

# 2023 Legislative Update

County Election Law Seminar August 2023



# Legislative Update

10/6/2023

Texas Secretary of State Elections Division



## 2023 Legislative Actions

- **Regular Session concluded on May 29, 2023**
  - This update contains a review of a limited number of bills impacting voter registrars.
  - Advisory: 2023 Legislative Summary
- **Special Sessions in 2023**
  - Property Tax (Second Called Special Session)
  - Additional Special Sessions Possible

# General Election Law Changes



## Standardized Runoff Dates

- [House Bill 357 \(Bucy\)](#): Requires the Secretary of State to set the runoff date for all runoff elections resulting from an election held on a uniform election date.
  - The runoff date shall be held on a Saturday and must occur no earlier than the 30th day after the date of the main election and no later than the 45th day after the date of the main election.
  - The runoff election date may not be a national or state holiday under Section 1.006(f) of the Election Code. The runoff election's early voting period may not include a national or state holiday under Section 1.006(f).
  - Modifies authentication requirements of the Ballot by Mail Tracker to include: the voter's name, date of birth, the last four digits of the voter's social security number, and the voter's driver's license or personal identification card number issued by the Department of Public Safety.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 2.025, 86.015(b)
- Repeals: Election Code § 2.025(b)

# November 2023 Runoff Election

## December 9, 2023

December 9, 2023 Runoff	
Thursday, November 9, 2023	Deadline to Register to vote
November 9 – November 29, 2023	Publish notice of election
November 23-24, 2023	Closed due to Thanksgiving
*Monday, November 27, 2023	Early Voting in Person Starts *EV Rolls forward due to 85.001
Tuesday, November 28, 2023	Last Day to Receive an Application for Mail Ballot
Tuesday, December 5, 2023	Last Day of Early Voting
<b>Saturday, December 9, 2023</b>	<b>Election Day</b>
Monday, December 11, 2023	Last Day to Receive Returned Ballot by Mail with Postmark on or before December 9, 2023
Friday, December 15, 2023	Last Day to receive mail ballots from FPCA Military Voters
Wednesday, December 20, 2023	Last Day for Official Canvass



## Public Information and Voted Ballots

- **House Bill 5180 (Wilson)**: Clarifies the date by which voted ballots, cast vote records, and ballot images are available for public inspection.
  - Cast vote records and ballot images (if maintained) shall be made available by the general custodian of election records for public inspection no later than the first day after the final canvass of an election.
  - On the 61st day after election day, the general custodian shall make available for public inspection the original voted ballots.
  - The general custodian shall adopt procedures to ensure the redaction of any personally identifiable information of the voter that is contained on the voted ballot, ballot images, or cast vote records before making them available for public inspection.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 1.012



# Effects

- Public Information Outline
- Advisory with Guidance on Compliance and Safeguarding of Voted Ballots



## County Election Board

- **House Bill 2800 (Paul)**: Requires meetings of the county election board to be held in person and open to the public. Not later than 48 hours before each meeting of the county election board, the county clerk shall post notice of the meeting on the county's website.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 51.002

## Unopposed Candidates

- [Senate Bill 1089](#) (**Parker**): Eliminates the ability of the Secretary of State and county election officers to declare unopposed candidates for county, district, and statewide offices elected and to cancel the elections for the unopposed offices. These unopposed candidates will appear on the ballot and must receive at least one vote to be elected to office. **NOTE:** This bill did not change the mandatory cancellation of an election for local political subdivisions (cities, schools, and other local government districts) under Section 2.051 of the Texas Election Code.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 2.051, 52.092
- Repeals: Election Code §§ 2.056, 124.003(e)



## Standardized Training

- **House Bill 1632 (Paul)**: Requires the Secretary of State to develop a standardized training program for polling place workers, early voting ballot board members, signature verification committee members, and central counting station personnel.
  - The training program shall include a published handbook and shall be made available on the Secretary of State's website free of charge.
  - The training program must be made available at any time without prior registration, shall require the passage of an examination, and shall provide a certificate of completion.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 32.111, 32.1111, 87.0031, 87.0272, 127.010



# Effects

- Handbooks
  - Election Judges and Clerks (Qualifying Voters)
  - Early Voting Ballot Board
  - Signature Verification Committee (NEW)
  - Central Counting Station (NEW)
- Online Poll Worker Training
  - Individual modules that correspond with each handbook



## Combining Precincts

- [Senate Bill 924 \(Springer\)](#): Modifies provisions related to the combining of county election precincts.
  - Combining may only occur in a general or special election for which the use of county election precincts is required and is limited to counties with precinct-based voting and a population of less than 1.2 million.
  - On the recommendation of the county election board, the commissioners court may combine polling places if the county cannot secure a suitable polling place location under Section 43.031 and the location of the combined polling place adequately serves the voters of the combined precinct.
  - A combined precinct may not contain more than 10,000 registered voters.
  - **Combining is NOT permitted for Primary Elections.**

