

SUBJECT: Authorizing a county clerk to post official and legal notices electronically

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 9 ayes — Coleman, Morrison, Berman, Bolton, Castro, J. Davis, Marquez, Sheffield, W. Smith

0 nays

WITNESSES: For — Stacey Kemp, Collin County; (*Registered, but did not testify*: Jim Allison, County Judges & Commissioners Association of Texas; Donald Lee, Texas Conference of Urban Counties; Mark Mendez, Tarrant County)

Against — None

BACKGROUND: Current law requires a county clerk to post official and legal notices as physical documents for public viewing. This requirement applies even when a clerk posts a notice by electronic display, such as on a county website. As county governments continue to embrace paperless electronic filing technologies, allowing a county clerk to post notices by electronic display in lieu of posting a physical document would promote efficiency and give counties more flexibility in complying with their duties.

DIGEST: CSHB 3601 would allow a county clerk to post an official and legal notice by electronic display instead of posting a physical document. The bill would define “electronic display” to allow a clerk to electronically post a notice on:

- an electronic kiosk;
- an electronic bulletin board;
- the county’s public website; or
- any other similar device designed to provide readily accessible information.

CSHB 3601 would require any electronic display of information to meet the applicable location, time, and accessibility requirements provided by law for the posting of the notice.

NOTES:

The committee substitute contains a provision not included in the original bill that would allow a county clerk to post an official and legal notice by electronic display on the county's public website.