BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties in various states, including Washington, New Jersey, and Arizona, have provided video displays of their ballot counting process. It has been suggested that recording a video of the ballot counting process increases voter confidence and instills trust in the electoral system. There have been calls to provide for the live video recording of this process in Texas to ensure the integrity of our elections. H.B. 3276 seeks to provide for the implementation of video surveillance systems that retain a video record of all ballot counting locations.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 3276 amends current law relating to the security of voted ballots.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the secretary of state is modified in SECTION 2 (Section 31.009, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 65, Election Code, by adding Section 65.016, as follows:

Sec. 65.016. VIDEO RECORDING OF COUNTING LOCATIONS. (a) Provides that this section applies to a primary election, to the general election for state and county officers, and to an election in which the county clerk serves as the early voting clerk.

(b) Requires the general custodian of election records to implement a video surveillance system that retains a record of all areas containing voted ballots from the time the ballots are delivered to the general custodian of election records until the canvass of precinct election returns. Requires that the video recording be retained in the same manner as a precinct election record under Section 66.058 (Preservation of Precinct Election Records).

(c) Requires the general custodian of election records, subject to Subsection (e), to provide a live video stream of any election activity recorded under Subsection (b) on the Internet website of the authority administering the election.

(d) Requires the secretary of state (SOS) to prescribe procedures necessary for the implementation of this section.

(e) Authorizes, but does not require, the general custodian of election records in a county with a population of less than 100,000, to comply with the live video stream requirement under Subsection (c).

SECTION 2. Amends Section 31.009, Election Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires SOS, if state funds are made available to provide for the security of voted ballots under Section 65.016, to administer and distribute the funds to counties as appropriate to most effectively facilitate the purpose for which the funds are made available.

(c) Creates this subsection from existing text and makes no further changes.

SECTION 3. Amends Subchapter A, Chapter 31, Election Code, by adding Section 31.0112, as follows:

Sec. 31.0112. VIDEO RECORDING OF COUNTING LOCATIONS FUND. (a) Provides that the video recording of counting locations fund is an account in the general fund.

(b) Requires SOS to establish a grant program to assist counties with the implementation of this section.

(c) Authorizes state funds appropriated under this section, if a federal program makes funding available to this state for the purpose of video recording of ballot counting locations, to be used to meet federal matching requirements under the federal program.

(d) Provides that the fund is exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

SECTION 4. Requires the governing body of a political subdivision to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, the governing body is authorized, but is not required, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. Effective date: September 1, 2021.