

BILL ANALYSIS

C.S.H.B. 3276
By: Parker
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Counties in various states, including Washington, New Jersey, and Arizona, have provided video displays of their ballot counting process. It has been suggested that recording a video of the ballot counting process increases voter confidence and instills trust in the electoral system. There have been calls to provide for the live video recording of this process in Texas to ensure the integrity of our elections. C.S.H.B. 3276 seeks to provide for the implementation of video surveillance systems that retain a video record of all ballot counting locations.

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 rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3276 amends the Election Code to require the general custodian of election records to implement a video surveillance system that retains a record of all areas containing ballots voted from the time the polls close or the time the last voter has voted, whichever is later, until the canvass of precinct election returns. The bill does the following with respect to the video recording:

- designates the recorded video as a precinct election record under provisions relating to the disposition of those records after an election;
- requires the general custodian of election records to provide a live video stream of any recorded election activity on the website of the authority administering the election;
- if the ballots are moved from one location to another, requires the live video stream to continue until the transfer is completed; and
- requires the secretary of state to adopt rules necessary for the implementation of the bill's video recording provisions.

C.S.H.B. 3276 requires the guard posted by the general custodian of election records at a central counting station for purposes of ensuring the security of voted ballots to be a licensed peace officer and changes the period during which the guard must be posted from throughout the period of tabulation to the period lasting from the time the polls close or the time the last voter has voted, whichever is later, until the canvass of precinct election returns.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3276 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the period for which the video surveillance system must retain a record of all areas containing voted ballots from a period lasting from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns, as in the original, to a period lasting from the time the polls close or the time the last voter has voted, whichever is later, until the canvass of precinct election returns.

Whereas the original designated the recorded video as an election record under provisions relating to public inspection of election records and required its retention by the general custodian of election records until the end of the calendar year in which the election is held, the substitute designates the video as a precinct election record under provisions relating to the disposition of those records after an election.

The substitute includes the following requirements, which were absent from the original:

- a requirement for the general custodian of election records to provide a live video stream of any recorded election activity on the website of the authority administering the election;
- a requirement for the live video stream, if the ballots are moved from one location to another, to continue until the transfer is completed; and
- a requirement for the secretary of state to adopt rules necessary for the implementation of video recording of counting stations.

While both the original and substitute require the guard posted by the general custodian of election records at a central counting station to be a licensed peace, the substitute changes the period throughout which the guard must be posted, whereas the original did not change this period.