

BILL ANALYSIS

C.S.S.B. 1910
By: Bettencourt
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there is an exception to required disclosure under state public information law for information relating to litigation or settlement negotiations involving the state or a political subdivision of the state. Given that governmental entities are frequently involved in litigation, this exception means that a governmental entity may be able to legally refuse to produce or delay the production of requested documents that are election records. C.S.S.B. 1910 seeks to ensure that information related to a general, primary, or special election that is in the possession of a local governmental body that administers elections is not being withheld under the authority of the litigation exception.

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.S.B. 1910 amends the Government Code to establish that the exception to required disclosure under state public information law for information relating to litigation or settlement negotiations involving the state or a political subdivision of the state does not apply to information requested under that law that relates to a general, primary, or special election if the following conditions are met:

- the information is in the possession of a governmental body that administers such elections; and
- the governmental body is not a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members.

The bill applies only to a request for information that is received by a governmental body on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1910 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Both the engrossed and the substitute make the exception to required disclosure for information relating to litigation or settlement negotiations involving the state or a political subdivision of the state inapplicable to requested information that relates to a general, primary, or special election. However, the substitute includes the following conditions not present in the engrossed that must be satisfied for that provision to apply:

- the information is in the possession of a governmental body that administers the applicable elections; and
- the governmental body is not a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members.

The substitute includes a provision not present in the engrossed establishing that the bill applies only to a request for information that is received by a governmental body on or after the bill's effective date.