

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 397
By: Hall
State Affairs
4/18/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 87th Legislature, 2nd Called Session, passed S.B. 1 to increase the security of elections. The legislation added the requirement to print results tapes immediately after closing the polls on election day, with each election judge or alternate election judge required to sign the printed tapes. This imposed an important chain-of-custody measure. However, the provision did not extend to the early voting period, leaving the statute inconsistent on this matter and neglecting to enact the same safeguards for early voting.

This bill amends Section 61.002(c), Election Code, to require the printing of results tapes immediately after closing the polls for voting on the last day of early voting by personal appearance.

The presiding election judge or alternate election judge is already required to print a result tape showing the number of votes cast for each candidate or ballot measure for each voting machine immediately after closing the polls for voting on election day. This bill imposes a uniform process for printing results tapes.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 397 amends current law relating to the procedure for closing a polling place.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.056(c), Election Code, to entitle a watcher to inspect the returns and other records prepared by the election officers at the location at which the watcher is serving, including a tape printed under Section 61.002 (Opening and Closing Polling Place for Voting).

SECTION 2. Amends Section 61.002, Election Code, by amending Subsections (a), (c), and (d), and adding Subsections (e) and (f), as follows:

(a) Requires the presiding election judge or alternate presiding judge, rather than the alternate election judge, immediately before opening the polls for voting on the first day of early voting and on election day, to confirm that each voting machine has any public counter reset to zero and to print the tape that shows the counter was set to zero for each candidate or measure on the ballot.

(c) Requires the presiding election judge or alternate presiding judge, immediately after closing the polls for voting on election day and on the last day of early voting by personal appearance, to print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine. Makes a conforming change.

(d) Makes nonsubstantive and conforming changes.

(e) Requires the presiding election judge and alternate presiding judge, when closing the polls on the last day of early voting, to place a tape printed under this section in envelope no. 2.

(f) Authorizes any watcher present, but not more than three, when closing the polls for voting on election day, to sign a tape printed under this section.

SECTION 3. Amends Section 61.007, Election Code, by adding Subsection (d) to provide that a person who prints a tape under Section 61.002 does not commit an offense under Section 61.007 (Unlawfully Revealing Information Before Polls Close).

SECTION 4. Amends Section 66.023, Election Code, as follows:

Sec. 66.023. CONTENTS OF ENVELOPE NO. 2. Requires that envelope no. 2 contain, among other items, any voting machine tape printed for the purpose of showing the number of votes cast.

SECTION 5. Effective date: September 1, 2023.