

BILL ANALYSIS

Senate Research Center
88R7230 MPF-D

S.B. 1907
By: Bettencourt
State Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Texas Election Code, the presiding judge at an election day polling location is required to deliver the election records immediately after the precinct returns are completed. The election judge is required to notify the general custodian of election records if the records will not be delivered by 2 a.m. the day following election day. The election judge is required to notify the general custodian of election records by telephone of the number of voters who voted at the polling place, the total tallies for each candidate, and the measure and the expected delivery time of the records. In no event shall the election precinct records be delivered later than 24 hours after the polls close in each election.

Harris County has experienced numerous elections where the election records from the polling location were not accounted for until the day following the election day or perhaps even later. The counting of the election results has been significantly delayed and the results have not been reconciled. For the Primary in 2022, the Central Count did not complete its work until 2:00 a.m. Thursday after election day.

S.B. 1907 would provide added oversight to the collection of precinct returns. The secretary of state may supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records.

Currently, a district judge may impound the records. S.B. 1907 would require that if a district judge impounds the election records, the district judge would be required to supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records.

Additionally, S.B. 1907 would increase the penalty from a class B to a class A misdemeanor if the presiding judge failed to include them in the precinct returns information that is required by the code or failed to complete the returns in time for the deadline for delivery of the precinct election records.

As proposed, S.B. 1907 amends current law relating to preparing and delivering precinct election returns and increases a criminal penalty.

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 Section 65.014(e), Election Code, as follows:

(e) Provides that an offense under Subsection (d) (relating to circumstances in which a presiding judge commits an offense) is a Class A, rather than Class B, misdemeanor.

SECTION 2. Amends Section 66.055, Election Code, as follows:

Sec. 66.055. New heading: FAILURE TO DELIVER ELECTION RECORDS. (a) Provides that if the precinct election records are not delivered by the deadline prescribed

by Section 66.053(c) (relating to requiring that the precinct election records be delivered not later than 24 hours after the polls close in each election):

(1) the secretary of state is authorized to supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records; or

(2) on application by a member of the canvassing authority, a district judge is required to order the precinct election records to be impounded. Makes a nonsubstantive change.

(b) Requires the district judge to supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records if the precinct election records are impounded under Subsection (a)(2).

SECTION 3. Makes Section 65.014(e), Election Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.