

House Bill 1382
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 86.015. ELECTRONIC TRACKING OF APPLICATION FOR BALLOT VOTED BY MAIL OR BALLOT VOTED BY MAIL. (a) The secretary of state shall 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 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) The online tool developed or provided under Subsection (a) must 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:

(A) driver's license number; or

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

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

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(b) The online tool developed or provided under Subsection (a) must 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:

(A) driver's license number; or

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

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

(1) for each election, record:

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

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

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

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

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- (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) The secretary of state shall adopt rules and prescribe procedures as necessary to implement this section.
- (e) The information contained in Subsection (c) is not public information for purposes of Chapter 552, Government Code, until after election day.

SECTION 2. 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

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- (A) receipt by the early voting clerk of the person's application for a ballot to be voted by mail;
- (B) acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;
- (C) placement in the mail by the early voting clerk of the person's official ballot;
- (D) receipt by the early voting clerk of the person's marked ballot; and
- (E) acceptance or rejection by the early voting ballot board of a person's marked ballot. [FA1]
- (d) The secretary of state shall adopt rules and prescribe procedures as necessary to implement this section.
- (e) The information contained in Subsection (c) is not public information for purposes of Chapter 552, Government Code, until after election day.

SECTION 2. Same as House version.

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- (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 any [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):

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(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)~~ ~~(+)~~ 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 any [a] ballot voted by mail.

(k) 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 election day information described by Subsections (g) and (h) not later than 11 a.m. on the day after the election.

(l) 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 final rosters containing information described by Subsections (g) and (h) not later than the 20th day after the date of the local canvass.

~~(m) ~~(+)~~ 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)~~ ~~(+)~~ on the secretary of state's

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Internet website in a downloadable format not later than 11 a.m. on the day following the day of receipt of the information.

(n) [~~(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)~~].

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

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SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

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