

1-1 By: Hughes S.B. No. 902
1-2 (In the Senate - Filed March 8, 2019; March 11, 2019, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 8, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Huffman	X			
1-10	Hughes	X			
1-11	Birdwell	X			
1-12	Creighton	X			
1-13	Fallon	X			
1-14	Hall	X			
1-15	Lucio	X			
1-16	Nelson	X			
1-17	Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 902 By: Hughes

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to public availability of election records; authorizing a
1-22 fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 1.012, Election Code, is amended by
1-25 adding Subsection (e) to read as follows:

1-26 (e) An election record shall be available not later than the
1-27 15th day after election day in an electronic format for a fee of not
1-28 more than \$50.

1-29 SECTION 2. Subchapter A, Chapter 66, Election Code, is
1-30 amended by adding Section 66.0021 to read as follows:

1-31 Sec. 66.0021. ELECTION DAY VOTE TOTAL FOR CERTAIN
1-32 ELECTIONS. (a) This section applies only to a primary election or
1-33 the general election for state and county officers.

1-34 (b) The general custodian of election records for a primary
1-35 election or the general election for state and county officers
1-36 shall maintain a list that states the total number of votes cast in
1-37 each precinct by personal appearance on election day that is
1-38 available for public inspection not later than the day after
1-39 election day.

1-40 (c) Each vote total shall be maintained in a downloadable
1-41 format approved by the secretary of state and posted on the Internet
1-42 website of the secretary of state.

1-43 (d) The secretary of state shall create a system for an
1-44 early voting clerk for a primary election or the general election
1-45 for state and county officers to provide the information to the
1-46 secretary of state for posting on the secretary of state's Internet
1-47 website under Subsection (c).

1-48 SECTION 3. Section 87.121, Election Code, is amended by
1-49 amending Subsections (g) and (h) and adding Subsections (i), (j),
1-50 and (k) to read as follows:

1-51 (g) Information on the roster for a person who votes an
1-52 early voting ballot by personal appearance shall be made available
1-53 for public inspection not later than 11 a.m. ~~[the beginning of~~
1-54 ~~regular business hours]~~ on the day after the date the information is
1-55 entered on the roster under Subsection (c).

1-56 (h) Information on the roster for a person who votes an
1-57 early voting ballot by mail shall be made available for public
1-58 inspection not later than 11 a.m. on the day following the day the
1-59 early voting clerk receives a ballot voted by mail.

1-60 (i) The early voting clerk for a primary election or the

general election for state and county officers shall submit to the secretary of state for posting on the secretary of state's Internet website the information described by:

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

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

(j) The secretary of state shall post the information described by Subsection (i) on the secretary of state's Internet website in a downloadable format.

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

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

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

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

(1) a primary or runoff primary election; or

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

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

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

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

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

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

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

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

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

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