

By: Miles

S.B. No. 99

A BILL TO BE ENTITLED

AN ACT

relating to cybersecurity for voting systems.

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

SECTION 1. Section 276.011, Election Code, as added by Chapter 683 (H.B. 8), Acts of the 85th Legislature, Regular Session, 2017, as effective September 1, 2017, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) Not later than September ~~[December]~~ 1, 2018, the secretary of state shall:

(1) conduct a study regarding cyber attacks on election infrastructure;

(2) prepare a public summary report on the study's findings that does not contain any information the release of which may compromise any election;

(3) prepare a confidential report on specific findings and vulnerabilities that is exempt from disclosure under Chapter 552, Government Code; and

(4) submit to the ~~[standing committees of the]~~ legislature ~~[with jurisdiction over election procedures]~~ a copy of the report required under Subdivision (2) and a general compilation of the report required under Subdivision (3) that does not contain any information the release of which may compromise any election.

(b) The study must include:

1 (1) an investigation of vulnerabilities and risks for
2 a cyber attack against all voting systems, including a county's
3 voting system machines, ~~or~~ the list of registered voters, or the
4 administration of voting by mail;

5 (2) information on any attempted cyber attack on all
6 voting systems, including a county's voting system machines, ~~or~~
7 the list of registered voters, or the administration of voting by
8 mail; and

9 (3) recommendations for protecting all voting
10 systems, including a county's voting system machines, the ~~and~~
11 list of registered voters, and the administration of voting by
12 mail, from a cyber attack.

13 (b-1) In conducting the study, the secretary of state shall
14 consult with:

15 (1) county election officials, including officials
16 from any county targeted by a cyber attack;

17 (2) local law enforcement officials, including county
18 and district attorneys;

19 (3) federal law enforcement officials, including
20 officials from the United States Department of Homeland Security;
21 and

22 (4) experts in the field of cybersecurity risk and
23 incident prevention.

24 SECTION 2. Chapter 276, Election Code, is amended by adding
25 Section 276.012 to read as follows:

26 Sec. 276.012. REPORT OF CYBER ATTACK. A county clerk shall
27 report any cyber attack or attempted cyber attack on a county's

1 voting system to the secretary of state not later than 48 hours
2 after the discovery of the attack or attempted attack. The
3 secretary of state shall make available a record of the report of
4 any cyber attack or attempted cyber attack to a member of the
5 legislature.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect December 1, 2017.