

BILL ANALYSIS

Senate Research Center
86R24382 SRS-D

C.S.S.B. 902
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State Affairs
4/5/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain jurisdictions provide election information electronically and in a timely manner, but others often do not. Stakeholders say that certain counties refuse to provide public information at a cost and in a matter of time that allows the public to meaningfully evaluate the information and use it within other timelines established under law.

S.B. 902 requires that all jurisdictions make records available in an electronic format to standardize process for providing information and reduce costs, make daily vote count totals available online each day during an election, and changes the deadline for contesting an election by making it contingent on the date on which public election information becomes available to the public. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 902 amends current law relating to public availability of election records, and authorizes a fee.

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 1.012, Election Code, by adding Subsection (e) to require an election record to be available not later than the 15th day after election day in an electronic format for a fee of not more than \$50.

SECTION 2. Amends Subchapter A, Chapter 66, Election Code, by adding Section 66.0021, as follows:

Sec. 66.0021. ELECTION DAY VOTE TOTAL FOR CERTAIN ELECTIONS. (a) Provides that this section applies only to a primary election or the general election for state and county officers.

(b) Requires the general custodian of election records for a primary election or the general election for state and county officers to maintain a list that states the total number of votes cast in each precinct by personal appearance on election day that is available for public inspection not later than the day after election day.

(c) Requires each vote total to be maintained in a downloadable format approved by the secretary of state (SOS) and posted on the Internet website of SOS.

(d) Requires SOS to create a system for an early voting clerk for a primary or the general election for state and county officers to provide the information to SOS for posting on the SOS Internet website under Subsection (c).

SECTION 3. Amends Section 87.121, Election Code, by amending Subsections (g) and (h) and adding Subsections (i), (j), and (k), as follows:

(g) Requires information on the roster for a person who votes an early voting ballot by personal appearance to be made available for public inspection not later than 11 a.m., rather than not later than the beginning of regular business hours, on the day after the date the information is entered on the roster under Subsection (c) (relating to rosters for early voting by personal appearance and by mail to be updated at the end for the day).

(h) Requires information on the roster for a person who votes an early voting ballot by mail to be made available for public inspection not later than 11 a.m. on the day following the day the early voting clerk receives a ballot voted by mail.

(i) Requires the early voting clerk for a primary election or the general election for state and county officers to submit to SOS for posting on SOS's Internet website the information described by:

(1) Subsection (g) not later than 11 a.m. on the day after the date the information is entered on the roster under Subsection (c); and

(2) Subsection (h) not later than 11 a.m. on the day following the day the early voting clerk receives a ballot voted by mail.

(j) Requires SOS to post the information described by Subsection (i) on the SOS's Internet website in a downloadable format.

(k) Requires SOS to create a system for an early voting clerk for a primary election or the general election for state and county officers to provide the information to SOS for posting on SOS's Internet website under Subsections (i).

SECTION 4. Amends Sections 232.008(b) and (c), Election Code, as follows:

(b) Requires a contestant, except as provided by Subsection (c), to file the petition not later than the later of the 30th day after the date the election records are publicly available under Section 1.012 (Public Inspection of Election Records) or the official result of the contested election is determined, rather than not later than the 30th day after the date the official result of the contested election is determined.

(c) Requires a contestant to file the petition not later than the later of the 10th day after the date the election records are publicly available under Section 1.012 or the official result is determined in certain contests, rather than requiring a contestant to file the petition not later than the 10th day after the date the official result is determined in certain contests.

SECTION 5. Amends Section 233.006(b), Election Code, as follows:

(b) Requires a contestant, except as provided by Section 233.014 (Special Procedures for Contest of Constitutional Amendment Election), to file the petition not later than the later of the 30th day after the date the election records are publicly available under Section 1.012 or the official result of the contested election is determined, rather than not later than the 30th day after the date the official result of the contested election is determined.

SECTION 6. Amends Section 241.003(b), Election Code, as follows:

(b) Requires the contestant to file the petition with SOS not later than the later of the seventh day after the date the election records are publicly available under Section 1.012 or the official result of the contested election is determined, rather than not later than the seventh day after the date the official result of the contested election is determined.

SECTION 7. Amends Section 243.003(b), Election Code, as follows:

(b) Requires the contestant to file the petition with SOS not later than the later of the 10th day after the date the election records are publicly available under Section 1.012 or the

official result of the contested election is determined, rather than not later than the tenth day after the date the official result of the contested election is determined.

SECTION 8. Requires SOS, as soon as practicable after the effective date of this Act, to create the system required by Sections 66.0021(d) and 87.121(k), Election Code, as added by this Act.

SECTION 9. Effective date: September 1, 2019.