

By: Hughes

S.B. No. 902

A BILL TO BE ENTITLED

AN ACT

relating to public availability of election records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.012, Election Code, is amended by adding Subsection (e) to read as follows:

(e) An election record shall be available not later than the 15th day after election day in an electronic format for a fee of not more than \$50.

SECTION 2. Subchapter A, Chapter 66, Election Code, is amended by adding Section 66.0021 to read as follows:

Sec. 66.0021. ELECTION DAY VOTE TOTAL. (a) The general custodian of election records shall 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.

(b) Each vote total shall be maintained in a downloadable format approved by the secretary of state and posted on the Internet website of the secretary of state.

(c) The secretary of state shall create a system for an authority ordering an election to provide the information to the secretary of state for posting on the secretary of state's Internet website under Subsection (b).

SECTION 3. Section 87.121, Election Code, is amended by amending Subsections (c), (d), (g), and (h) and adding Subsection

1 (i) to read as follows:

2 (c) Each roster shall be updated at the end of each day to
3 include the information relating to the total number of persons who
4 voted early by personal appearance on that day and the total number
5 of ballots voted early by mail received on that day [~~daily~~].

6 (d) Each roster shall [~~may~~] be maintained in a downloadable
7 format [~~any form~~] approved by the secretary of state that is capable
8 of being posted on the Internet website of the secretary of state as
9 provided by Subsection (i).

10 (g) Information on the roster for a person who votes an
11 early voting ballot by personal appearance shall be made available
12 for public inspection in person and on the Internet website of the
13 secretary of state not later than the beginning of regular business
14 hours on the day after the date the information is entered on the
15 roster under Subsection (c).

16 (h) Information on the roster for a person who votes an
17 early voting ballot by mail shall be made available for public
18 inspection in person and on the Internet website of the secretary of
19 state not later than the day following the day the early voting
20 clerk receives a ballot voted by mail.

21 (i) The secretary of state shall create a system for an
22 authority ordering an election to provide the information to the
23 secretary of state for posting on the secretary of state's Internet
24 website under Subsections (g) and (h).

25 SECTION 4. Sections 232.008(b) and (c), Election Code, are
26 amended to read as follows:

27 (b) Except as provided by Subsection (c), a contestant must

1 file the petition not later than the later of the 30th day after the
2 date the election records are publicly available under Section
3 1.012 or the official result of the contested election is
4 determined.

5 (c) A contestant must file the petition not later than the
6 later of the 10th day after the date the election records are
7 publicly available under Section 1.012 or the official result is
8 determined in a contest of:

9 (1) a primary or runoff primary election; or

10 (2) a general or special election for which a runoff is
11 necessary according to the official result or will be necessary if
12 the contestant prevails.

13 SECTION 5. Section 233.006(b), Election Code, is amended to
14 read as follows:

15 (b) Except as provided by Section 233.014, the contestant
16 must file the petition not later than the later of the 30th day
17 after the date the election records are publicly available under
18 Section 1.012 or the official result of the contested election is
19 determined.

20 SECTION 6. Section 241.003(b), Election Code, is amended to
21 read as follows:

22 (b) The contestant must file the petition with the secretary
23 of state not later than the later of the seventh day after the date
24 the election records are publicly available under Section 1.012 or
25 the official result of the contested election is determined. The
26 contestant must deliver a copy of the petition to the contestee by
27 the same deadline.

1 SECTION 7. Section [243.003\(b\)](#), Election Code, is amended to
2 read as follows:

3 (b) The contestant must file the petition with the secretary
4 of state not later than the later of the 10th day after the date the
5 election records are publicly available under Section [1.012](#) or the
6 official result of the contested election is determined.

7 SECTION 8. As soon as practicable after the effective date
8 of this Act, the secretary of state shall create the system required
9 by Sections [66.0021\(c\)](#) and [87.121\(i\)](#), Election Code, as added by
10 this Act.

11 SECTION 9. This Act takes effect September 1, 2019.