

BILL ANALYSIS

Senate Research Center
87R9718 SLB-D

S.B. 1612
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State Affairs
4/16/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As elections and the process of voting continues to evolve and change with new technology there are security risks that have arisen that allow the potential for interference with Texas elections, in addition to risks that have always been present.

S.B. 1612 seeks to strengthen the security of Texas elections in the area of litigation. S.B. 1612 would ensure that all communication between election vendors and governmental entities be subject to open records requests, allow for courts to issue writs of mandamus compelling election officials to comply with election code, and courts give election related cases preference as to remain timely.

As proposed, S.B. 1612 amends current law relating to certain suits involving elections and the confidentiality of certain communications with voting systems vendors.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 121, Election Code, by adding Section 121.004, as follows:

Sec. 121.004. COMMUNICATIONS WITH VOTING SYSTEMS VENDOR PUBLIC INFORMATION. Provides that a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor, notwithstanding any other law, including Chapter 552 (Public Information), Government Code:

- (1) is not confidential;
- (2) is public information for purposes of Chapter 552, Government Code; and
- (3) is not subject to an exception to disclosure provided by Chapter 552, Government Code.

SECTION 2. Amends the heading to Subchapter D, Chapter 273, Election Code, to read as follows:

SUBCHAPTER D. MANDAMUS

SECTION 3. Amends Section 273.061, Election Code, as follows:

Sec. 273.061. JURISDICTION. (a) Creates this subsection from existing text. Authorizes the Supreme Court of Texas or a court of appeals to issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of a statewide election, rather than an election, an election for the office of state senator or

state representative, or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) Authorizes a district court to issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election by a municipality, county, or other political subdivision.

SECTION 4. Amends Subchapter D, Chapter 273, Election Code, by adding Section 273.064, as follows:

Sec. 273.064. VENUE IN DISTRICT COURT. (a) Requires that a petition to a district court for a writ of mandamus under Subchapter D be filed in a district court in Travis County or in the county in which the election was held or is to be held.

(b) Authorizes a petition filed under Section 273.064, for an election held or to be held by a political subdivision other than a municipality or county, to be filed in Travis County or in any county that contains a portion of the territory of the political subdivision.

SECTION 5. Amends Subchapter A, Chapter 22, Government Code, by adding Section 22.023, as follows:

Sec. 22.023. PREFERENCE FOR HEARINGS OR TRIALS RELATED TO ELECTIONS. Requires the Supreme Court of Texas to give preference to a hearing or trial related to the conduct of an election.

SECTION 6. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.229, as follows:

Sec. 22.229. PREFERENCE FOR HEARINGS OR TRIALS RELATED TO ELECTIONS. Requires a court of appeals to give preference to a hearing or trial related to the conduct of an election.

SECTION 7. Amends Section 23.101, Government Code, by adding Subsection (e), as follows:

(e) Requires the trial courts of this state to give preference to a hearing or trial related to the conduct of an election, above the preference described by Subsection (a) (relating to the requirement that trial courts regularly and frequently set hearings and trials, giving preference to certain hearings and trials).

SECTION 8. Effective date: upon passage or September 1, 2021.