

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 1779</b>
<b>Version:</b>	<b>Floor Amendment 3</b>
<b>Request Number:</b>	<b>11766</b>
<b>Author:</b>	<b>Speaker McCall</b>
<b>Date:</b>	<b>5/14/2020</b>
<b>Impact: Potential impact mitigated by utilization of federal funds</b>	

**Research Analysis**

The amendment to SB 1779 defines *absentee ballot harvesting*, with exceptions, as collecting an absentee ballot from another person with the intent of returning it to election officials on behalf of that person; requesting or receiving an absentee ballot for another person; completing an application for an absentee ballot for another person without that person's consent, or notarizing or witnessing more absentee ballots than allowed by law. The bill makes it a felony for any person to engage in absentee ballot harvesting, or to direct another person to commit acts of ballot harvesting, involving ten or more ballots at any one election and makes it a misdemeanor to do the same involving fewer than ten ballots.

Further, the measure authorizes the Secretary of the State Election Board to use state and federal funds to reimburse county election boards for election-related expenses during calendar year 2020, as well as for items related to the COVID-19 pandemic that are deemed necessary. The bill provides that state and political subdivision employees may be granted up to 3 days of paid administrative leave in 2020 if they serve as a precinct official or other election worker authorized by law. Additional provisions of the bill include:

- Directing state entities and political subdivisions located in a precinct without a suitable polling place available to make space available upon request by the secretary of the county election board;
- Allowing a secretary of a county election board to combine multiple precincts into a single polling place;
- Authorizing the Secretary of the State Election Board to develop protocols to be used during an emergency declaration related to the pandemic; and
- Requiring the district attorney or member of law enforcement to investigate any possible criminal violation of law related to absentee ballot requests that is brought to their attention.

Prepared By: Marcia Johnson

**Fiscal Analysis**

The third floor amendment to SB 1779 replaces the content of the engrossed version of SB 1779 with language establishing the crime of absentee ballot harvesting, procedures for absentee ballot voting during the 2020 elections, and authorizing the State Election Board to reimburse county election boards for additional administrative expenses that may be incurred to conduct safe elections in light of the COVID-19 pandemic. These expenses include, but are not limited to, the purchase of additional postage, additional personnel to process absentee ballots, personal

protective equipment for election officials, and supplies to disinfect polling locations. Such reimbursement is subject to the availability of state or federal funds under the control of the State Election Board.

The fiscal impact of the third floor amendment should be mitigated by the utilization of federal CARES funds made available to the State Election Board and thus have no impact to the state budget. This analysis is confirmed by the State Election Board.

Prepared By: Clayton Mayfield

**Other Considerations**

None.