

SUBJECT: Allowing complaints to the secretary of state about early voting clerks

COMMITTEE: Elections — committee substitute recommended

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

0 nays

WITNESSES: For — Robert Green, Travis County Republican Party Election Integrity Committee; Laura Pressley, True Texas Elections; Kimberly Young; (*Registered, but did not testify:* Matt Simpson, ACLU of Texas; Angela Smith, Fredericksburg Tea Party; Alan Vera, Harris County Republican Party Ballot Security Committee; Marcia Strickler, Wilco We Thee People; and six individuals)

Against — (*Registered, but did not testify:* David Carter; Frank Holman)

On — Keith Ingram, Texas Secretary of State; (*Registered, but did not testify:* Brad Hodges)

BACKGROUND: Elections Code sec. 87.121(a) requires early voting clerks to 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. Under sec. 87.121(i), early voting clerks for primary elections or general elections for state and county officers must submit certain roster information to the secretary of state not later than 11 a.m. the day after the clerk entered the information on the roster or received a ballot voted by mail. Under sec. 87.121(j), this information must be posted publicly on the secretary of state's website.

DIGEST: CSHB 1622 would allow a person registered to vote in a county where the early voting clerk was conducting early voting to submit a complaint to the secretary of state stating that an early voting clerk had not complied with early voting roster requirements.

The secretary of state by rule would have to create and maintain a system for receiving and recording such complaints. The secretary of state also would have to maintain a record indicating early voting clerks who had failed to comply with roster requirements.

To the extent of any conflict, CSHB 1622 would prevail over another act of the 87th Legislature in the regular session relating to nonsubstantive additions to and corrections in enacted codes.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1622 would incentivize early voting clerks to post early voting rosters in the time required under current law by allowing complaints against noncompliant clerks to be made to the secretary of state. The bill also would give the state a tool to track noncompliant clerks by requiring the secretary of state to record complaints and keep a list of clerks who failed to comply with early voting roster posting requirements.

**CRITICS
SAY:**

No concerns identified.