

AN ACT

relating to public availability of election records; authorizing a fee.

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 FOR CERTAIN ELECTIONS. (a) This section applies only to a primary election or the general election for state and county officers.

(b) The general custodian of election records for a primary election or the general election for state and county officers 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.

(c) 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.

(d) The secretary of state shall create a system for an

1 early voting clerk for a primary election or the general election
2 for state and county officers to provide the information to the
3 secretary of state for posting on the secretary of state's Internet
4 website under Subsection (c).

5 SECTION 3. Section 87.121, Election Code, is amended by
6 amending Subsections (g) and (h) and adding Subsections (i), (j),
7 and (k) to read as follows:

8 (g) Information on the roster for a person who votes an
9 early voting ballot by personal appearance shall be made available
10 for public inspection not later than 11 a.m. [~~the beginning of~~
11 ~~regular business hours~~] on the day after the date the information is
12 entered on the roster under Subsection (c).

13 (h) Information on the roster for a person who votes an
14 early voting ballot by mail shall be made available for public
15 inspection not later than 11 a.m. on the day following the day the
16 early voting clerk receives a ballot voted by mail.

17 (i) The early voting clerk for a primary election or the
18 general election for state and county officers shall submit to the
19 secretary of state for posting on the secretary of state's Internet
20 website the information described by:

21 (1) Subsection (g) not later than 11 a.m. on the day
22 after the date the information is entered on the roster under
23 Subsection (c); and

24 (2) Subsection (h) not later than 11 a.m. on the day
25 following the day the early voting clerk receives a ballot voted by
26 mail.

27 (j) The secretary of state shall post the information

1 described by Subsection (i) on the secretary of state's Internet
2 website in a downloadable format.

3 (k) The secretary of state shall create a system for an
4 early voting clerk for a primary election or the general election
5 for state and county officers to provide the information to the
6 secretary of state for posting on the secretary of state's Internet
7 website under Subsection (i).

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

10 (b) Except as provided by Subsection (c), a contestant must
11 file the petition not later than the later of the 30th day after the
12 date the election records are publicly available under Section
13 1.012 or the official result of the contested election is
14 determined.

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

- 19 (1) a primary or runoff primary election; or
20 (2) a general or special election for which a runoff is
21 necessary according to the official result or will be necessary if
22 the contestant prevails.

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

25 (b) Except as provided by Section 233.014, the contestant
26 must file the petition not later than the later of the 30th day
27 after the date the election records are publicly available under

1 Section 1.012 or the official result of the contested election is
2 determined.

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

5 (b) The contestant must file the petition with the secretary
6 of state not later than the later of the seventh day after the date
7 the election records are publicly available under Section 1.012 or
8 the official result of the contested election is determined. The
9 contestant must deliver a copy of the petition to the contestee by
10 the same deadline.

11 SECTION 7. Section 243.003(b), Election Code, is amended to
12 read as follows:

13 (b) The contestant must file the petition with the secretary
14 of state not later than the later of the 10th day after the date the
15 election records are publicly available under Section 1.012 or the
16 official result of the contested election is determined.

17 SECTION 8. As soon as practicable after the effective date
18 of this Act, the secretary of state shall create the systems
19 required by Sections 66.0021(d) and 87.121(k), Election Code, as
20 added by this Act.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 902 passed the Senate on April 17, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 902 passed the House on May 22, 2019, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor