

## **BILL ANALYSIS**

Senate Research Center  
79R1938 JRJ-D

H.B. 377  
By: Talton (Jackson)  
State Affairs  
5/13/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Legislation enacted during the 78th Legislature, Regular Session, 2003, attempted to prevent election fraud, particularly fraud targeted at voters who vote early by mail. Under current law, the early voting clerk maintains a roster, with names and addresses, of voters who have applied for an early voting by mail ballot. The list of voters who have been sent a ballot is not available for public inspection until the first business day after election day. The list of voters who have returned their ballots, however, is available for public inspection, once the early voting clerk has updated the list with this information.

Allegations have arisen in some areas, however, that the list of voters who have been sent ballots, but who have not returned them, continues to be released. These allegations assert that mail ballots have been removed from voter's mailboxes by individuals who had obtained the list.

Current state and federal law already provide penalties for removing ballots from mailboxes and for marking and returning other individuals' ballots without their consent, but these crimes are often difficult to prosecute.

H.B. 377 attempts to better prevent this type of fraud by creating a criminal offense for violating current state law by disclosing the prohibited information.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 87.121(f), Election Code, to prohibit information on the early voting roster for a person to whom an early voting mail ballot has been sent from being disclosed, rather than not being available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after election day. Provides that a person who violates this subsection commits a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2005.