

## **BILL ANALYSIS**

S.B. 902  
By: Hughes  
Elections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the availability of certain election information that is considered public information. It has been noted that while some jurisdictions provide this information electronically and in a timely manner, many jurisdictions fail to do so in such a manner that allows the public to meaningfully evaluate and use the information. S.B. 902 seeks to address this issue by standardizing the process by which certain election records are made publicly available.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 902 amends the Election Code to require an election record that is public information to be made available not later than the 15th day after election day in an electronic format for a maximum fee of \$50. The bill 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. The bill requires each vote total to be maintained in a downloadable format approved by the secretary of state and posted on the secretary of state's website. The bill requires the secretary of state to create a system for an early voting clerk for a primary election or the general election for state and county officers to provide this information to the secretary of state for posting on the secretary's website.

S.B. 902 changes the deadline by which information on the early voting roster for a person who votes an early voting ballot by personal appearance or by mail is required to be made available for public inspection from the beginning of regular business hours on the day after the date the information is entered into the roster to 11 a.m. on that day. The bill provides for the deadlines by which the early voting clerk for a primary election or the general election for state and county officers is required to submit such information to the secretary of state for posting on the secretary's website. The bill requires the secretary 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 the secretary for posting in a downloadable format on the secretary's website. The bill revises the filing deadline for certain petitions to be filed by a contestant to file based on the public availability of the election records under the bill's provisions.

**EFFECTIVE DATE**

September 1, 2019.