

## **BILL ANALYSIS**

C.S.H.B. 5180  
By: Wilson  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Constituents have raised concerns that current law does not clearly provide for the public's ability to examine election records after the 60-day period during which ballots must be secured and locked. C.S.H.B. 5180 seeks to provide clarity and ensure consistency between counties by requiring certain election records to be made available for public inspection beginning on the 61st day after election day.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 5180 amends the Election Code to require the general custodian of election records, beginning on the 61st day after election day, to make available for public inspection election records that are original voted ballots, cast vote records, or images of voted ballots, if a county maintains such images. The bill requires the custodian to adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 5180 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced required the general custodian of election records to provide public access to certain election records on the 61st day after election day, whereas the substitute requires the custodian to make certain election records available for public inspection beginning on that 61st day. Additionally, the substitute differs from the introduced with regard to the types of records that must be made available as follows:

- the substitute omits authentication files, ballot reports, and records related to the types of records expressly listed, which were included in the introduced;

- the substitute specifies that the requirement to make images of voted ballots available applies only if a county maintains such images, whereas the introduced did not include that specification; and
- whereas the introduced included anonymous voted ballots, the substitute includes original voted ballots and contains a requirement absent from the introduced for the custodian to adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection.