

BILL ANALYSIS

C.S.H.B. 1382
By: Bucy
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, voters are permitted to vote by mail under certain circumstances. Individual early voting clerks then process mail-in ballot applications and mail successful applicants their ballots based on certain variable timelines. As a result, throughout the election cycle voters regularly inquire if the early voting clerk for their county has received their application to vote by mail, if the clerk has mailed them their ballot, or if the clerk has received their returned, voted ballot. Additionally, voters whose ballots are rejected are not required to be notified until after Election Day, causing confusion and consternation after the fact. In the most recent election cycle, many counties created a process for tracking a ballot by mail that was made available online for the public to use. There have been calls to address these issues by establishing a statewide framework that allows for the tracking of these ballots. C.S.H.B. 1382 seeks to answer these calls by providing for the electronic tracking of an application and ballot voted by mail.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1382 amends the Election Code to require the secretary of state 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 and on the county's website, if applicable. The bill requires the online tool to require the voter to provide certain personally identifying information before permitting the voter to access status updates and requires the online tool to update the applicable website as soon as practicable after each of the following events occurs:

- receipt by the early voting clerk of the person's application for a ballot to be voted by mail;
- acceptance or rejection by the early voting clerk of the person's application for a ballot to be voted by mail;
- placement in the mail by the early voting clerk of the person's official ballot;
- receipt by the early voting clerk of the person's marked ballot; and
- acceptance or rejection by the early voting ballot board of a person's marked ballot.

The bill requires the secretary of state to adopt rules and prescribe procedures as necessary to implement the online tool and establishes that information contained in the tool is not considered public information for purposes of state public information law until after election day. These

provisions apply beginning with an application for a ballot to be voted by mail for an election held on or after January 1, 2022.

C.S.H.B. 1382 requires the early voting clerk for a primary election or the general election for state and county officers to submit to the secretary of state for posting on the secretary of state's website certain election day information regarding early voter rosters not later than 11 a.m. on the day after the election. The substitute clarifies that the early voting clerk must submit to the secretary of state information regarding early voter rosters for any ballot voted by mail received before election day not later than 11 a.m. on the day following the day of receipt. The bill requires the early voting clerk to submit to the secretary of state for posting on the secretary of state's website final rosters containing such information not later than the 20th day after the date of the local canvass. The bill requires the secretary of state to post the information on the secretary of state's website not later than 11 a.m. on the day following the day of receipt of the information.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1382 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original required the early voting clerk to develop and maintain an electronic system that allows a voter to monitor online the status of the voter's application for a ballot voted by mail and the voter's ballot voted by mail. The substitute requires the secretary of state instead 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 and on the county's website, if applicable.

The substitute does not include the original's requirement for a voter to provide their voter registration number or entire social security number before accessing the ballot information, but does include a requirement for the voter to provide the last four digits of the voter's social security number.

The substitute includes a requirement absent from the original for the secretary of state to adopt rules and prescribe procedures as necessary to implement the online tool.

The substitute establishes that information regarding the status of ballots is not public information under state public information law until after election day, whereas the original made the information public without regard to a specified time frame.

The substitute includes requirements not included in the original for the early voting clerk to submit to the secretary of state for posting on the secretary of state's website certain information regarding early voter rosters from before, on, or after election day within specified time periods and for the secretary of state to post the information on the secretary of state's website in a downloadable format not later than 11 a.m. on the day following the day of receipt of the information.