

BILL ANALYSIS

H.B. 376
By: Hayes
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Election Code establishes the minimum plan requirements for the orderly operation of a central counting station. The legislature has only amended the statute providing for these requirements twice since they were established in 1985: once in 2011, to address the process for comparing the number of voters who signed the combination form to the number of votes cast for the entire election, and again in 2017, to require that plan to be made publicly available by 5 p.m. the fifth day before the date of the election. The bill author has informed the committee that, while some counties provide robust central counting station plans, others may offer up only the bare minimum required in the code. The bill author has additionally informed the committee that advancements in election technology and changes to other parts of the Election Code, such as video surveillance and livestreaming of the central counting station in certain counties, drive the need to update the law regarding the operation plan of a central counting station. H.B. 376 seeks to modernize plans for the orderly operation of central counting stations by revising the statutorily prescribed requirements for such a plan.

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

H.B. 376 amends the Election Code to revise the provision requiring the written plan for the orderly operation of a central counting station, as established and implemented by the station's manager, to address the process for comparing the number of voters who signed the combination form with the number of votes cast for the entire election by specifying instead that the plan must include information on that process and that the process includes comparing the number of voters who signed the electronic poll list with the number of votes cast for the entire election. Furthermore, the bill requires the following additional information to be included in the written plan:

- who will provide information to the presiding judge of the central counting station to complete the reconciliation of votes and voters conducted at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots;
- the date, time, and location of the second and third logic and accuracy tests to be conducted at the central counting station or regional tabulating center serving the central counting station and the procedures regarding an unsuccessful logic and accuracy test;

- the date, time, and place the central counting station will operate before, on, and after election day, as applicable;
- the names of the tabulation supervisor, central counting station manager, presiding judge, and alternate presiding judge and the party affiliations of the presiding judge and alternate presiding judge in the central counting stations and regional tabulating center serving the central counting station, as applicable;
- the procedures regarding ballot security, including ballot storage and chain of custody procedures from the time the central counting station or regional tabulating center receives a sealed ballot box through the statutorily prescribed period for preserving the precinct election records; and
- information regarding the publicly available livestream, applicable to a county with a population of 100,000 or more that is required to have such a system, of the video surveillance system of all areas of the central counting station containing voted ballots.

H.B. 376 replaces the requirement for the plan to be publicly available on request not later than 5 p.m. on the fifth day before the date of the election with a requirement for the following to be done not later than the fifth day before election day:

- the plan must be posted on the county's website in the same location that the county clerk provides information on elections held by the county; and
- a copy of the plan, including the contact information of the tabulation supervisor, central counting station manager, presiding judge, and alternate presiding judge must be provided to the members of the county election board.

If the plan is revised after the date it is posted, the bill requires the county's website to be updated to include the following:

- the plan with incorporated revisions; and
- either a list with the date of each revision and the section revised or a revised version of the plan conspicuously displaying each revision and the date of those revisions.

The bill establishes that the contact information of the tabulation supervisor, central counting station manager, presiding judge, and alternate presiding judge is not subject to disclosure under state public information law.

EFFECTIVE DATE

September 1, 2025.