

SUBJECT: Requiring live streaming of voted ballots, posting of a peace officer

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Cain, Bucy, Clardy, Fierro, Jetton, Schofield, Swanson

1 nay — J. González

1 absent — Beckley

WITNESSES: For — Gerald Welty, Convention of States; Brandon Moore, SREC Election Integrity Committee; Cindi Castilla, Texas Eagle Forum; Robert L. Green, Travis Co. Republican Party Election Integrity Committee; Laura Pressley, True Texas Elections LLC; Marcia Strickler, Wilco We Thee People; David Carter; Andrew Eller; Bill Sargent; (*Registered, but did not testify*: Molly White, Conservative Republicans of Texas; Alan Vera, Harris County Republican Party Ballot Security Committee; Ruth York, Tea Party Patriots of Eastland County and Texas Family Defense Committee; Scott O’Grady, Texans for Election Integrity; Beth Biesel and Deana Johnston, Texas Eagle Forum; Tom Glass, Texas Election Integrity; Donald Garner, Texas Faith and Freedom Coalition; Chad Ennis, Texas Public Policy Foundation; and 27 individuals)

Against — Rene Perez, Libertarian Party of Texas; (*Registered, but did not testify*: Joanne Richards, Common Ground for Texans; Heather Hawthorne, County and District Clerks Association of Texas; Daniel Collins, El Paso County; Leonard Aguilar, Texas AFL-CIO; Jen Ramos, Texas Democratic Party; Stephanie Gharakhanian, Workers Defense Action Fund; David Albert; Charlie Bonner; John Gatej; Sarah Murphy; David Nielsen)

On — Jennifer Anderson, Texas Association of Elections Administrators; Christina Adkins, Texas Secretary of State; (*Registered, but did not testify*: Susan Schultz, League of Women Voters of Texas)

DIGEST: CSHB 3276 would require a general custodian of election records to

implement a video surveillance system that retained a record of all areas containing ballots voted from the time the polls closed or the time the last voter had voted, whichever was later, until the canvass of precinct election returns. The video recorded would be a precinct election record.

The general custodian of election records would have to provide a live video stream of any election activity recorded on the internet website of the authority administering the election. If ballots were moved from one location to another, the live video stream of the original location would have to continue until the transfer was completed.

The secretary of state would have to adopt rules to implement the provisions related to the video recording of counting locations.

The bill also would require the general custodian of election records to post a licensed peace officer to ensure the security of ballot boxes containing voted ballots throughout the recorded period described by the bill, rather than the period of tabulation at the central counting station.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 3276 would increase the transparency of elections in Texas and increase voter confidence by requiring a live video stream of ballots from the time of voting to tabulation. This also would help resolve factual disputes regarding the handling of ballots should legal disputes arise.

While the bill could impose minor technology costs on small counties, these counties could seek the assistance of the secretary of state's office or use funds appropriated under the Help America Vote Act to implement the bill's provisions. In addition, many smaller counties may already possess live streaming and recording capabilities due to challenges brought on by the COVID-19 pandemic.

**CRITICS
SAY:**

CSHB 3276 would impose an unfunded mandate that could create significant challenges for smaller counties. By requiring extensive hours of continuous live video streaming and recording, the bill would force

counties to acquire expensive technology and IT support. The bill also could strain local budgets and police departments by requiring the posting of a peace officer by ballot boxes for an extended period.