

## **BILL ANALYSIS**

C.S.H.B. 1725  
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Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the acceptable delivery methods for a marked mail-in ballot. During the most recent election, which overlapped with the COVID-19 pandemic, voters had an extended period of time in which to return ballots because of a proclamation by Governor Abbott. Following the proclamation, there was a backlash of public criticism regarding larger counties only having one location for voters to return these ballots, despite the fact that prior to the proclamation state election law only allowed these ballots to be delivered to the early voting clerk's office on election day. The effect of the proclamation simply extended the period during which the ballots could be delivered. C.S.H.B. 1725 seeks to alleviate future confusion regarding the delivery of mail-in ballots by prohibiting these ballots from being delivered in person unless delivered to the early voting clerk's office on election day while the polls are open.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1725 amends the Election Code to prohibit the counting of a marked early voting ballot by mail that is delivered by any means other than the following:

- mail;
- common or contract carrier; or
- in-person delivery by the voter to the early voting clerk's office while the polls are open on election day.

The bill prohibits the ballot from being deposited in an unattended receptacle except for a mailbox or common carrier receptacle.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1725 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The original removed the authorization for in-person delivery of a marked early voting ballot by mail and repealed the provision establishing the conditions for such delivery. The substitute retains that authorization and the related conditions but includes a prohibition absent from the original against the deposit of the ballot in an unattended receptacle, except for a mailbox or common carrier receptacle.