

By: Middleton

S.B. No. 1995

A BILL TO BE ENTITLED

AN ACT

relating to requiring a general custodian of election records to adopt procedures for public inspection of voted ballots.

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

SECTION 1. Subchapter C, Chapter 66, Election Code, is amended by adding Section 66.0571 to read as follows:

Sec. 66.0571. PROCEDURES FOR PUBLIC INSPECTION OF CERTAIN ELECTION RECORDS. (a) A general custodian of election records shall adopt a written policy establishing procedures for providing access to voted ballots for public inspection.

(b) At a minimum, a policy adopted under this section shall include:

(1) procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the ballot available for public inspection;

(2) a defined time period for public inspection consistent with Chapter 552, Government Code;

(3) a log containing the name of any person who accesses the voted ballots during the defined time period;

(4) general regulations regarding access to the ballots, including:

(A) requiring at least one member of the general custodian's staff to be present at all times in the room containing the voted ballots while public inspection takes place;

1                   (B) prohibiting pens, pencils, and other marking  
2 devices from being brought into the room containing the voted  
3 ballots;

4                   (C) prohibiting food and beverages in the room  
5 containing the voted ballots;

6                   (D) requiring voted ballots to be kept in the  
7 same stacks, containers, or boxes, as applicable, while public  
8 inspection takes place;

9                   (E) prohibiting the removal of voted ballots from  
10 the room in which public inspection takes place; and

11                   (F) permitting the use of imaging devices for the  
12 purpose of taking a photo or making a copy of a voted ballot;

13                   (5) the use of video surveillance, if available, to  
14 monitor all activities in the inspection room during the time that  
15 the voted ballots are made available for public inspection;

16                   (6) the use of other security measures necessary to  
17 ensure no alteration of the ballots is possible; and

18                   (7) procedures to ensure that all other materials  
19 unrelated to the ballot inspection request are removed from the  
20 room in which the public inspection takes place.

21                   (c) If a county maintains an electronic copy of the voted  
22 ballot in addition to the voted paper ballot, a copy of the  
23 electronic voted ballot shall be made available upon request for  
24 public inspection in the same manner as the voted paper ballot.

25                   (d) A county may image or scan voted ballots before they are  
26 made available for public inspection to ensure there is an  
27 electronic record of the voted ballot before public inspection

1 takes place.

2 SECTION 2. This Act takes effect September 1, 2023.