

BILL ANALYSIS

S.B. 2217
By: Hughes
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that consistency in election data reporting, reconciliation processes, and enhanced capabilities for electronic voting systems across jurisdictions would increase transparency in elections. S.B. 2217 seeks to improve transparency, accuracy, and accountability in Texas elections by requiring all counties to comply with certain election practices and procedures.

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. 2217 amends the Election Code to include among the specific requirements and standards consistent with the Election Code that the secretary of state is required to prescribe, for the certification of an electronic device used to accept voters at a polling place, requirements for the device to do the following:

- produce a report with all information required to be included on a combination form under statutory provisions relating to the acceptance of voters and to persons providing assistance to voters in marking a ballot; and
- produce a copy of the list of all voters who were accepted to vote, including a reference to the voter's county election precinct and polling location where the voter was accepted to vote.

The bill requires the general custodian of election records for an authority holding an election that uses an electronic device certified by the secretary of state to accept voters to prepare a report including that information and list not later than the 30th day after election day. The bill establishes that such a report is an election record and requires the report to be retained by the general custodian of election records for the period for preserving the precinct election records.

S.B. 2217 requires the general custodian of election records, not later than the 30th day after election day, to prepare a reconciliation of the total number of votes cast and the total number of voters accepted to vote by personal appearance at each polling place in the custodian's county during the early voting period and on election day respectively. The bill requires the general custodian to post the results of a reconciliation on the county's website in the same location that the county provides information on election results.

S.B. 2217 requires provisional ballots cast during the early voting period, when the early voting ballot board reports the results of a count of accepted provisional ballots, to be included with the results for early voting by personal appearance and requires provisional ballots cast on election day to be included with the results for election day.

S.B. 2217 requires the presiding judge of an early voting polling place to prepare a reconciliation of votes and voters at the close of each day of early voting. The bill requires the presiding judge to investigate any discrepancy between the number of votes and voters revealed by such a reconciliation and document the cause of the discrepancy. The bill requires official tabulation of ballots to be conducted at a central counting station if a reconciliation and investigation reveals:

- a discrepancy of one percent or more between the total number of votes and voters; or
- a discrepancy between the total number of votes and voters was the result of an incorrect tabulation or other malfunction of voting system equipment at the early voting polling place.

These provisions apply only to the processing of election results for early voting in electronic voting systems that require voters to deposit voted ballots directly into a unit of automatic tabulating equipment and does not entail the counting of ballots at a central counting station.

S.B. 2217 requires the presiding election judge, immediately after closing a polling place that requires a voter's ballot to be scanned at the polling place with an optical scanner at the end of the period for early voting by personal appearance and on election day, to generate a report from each optical scanner used at the polling place regarding the total number of ballots scanned by that scanner during the period for early voting by personal appearance or election day, as applicable. The bill prohibits the report from including information on the number of votes received by a candidate or for or against any proposition.

S.B. 2217 requires the presiding judge of the central counting station in an election using centrally counted optical scan ballots to prepare a report regarding the total number of ballots scanned by each optical scanner from each data storage device and requires the presiding judge to prepare the report for such a device before the information from the storage device is read into a central accumulator. The bill requires the presiding judge to prepare one report for the total number of ballots from each specific data storage device. The bill prohibits a report regarding the total number of ballots scanned by each optical scanner from each data storage device that is prepared before the opening of polling locations on election day from containing information on the number of votes cast for any candidate or for or against any proposition. The bill defines a central accumulator as a part of a voting system that tabulates or consolidates the vote totals for multiple precincts.

S.B. 2217 requires an election system for an election held on or after September 1, 2026, that uses a central accumulator to be capable of producing a report with the total number of votes received by each candidate and for or against each proposition for each polling place.

S.B. 2217 applies only to an election ordered on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.