

By: Hall

S.B. No. 79

A BILL TO BE ENTITLED

AN ACT

relating to availability of cast ballots under the public information law.

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

SECTION 1. The purpose of this Act is to instill confidence in the elections of this state and protect the secrecy of the ballot by ensuring the public's right to audit the results of the public's elections by accessing copies of cast ballots that have been anonymized.

SECTION 2. Section 1.012, Election Code, is amended by adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c-1) Except as provided by Subsections (c-2) and (c-3) and notwithstanding any other law, including Section 66.058, a cast ballot is public information under Chapter 552, Government Code.

(c-2) Any information on a ballot subject to a request for public information that could be used to identify an individual is confidential and shall be withheld and redacted from the ballot.

(c-3) If a ballot cast in a precinct containing five or fewer registered voters on election day is responsive to a request for public information, the governmental body, as that term is defined under Section 552.003, Government Code, that produces the ballot shall take reasonable measures to ensure that production of the ballot does not have the effect of disclosing the ballot selections of any voter in that precinct. Reasonable measures to

1 prevent disclosure of ballot selections under this subsection may  
2 include redacting precinct identifying information, modifying the  
3 request for public information to include portions of ballots from  
4 additional precincts, and aggregating responsive records from  
5 multiple precincts.

6 SECTION 3. This Act takes effect December 1, 2021.