

BILL ANALYSIS

Senate Research Center
89R14798 MPF-F

S.B. 2217
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State Affairs
4/8/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2217 will increase transparency in elections by requiring consistent data reporting across jurisdictions. The bill focuses on improving transparency, accuracy, and accountability in Texas elections by mandating consistent reporting, reconciliation processes, and enhanced capabilities for electronic voting systems. Many of our counties are already doing the things in this bill. But the bill will require all counties to comply.

Key Provisions:

1. Electronic Voter Acceptance Devices (Section 31.014):

- Electronic pollbooks must be able to produce a report with all of the information on a combination form and a copy of the list of all voters who were accepted to vote.

2. Provisional Ballot Reporting (Section 65.057):

- Makes accounting of provisional ballots consistent. Provisional ballots cast during early voting will be reported with early voting results, while those cast on election day will be included with election day results.

3. Post-Election Reconciliation (Section 66.005):

- Within 30 days after election day, the general custodian of election records must reconcile the total votes cast with the number of voters accepted at each polling place, with results posted on the county's website.

4. Reports from Electronic Devices (Section 66.006):

- Counties using electronic pollbooks must produce and retain the reports on voter acceptance and combination forms (described in Section 31.014(a)(9) and (10)) within 30 days post-election.

5. Early Voting Reconciliation (Section 87.129):

- For counties that do polling place tabulation, the presiding judge must reconcile votes and voters daily during early voting, and investigate discrepancies. If a discrepancy of one percent or greater is found or if a discrepancy was the result of voting equipment malfunction, the official tabulation must be done at a central counting station.

6. Polling Place Reports for Optical Scanners (Section 125.0635):

- At polling places using optical scanners, presiding judges must generate reports on the total ballots scanned after early voting and election day. The reports cannot include information on the number of votes received by any candidate or proposition.

7. Central Counting Station Reports (Sections 127.1302):

- For centrally counted optical scan ballots, presiding judges must report the total ballots scanned by each optical scanner before any storage device is read into the central accumulator. The presiding judge shall also prepare a report showing the total number of ballots from each specific data storage device.

8. Central Accumulator Reports (Section 127.133):

- Starting September 1, 2026, central accumulators must produce vote reports by polling place.

As proposed, S.B. 2217 amends current law relating to certain election practices and procedures.

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 31.014(a), Election Code, as follows:

(a) Requires the secretary of state to prescribe specific requirements and standards, consistent with the Election Code, for the certification of an electronic device used to accept voters under Chapter 63 (Accepting Voter) that require the device to:

(1)-(6) makes no changes to these subdivisions;

(7)-(8) makes nonsubstantive changes to these subdivisions;

(9) produce a report with all information required to be included on a combination form under Chapter 63 and Section 64.032 (Persons Providing Assistance); and

(10) 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.

SECTION 2. Amends Section 65.057, Election Code, by adding Subsection (c) to require that provisional ballots cast during the early voting period, when reporting the results of a count under Section 65.057 (Processing Accepted Provisional Ballots), be included with the results for early voting by personal appearance, and that provisional ballots cast on election day be included with the results for election day.

SECTION 3. Amends Subchapter A, Chapter 66, Election Code, by adding Sections 66.005 and 66.006, as follows:

Sec. 66.005. POST ELECTION RECONCILIATION. (a) 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.

(b) Requires the general custodian of election records to post the results of a reconciliation conducted under Subsection (a) on the county's Internet website in the same location that the county provides information on election results.

Sec. 66.006. PRODUCTION AND PRESERVATION OF CERTAIN REPORTS FROM ELECTRONIC DEVICES TO ACCEPT VOTERS. (a) Requires the general custodian of election records for an authority holding an election that uses an electronic device certified under Section 31.014 (Certification of Electronic Devices to Accept Voters) to accept voters to prepare a report including information described by Sections 31.014(a)(9) and (10) not later than the 30th day after election day.

(b) Provides that a report produced under Subsection (a) is an election record under Section 1.012 (Public Inspection of Election Records) and is required to be retained by the general custodian of election records for the period for preserving the precinct election records.

SECTION 4. Amends Subchapter G, Chapter 87, Election Code, by adding Section 87.129, as follows:

Sec. 87.129. PROCESSING RESULTS WITHOUT CENTRALIZED COUNTING. (a) Provides that this section applies 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.

(b) 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.

(c) Requires the presiding judge to investigate any discrepancy between the number of votes and voters revealed by a reconciliation conducted under Subsection (b) and document the cause of the discrepancy.

(d) Requires that the official tabulation of ballots be conducted at a central counting station if a reconciliation and investigation conducted under this section reveals a discrepancy of one percent or more between the total number of votes and voters or the discrepancy was the result of an incorrect tabulation or other malfunction of voting system equipment at the early voting polling place.

SECTION 5. Amends Section 121.003, Election Code, by adding Subdivision (14) to define "central accumulator."

SECTION 6. Amends Subchapter C, Chapter 125, Election Code, by adding Section 125.0635, as follows:

Sec. 125.0635. POLLING PLACE REPORT FOR VOTING FOR CERTAIN ELECTRONIC VOTING SYSTEMS. (a) Provides that this section only applies to a polling place that requires a voter's ballot to be scanned at the polling place with an optical scanner.

(b) Requires the presiding election judge, immediately after closing the polling place 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.

(c) Prohibits a report produced under Subsection (b) at an early voting polling place from including information on the number of votes received by a candidate or for or against any proposition.

SECTION 7. Amends Subchapter E, Chapter 127, Election Code, by adding Sections 127.1302 and 127.133, as follows:

Sec. 127.1302. REQUIRED REPORT FOR OPTICAL SCANNERS. (a) 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.

(b) Requires the presiding judge of the central counting station to prepare one report for the total number of ballots from each specific data storage device.

(c) Requires the presiding judge of the central counting station to prepare the report for a data storage device under Subsection (a) before the information from the storage device is read into a central accumulator.

(d) Prohibits a report prepared under Subsection (a) 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.

Sec. 127.133. REQUIRED REPORT FROM CENTRAL ACCUMULATOR. (a)
Provides that this section only applies to an election held on or after September 1, 2026.

(b) Requires that an election system that uses a central accumulator be capable of producing a report from the central accumulator with the total number of votes received by each candidate and for or against each proposition for each polling place.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2025.