

REVENUE: No revenue impact

FISCAL:

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Erin Seiler, Administrator

Meeting Dates: 3/11

WHAT THE MEASURE DOES: Deletes provisions relating to confidentiality of challenged ballots. Directs Secretary of State to adopt rules to protect identities of persons whose ballots have been challenged. Directs county clerks to distribute, upon request and subject to rules adopted by secretary, list of persons whose ballots have been challenged.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND:

The county clerk, an elections official or any voter can challenge the validity of a ballot of any person at any time before the ballot is removed from its return envelope. If the county clerk determines the person who cast the challenged ballot is validly registered to vote and the vote was properly cast, the ballot will be counted. If the county clerk determines that the voter is not properly registered, a notice is mailed to the voter with a written statement that describes the nature of the challenge. If the voter does not provide sufficient evidence to verify their registration not later than the 10th calendar day after the date of the election the registration of the person shall be considered inactive until the person updates or verifies the registration, the registration is canceled or the county clerk determines that the person is validly registered.

Whenever any person votes a challenged ballot, the county clerk shall ensure that the ballot cast by the person includes the number of the written statement of challenge so that the ballot may be identified in any future contest of the election. However, the county clerk must ensure that the information on the numbered written statement is treated as confidential so that in the event of a recount of votes it cannot be determined how any challenged person voted.

House Bill 3344 would delete from statute the confidential requirement for challenged ballot and provide the Secretary of State with the authority to adopt rules to protect the identity of voter's whose ballots have been challenged. Subject to rules adopted by the secretary, the county clerk must, upon request, provide a list of voters whose ballots have been challenged during an election.

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This summary has not been adopted or officially endorsed by action of the committee.