of certain information regarding early voting.), As
Engrossed

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According to the SOS, the bill would require additional programming to the existing Texas Election Administration (TEAM) system; however, the costs of these modifications could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JMc, SMAT, SLE, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 19, 2021

TO: Honorable Briscoe Cain, Chair, House Committee on Elections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1382 by Bucy (relating to the availability of certain information regarding early voting.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to require the Secretary of State (SOS) to develop and implement a system that allows a voter to track the status of vote-by-mail applications and ballots.

According to the SOS, the bill would require additional programming to the existing Texas Election Administration (TEAM) system; however, the costs of these modifications could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: JMc, SLE, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 17, 2021

TO: Honorable Briscoe Cain, Chair, House Committee on Elections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1382 by Bucy (Relating to an electronic system to monitor the status of a ballot voted by mail application and ballot.), **As Introduced**

No significant fiscal implication to the State is anticipated.

This bill would amend the Election Code to require the early voting clerk of each county to develop and maintain an Internet system that allows a voter to track the status of that voter's mail ballot.

According to the Secretary of State, no significant fiscal impact to the state is anticipated.

Local Government Impact

According to elections officials from Tarrant, Parker, Cameron, Brazoria and Taylor counties, a fiscal impact of approximately \$6,000 to \$10,000 per year is anticipated. This estimate represents the additional cost of adjusting the online statewide voter registration system maintained by the Secretary of State to allow for ballot tracking.

Source Agencies: 307 Secretary of State

LBB Staff: JMc, SLE, LCO, GP, AF