

SUBJECT: Requiring the establishment of an online mail-in ballot tracking system

COMMITTEE: Elections — committee substitute recommended

VOTE: 9 ayes — Cain, J. González, Beckley, Bucy, Clardy, Fierro, Jetton, Schofield, Swanson

0 nays

WITNESSES: For — Marcia Strickler, Founder, WilcoWeTheePeople; Chris Davis, Texas Association of Elections Administrators; James Slattery, Texas Civil Rights Project; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; David Weinberg, Brennan Center for Justice; Joanne Richards, Common Ground for Texans; Richard Evans, Emgage Action; Angela Smith, Fredericksburg Tea Party; Susana Carranza, League of Women Voters of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Joey Bennett, Secure Democracy; Patricia Shipton, Secure Elections Project; Phil Bunker, Teamsters JC58; Cary Roberts, Texas Association of Elections Administrators; Glen Maxey, Texas Democratic Party; Joshua Houston, Texas Impact; Lauren Banister, TexPIRG; Julie Wheeler, Travis County Commissioners Court; Richard Bohnert; Henry Bohnert; Michael Fossum; Idona Griffith; Georgia Keysor; Zoila Vega-marchena)

Against — Heather Hawthorne, County and District Clerks Association of Texas; David Carter; Bill Sargent (*Registered, but did not testify*: Russell Hayter; Frank Holman; Julie Kellogg; Ruth York)

On — Alan Vera, Harris County Republican Party Ballot Security Committee; Keith Ingram, Texas Secretary of State-Elections Division (*Registered, but did not testify*: Jonathan White, Office of the Attorney General; Brandon Moore)

BACKGROUND: It has been suggested that a statewide online mail-in ballot tracking system for voters would increase public confidence in elections by providing a more efficient and transparent process for voting by mail.

DIGEST:

CSHB 1382 would require the secretary of state to provide to each early voting clerk an online tool that enabled a person who submitted an application for a ballot to vote by mail to track the location and status of the application and ballot on the websites of the secretary and, if applicable, the county. The online tool would have to require voters, before accessing such information, to provide their name, registration address, the last four digits of their Social Security number, and either a driver's license number or personal identification card number issued by the Department of Public Safety.

The online tool would be required to update the applicable website or websites as soon as practicable after each of the following events occurred:

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

Ballot status information would not be considered public information for the purposes of state law until after Election Day. The secretary of state would be required to adopt rules and prescribe procedures necessary to implement the provision and use of the online tool.

CSHB 1382 would require an early voting clerk for a primary or general election of state and county officers to submit to the secretary of state for posting on the secretary's website Election Day information from rosters of early ballot voters no later than 11 a.m. on the day after the election. The final rosters containing early voter information would have to be submitted no later than 20 days after the local canvass. Early voting information would have to be posted in a downloadable format on the secretary of state's website no later than 11 a.m. on the day after the receipt of the information.

The bill's provisions would apply beginning with an application for a mail-in ballot for an election held on or after January 1, 2022.

The bill would take effect September 1, 2021.