

BILL ANALYSIS

C.S.H.B. 2859
By: Bucy
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The secretary of state is required to post certain candidate and officeholder information on the secretary's website. While this includes various details about statewide and county level offices, it has been suggested that the secretary of state, as the chief elections officer of Texas, could do more to centralize election information from all levels of government across the state, as well as information pertaining to election candidates and incumbents. C.S.H.B. 2859 seeks to address this issue by requiring the secretary of state to create and maintain a database for posting comprehensive elections information and a database for all candidates and officeholders in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2859 amends the Election Code to require the secretary of state to post on the secretary of state's public website a database containing the following information provided by each authority responsible for giving notice of an election in Texas:

- the name of the authority;
- each office to be filled at the election;
- whether the office is elected at large or by district; and
- the dates of the preceding and next election for the office.

The bill requires the authority responsible for giving notice of an election to deliver the information for the election information database to the secretary of state. The bill requires the secretary of state to adopt rules as necessary to implement the election information database.

C.S.H.B. 2859 requires the secretary of state to post on the secretary of state's public website a database containing the following information about each holder of and candidate for any elected office in Texas:

- name;
- office title, including any district, place, or position, if applicable;
- office held or sought, if applicable;
- if the office is elected at large or by district;
- date of the election or the previous and next election for the office, as applicable;
- public mailing address and, if available, public telephone number and email address; and

- for a candidate for office, the name of the incumbent and if the candidate has filed as a write-in candidate.

The bill requires the authority with whom a declaration of candidacy and an application for a place on the ballot is filed, a state chair of a political party, or the presiding officer of a political party's convention to provide the information to the secretary of state. The bill requires the secretary of state to adopt rules as necessary to implement the database for incumbents and candidates.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2859 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the following provisions, which were included in the original:

- an authorization for the secretary of state to solicit and accept gifts, grants, and donations from any public or private source for the creation and maintenance of the election information database; and
- a prohibition against a candidate's name from being printed on the ballot until the candidate's name appears in the database for incumbents and candidates.

The original authorized the secretary of state to prescribe any procedures necessary to implement the database for incumbents and candidates, whereas the substitute requires the secretary of state to adopt rules as necessary to implement the database.