

FIFTY-THIRD LEGISLATURE
FIRST SESSION, 2017

SB 245/a

February 22, 2017

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 245

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 9, between lines 14 and 15, insert the following new section:

**"SECTION 9. [NEW MATERIAL] PARTICIPANT VOTER RECORDS--
CONFIDENTIALITY.--**

A. Notwithstanding the provisions of the Voter Records Systems Act, the secretary of state shall maintain a secured module within the state voter registration electronic management system in which participant voter registrations are maintained. Voter registrations in the secured module shall not be viewable, except as required by staff designated by the secretary of state, and shall not appear in the voter file.

B. Upon a person's certification as a participant, the secretary of state shall determine whether the participant is a voter. If the participant is a voter, the secretary of state shall transfer the participant's voter registration from the voter file to the secured module. If the participant is not a voter but appears to be a qualified elector, the secretary of state shall offer the participant the opportunity to become registered to vote, and if the participant chooses to do so, the secretary of state shall enter the participant's voter registration information into the secured module.

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C. Upon a voter's decertification as a participant, the secretary of state shall transfer the voter registration information of a former participant who is a voter from the secured module into the voter file and shall deliver any certificates of registration to the county clerk of the county of the former participant's residential address used on the latest voter registration certificate on file with the secretary of state.

D. Notwithstanding the provisions of the Absent Voter Act, for each statewide election that takes place while a voter is a participant, the secretary of state shall send the participant a ballot for the precinct in which the participant's residential address is located. The ballot shall be sent thirty-five days before the election without requiring an application for an absentee ballot. The ballot and balloting materials shall be otherwise as prescribed by the Absent Voter Act, except that the ballot shall be returned by the voter to the confidential substitute address. The ballots shall be tallied by the secretary of state in a manner that does not disclose the participant's information to any unauthorized person but that is otherwise substantially similar to the process used for qualifying and counting provisional ballots.

E. The secretary of state shall include the votes cast by participants who are voters in the tally of the state canvass. The secretary of state shall also prepare a report viewable only by members of the state canvassing board that details:

- (1) the total number of participants;
- (2) the number of participants who are voters;
- (3) the number of ballots returned by participants;

and

- (4) such other information as may be required to secure the secrecy of the ballot and the purity of elections and guard against the abuse of the elective franchise.

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F. When a recount of an office that is statewide or located in more than one county occurs, the secretary of state shall provide the votes of participants who are voters to the state canvassing board in the same manner as votes are provided for a state canvass.

G. When a recount of an office that is wholly within one county occurs, the secretary of state shall prepare and deliver to the county canvassing board a confidential report of the votes from participants who are voters. The report shall be substantially similar to the report described in Subsection E of this section and shall only be viewed by the county canvassing board, the county attorney and the county clerk.

H. When a contest of an election occurs, the secretary of state shall prepare for the court a confidential report of the votes cast by participants who are voters. The report shall be substantially similar to the report described in Subsection E of this section, shall be viewed in camera by the judge and attorneys in the case and shall not be admitted into evidence."

2. Renumber the succeeding sections accordingly.

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Respectfully submitted,

Richard C. Martinez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against
Yes: 6
No: Moores
Excused: Candelaria, Cervantes, Lopez, Martinez
Absent: None

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