

BILL ANALYSIS

Senate Research Center

S.B. 851
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Finance
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As voter databases and elections systems are increasingly managed in digital formats, the exposure to and risks of cyber attacks has also increased. After 2016, it became clear that elections systems were under threat from malicious cyber actors. It came to light that a number of states had their elections systems either probed or compromised prior to the 2016 elections. Additionally, the United States Department of Homeland Security (DHS) reported an increase in the number of attempted cyber attacks on election databases ahead of the 2018 midterm elections.

The Department of Information Resources (DIR) currently houses the Texas Cybersecurity Council (TCC), which includes membership from state agencies and expert members of the public to collaborate and provide recommendations on cybersecurity matters that implicate the state. The Secretary of State (SOS) does not currently have an in-house cybersecurity specialist, nor does it have a formal relationship with DIR or other state cybersecurity assets to collaborate on issues of cybersecurity that impact elections.

S.B. 851 adds an employee of the Elections Division in the SOS as a member of the TCC. This act will ensure that state election officials will be better informed about potential cyberattacks relating to elections, and increase the flow of information between state election officials and cybersecurity experts, which will better serve the goal of maintaining overall election security.

S.B. 851 amends current law relating to the composition of the cybersecurity council.

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 2054.512(b), Government Code, to require the cybersecurity council to include, in addition to other members, one member who is an employee of the Elections Division of the Office of the Secretary of State. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2021.