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 42.006, 42.0051
- Repeals: Election Code § 42.0051(b)

# Effects

- Advisory on SB 924
- Counties may need to review county election precinct lines to ensure compliance
  - Countywide Counties = may need more locations, workers, equipment

## Early Voting Days/Hours

- **House Bill 1217 (Swanson)**: Standardizes the days and hours for early voting at the main early voting polling place across counties for primary elections, the general election for state and county officers, and special elections ordered by the Governor.
  - Requires weekend hours at the main early voting polling place for the primary election and the general election for state and county officers.
  - Repeals provisions allowing branch early voting locations to have different hours from the main early voting location for counties under a certain population threshold.
  - Allows counties under 55,000 in population to use Chapter 19 funds to help defray the costs associated with the additional hours.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 19.004, 85.005, 85.006, 85.064, 85.068
- Repeals: Election Code §§ 85.064(a), 85.065



# Effects

- Advisory on HB 1217
- Counties may need to review early voting locations to plan for increased hours
- Forms
  - Petition for Weekend Voting in a non-primary or GESCO election (NEW)
  - Several petition forms have been removed from SOS Election Forms Index



## Voters with Disabilities

- [Senate Bill 477 \(Zaffirini\)](#): Makes a number of changes related to accommodating voters with disabilities.
  - Requires election officers to accept any person with a mobility problem that substantially impairs the person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person. Notice of this voting order priority shall be posted at each entrance to a polling place.
  - Requires county election officers to post all procedures and accommodations available for voters with disabilities, including information on curbside voting under Section 64.009, on the county's website in an accessible manner.
  - Provides that each polling place must designate a space not smaller than the size of one parking space for curbside voting. The space must be clearly marked with a sign that indicates the space is reserved for a voter who is unable to enter the polling place. The sign must also display, in a font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place. Alternatively, the election authority may provide a button or intercom that the voter may use to request assistance from an election officer.
  - Requires the Secretary of State and early voting clerks to provide a printable application for a ballot by mail in a format that allows a person to complete the application directly on their website before printing. Early voting clerks may comply with this requirement by using the Secretary of State's prescribed form or by providing their own application form.

- Effective Date: Immediately
- Statutes Affected: Election Code §§ 63.0015, 64.009, 84.0121, 84.013, 104.004



# Effects

- Advisory on SB 477
- Election Judges and Clerks Handbook – Updated to reflect changes
- Forms
  - Notice of Voting Order Priority Form (REVISED)
  - Curbside Voting Forms (REVISED)

## Election Worker Pay

- **Senate Bill 1052 (Springer)**: Allows election judges or clerks to be paid for up to two hours of work before the polls open on election day or early voting.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 32.091(b)

## Poll Watcher Requirements

- **House Bill 1631 (Paul)**: Eliminates the requirement for poll watchers to serve for five continuous hours at a polling place on election day in order for the watcher to serve the hours they choose.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 33.052

# Effects

- Updated Poll Watcher's Guide

## Electronic Media

- **Senate Bill 1661 (Hughes)**: Clarifies that an authority operating a central counting station may only purchase or use a ballot scan system if the system is only capable of using a data transfer media device that: (1) once a cast vote record is written, is incapable of being modified without automatic detection of the modification and rejection of the cast vote record; and (2) does not allow for the process to be overridden or circumvented.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 127.1301(b)

## Recounts

- [Senate Bill 825 \(Bettencourt\)](#): Modifies the deadline for submitting a recount petition. Recount petitions must be submitted by 5:00 pm of the third business day after the date of the canvass for an initial recount, and 2:00 pm of the second day after the date of the local canvass for an expedited recount.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 212.028, 212.083

# Effects

- Combined Recount Outline (REVISED) and Best Practices Guide (NEW)
- **Forms**
  - Petition for a Recount (REVISED)
  - Withdrawal of Recount Petition (NEW)
  - Certificate of Appointment of Recount Committee (NEW)
  - Certificate of Appointment of Recount Chair (NEW)
  - Name Badges for Recount (NEW)
  - Tally Sheet for Manual Recount (NEW)



## Election Contests

- [Senate Bill 1054](#) (**Nichols**): Modifies the time frame for a trial date related to an election contest on a proposed constitutional amendment. The trial date may not be later than the 180th day after the date of the contested election. The trial date may be earlier than the 45th day after the date of the contest election at the request of the contestant. If a contestant files an appeal of the contest, the appellate court must ensure that the action is brought to final disposition not later than the 180th day after the date the judgment becomes final.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 233.014

