

BILL ANALYSIS

C.S.H.B. 933
By: Bucy
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised about the unavailability of certain information regarding the electoral process in counties across Texas, despite some existing posting requirements. C.S.H.B. 933 seeks to promote greater transparency of elections by providing for the posting of information concerning various aspects of the electoral process on county websites and the website of the secretary of state.

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 SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 933 amends the Election Code to require a county to post a copy of a notice of an election given by the county or provided to the county by the governing body of a political subdivision that orders an election, which must include the location of each polling place, on the county's website not later than the 21st day before election day. The bill clarifies that notice of an election provided by such a governing body must include the location of each polling place and replaces the requirement for an authority responsible for giving notice of an election to post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves with an authorization for the authority to do so.

C.S.H.B. 933 requires the secretary of state to prescribe procedures requiring the county officer responsible for administering elections to submit certain contact information of the county election office to the secretary of state for inclusion on the secretary's website. The bill requires the secretary of state to prescribe procedures requiring each entity designating the location of a polling place, including an early voting polling place, to submit information on the location to the secretary of state for inclusion on the secretary's website. The bill requires the information for each polling place to include the name of the building in which the polling place is located, if available; the street address and zip code of the polling place; and the days and hours of voting at each location. The bill requires such information to be posted on the secretary's website in a downloadable format. The bill authorizes the secretary of state to solicit and accept gifts, grants, and donations from any public or private source for the creation and maintenance of the website and requires the secretary of state to adopt rules as necessary to implement these provisions. The bill requires the secretary of state to post the information required by these provisions not later than September 1, 2019.

C.S.H.B. 933 requires the county officer responsible for administering elections to post on the county's website certain contact information for the county election office and requires the county to post on the website, for each polling place located in the county, the name of the building in which the polling place is located, if available; the street address and zip code of the polling place; and the days and hours of voting at each location. The bill requires a county that on September 1, 2019, maintains a website to post the information required by these provisions not later than October 1, 2019. The bill requires a county that on September 1, 2019, does not maintain a website to post the information not later than March 1, 2020.

C.S.H.B. 933 requires a county clerk to post on the county's website a notice of the time and place of each session of training for election judges and clerks appointed to serve in elections ordered by the governor or a county authority and replaces the requirement for the county clerk to post the notice on the bulletin board used for posting notice of commissioners court meetings with an authorization for the clerk to do so. The bill requires a commissioners court, beginning with the first week following the week in which an order changing a county election precinct boundary is adopted, to publish notice of the change on the county's website for three consecutive weeks, in addition to the notice published in an applicable newspaper. The bill requires a district judge, if a county holding an election seeks to retrieve an erroneously placed election record from a ballot box, to post a notice of the date, hour, and place for the opening of the ballot box on a county's website for the 24 hours preceding the hour set for opening the box.

C.S.H.B. 933 replaces the requirement for the secretary of state to post the notice of the date, hour, and place of a state canvass conducted by the governor on the bulletin board used for posting notice of meetings of state governmental bodies with a requirement for the secretary to post the notice instead on the secretary's website. The bill replaces the requirement that an early voting clerk who is the county clerk post notice of certain times for early voting and the requirement that such a clerk post notice of the early voting branch schedule on the bulletin board used for posting notice of commissioners court meetings with a requirement that the applicable notices be posted instead on the county's website. The bill replaces the requirement that certain postings relating to the appointment and operation of a signature verification committee, in an election for which the county election board is established or in a primary election, be posted on such a bulletin board with a requirement that the applicable postings be made instead on the county's website. The bill specifies that the method by which public notice of a logic and accuracy test of a voting system is required to be published is publication on the applicable county's website.

C.S.H.B. 933 requires the secretary of state to post on the secretary's website the notice of the secretary's receipt of a petition supplementing a precinct convention list for a political party nominating by convention and replaces the requirement that the secretary post that notice on the bulletin board used for posting notice of meetings of state governmental bodies with an authorization for the secretary to do so. The bill replaces the requirement that the secretary of state post notice of the date, hour, and place of the canvass to fill a vacancy in the state legislature on such a bulletin board with a requirement that the secretary post the notice instead on the secretary's website. The bill requires the secretary of state to post on the secretary's website the notice of the date, hour, and place of a drawing to determine the ballot order of propositions submitting proposed constitutional amendments and replaces the requirement that the secretary post that notice on such a bulletin board with an authorization for the secretary to do so.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 933 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 includes a requirement for a county to post a copy of a notice of an election given by the county or provided to the county by the governing body of a political subdivision on the county's website and a clarification that notice of an election provided by such a governing body must include the location of each polling place. The substitute does not include a requirement for the authority responsible for giving notice of an election to post a copy of the notice on the county's website.

The substitute includes an authorization for the secretary of state to solicit and accept gifts, grants, and donations from any public or private source for the creation and maintenance of the secretary's website containing voting information. The substitute includes a requirement for the secretary of state to adopt rules as necessary to implement the bill's provisions relating to the voting information on the website.

The substitute includes a provision requiring public notice of a logic and accuracy test of a voting system to be published on the applicable county's website.

The substitute provides a county that on September 1, 2019, does not maintain a website with additional time to comply with the requirement to post the requisite voting information on a county website.