

BILL ANALYSIS

C.S.H.B. 4130
By: Swanson
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that the secretary of state does not have the ability to adequately certify electronic pollbooks used in some counties across the state. It has been suggested that electronic pollbook systems, which are becoming more common in larger counties, vary in design and are not required to have specific functionality that would be helpful for ensuring election security. C.S.H.B. 4130 seeks to address this issue by providing for requirements for the use of certain electronic devices for accepting voters.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTIONS 1, 2, and 3 of this bill.

ANALYSIS

C.S.H.B. 4130 amends the Election Code to require the secretary of state to prescribe specific requirements and standards for the certification of an electronic device used to accept voters. The bill sets out the required functions of the device and requires such a device to be certified annually by the secretary of state. The bill requires the secretary of state to adopt rules that require such a device used during the early voting period or under the countywide polling place program to update data in real time. The bill requires the secretary of state to assess a noncompliance fee, which must be set at an amount determined by secretary of state rule, if a county uses a device that does not comply with the rule in two consecutive general elections for state and county officers.

C.S.H.B. 4130 establishes that the poll list required to be maintained by an election officer may be in the form of an electronic device approved by the secretary of state and requires the secretary of state to adopt rules governing the use of electronic poll lists. The bill establishes that a combination form used in connection with the acceptance of voters at polling places may be in the form of an electronic device approved by the secretary of state and requires the secretary of state to adopt rules governing the minimum requirements and approval of an electronic device used for any form used in connection with the acceptance of voters at a polling place.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4130 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the required functions of a certified electronic device used to accept voters that relate to displaying the voter's original signature, time-stamping when each voter is accepted at a polling place, transmitting the time stamp to all polling place locations in certain cases, and producing electronic data that includes the applicable polling location and time stamps. The substitute includes as an additional required function time-stamping the receipt of an applicable transmission of a time stamp when each voter is accepted.