

BILL ANALYSIS

S.B. 1661
By: Hughes
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 87th Legislature, 2nd Called Session, passed S.B. 1, which included a provision that prohibits counties from using reusable storage devices, such as USB flash drives, which are certified by the secretary of state, and requires the use of a data storage disc on which information, once written, cannot be modified. Concerns have been raised by county clerks, elections administrators, and the secretary of state's office about potential costs associated with implementing these provisions, as well as the availability of the voting technology itself. S.B. 1661 seeks to address these concerns by updating and strengthening state law regarding ballot scan systems used in a central counting station.

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

S.B. 1661 amends the Election Code to revise requirements relating to a ballot scan system purchased or used by an authority operating a central counting station. The bill removes the prohibition against such an authority purchasing or using a centrally counted optical ballot scan system that uses a data storage disc on which information, once written, is capable of being modified. The bill establishes instead that such an authority may only purchase or use a ballot scan system if the system is only capable of using a data transfer media device that meets the following criteria:

- once a cast vote record is written, the device is incapable of being modified without automatic detection of the modification and automatic rejection of the cast vote record; and
- the device does not allow the automatic detection and rejection of a modified cast vote record to be overridden or circumvented.

EFFECTIVE DATE

September 1, 2023.