

BILL ANALYSIS

C.S.H.B. 3491
By: Parker
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there is a need for greater transparency and accountability in the electoral system. Many have expressed concerns regarding the security of election related materials while being transported. While state law requires the general custodian of election records to track certain information pertaining to the transportation of these materials, there is not a uniform process for doing so. Furthermore, the individual designated as the general custodian of election records depends on the type of election being held. C.S.H.B. 3491 seeks to remedy this situation by requiring the retention of information concerning the transportation of certain election materials and the related chain of custody.

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

C.S.H.B. 3491 amends the Election Code to require the pre-election security procedure for tracking the chain of custody of each electronic voting system information storage medium to include the maintenance of a log signed by the individuals performing verification checks at each transfer of custody and containing the serial number or other unique identifier of the medium. The bill requires the secretary of state to create a standard form for maintaining the log.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3491 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 not included in the original for the secretary of state to create a standard form for maintaining the chain of custody log for each electronic voting system information storage medium.