## Electoral College

- **House Bill 87 (Murr)**: Modifies certain procedures related to the Electoral College, including: the selection of replacement presidential electors, the requirement to execute an oath relating to the elector's vote for their party's nominee, and the Secretary of State's role as the presiding officer of the Electoral College meeting.
- Effective Date: Immediately
- Statutes Affected: Election Code §§ 192.004, 192.006, 192.009, 192.062, 192.064, 192.065, 192.101-192.104
- Repeals: Election Code § 192.007

## Illegal Voting

- [House Bill 1243 \(Hefner\)](#): Raises the penalty for illegal voting under Section 64.012 to a felony of the second degree unless the person is convicted of an attempt, in which event it is a state jail felony.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 64.012

# Effects

- Forms
  - Provisional Ballot Affidavit Envelope (REVISED)
  - Limited Ballot Application (REVISED)

# Voting by Mail

## ABBM Form

- [House Bill 315](#) (**Cortez**): Requires a statement on the officially prescribed application for ballot by mail form that explains the benefits to a voter of furnishing the voter's telephone number and how providing that number assists the early voting clerk. The bill directs the Secretary of State to make the prescribed statement available on the Secretary's website.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 84.011

# Effects

- Voting by Mail Guide (NEW) – Completed, in final review
- Revised ABBM Form

## Carrier Envelope Signature

- **House Bill 1299 (Noble)**: Emphasizes that when a voter or assistant, if applicable, signs the carrier envelope for a ballot by mail, the signature must be affixed using ink on paper. An electronic signature or photocopied signature is not permitted.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 86.005, 86.0051



## Corrective Action Process

- **Senate Bill 1599 (Hughes)**: Modifies certain procedures related to voting by mail, including the corrective action process for applications for ballot by mail and mail ballots.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 66.026, 84.032, 84.036, 86.008, 86.015, 87.0222, 87.0241, 87.0271, 87.041, 87.0411

## Corrective Action Process (SB 1599)

- **Mail Ballot Cancellation Procedures**

- Requires election workers to maintain a register of surrendered mail ballots returned at a polling place when a voter cancels their mail ballot and votes in person.
- Ballots surrendered at the polling place shall be deposited in Ballot Box No. 4 for delivery to the general custodian.
- The bill directs the Secretary of State to prescribe a form for this purpose.

## Corrective Action Process (SB 1599)

- **Corrective Action Procedures for the Application for Ballot by Mail (ABBM)**

- Creates a process by which a voter may correct certain defects in their application to vote by mail.
- Not later than the second day after the early voting clerk discovers certain defects in a voter's application, the clerk must determine if there is enough time for a voter to correct the defect.
- If so, the early voting clerk shall deliver a notice to the voter describing the defect and provide them the opportunity to correct the defect.
- The early voting clerk may notify the applicant by phone or email of the defect and inform the voter of their ability to correct the defect by mail, in person, or through the ballot by mail tracker.
- Allows certain defects in a voter's mail ballot application to be corrected through the ballot by mail tracker.

## Corrective Action Process (SB 1599)

- **Ballot by Mail Tracker Changes**

- Modifies the authentication requirements for the ballot by mail tracker to include the voter's name, date of birth, the last four digits of the voter's social security number, and the voter's driver's license number or personal identification card number issued by the Department of Public Safety.

## Corrective Action Process (SB 1599)

- **Corrective Action for Carrier Envelope Changes**

- Allows the early voting ballot board or signature verification committee to mail a corrective action notice and a corrective action form to a voter. The early voting ballot board or signature verification committee can no longer send the carrier envelope to the voter for correction.
- Allows voters to correct defects in their carrier envelope by returning a corrective action form, appearing in person at the early voting clerk's office, canceling their application to vote by mail and voting in person, or making the correction through the ballot by mail tracker, if possible.
- Voters have until the sixth day after election day to complete the corrective action process.

## Corrective Action Process (SB 1599)

- **Early Voting Ballot Board Changes**

- Allows early voting ballot boards in all counties to begin meeting any time they have ballots to review. Early voting ballot boards must have their first meeting not later than 9 days before election day, if they have not already met before that day. Notice shall be posted at least 24 hours before each delivery of ballots to the ballot board.
- Clarifies that the early voting ballot board shall compare signatures when making a determination to accept a ballot regardless of whether the presumption in favor of the voter exists due to the personal identification numbers matching the voter's registration record.

# Effects

- Advisory on SB 1599
- Voting by Mail Guide (NEW) – Completed, in review
- Early Voting Ballot Board Handbook (REVISED)
- Signature Verification Committee Handbook (NEW)
- Forms
  - NEW
    - Register of Surrendered Ballots
    - Notice of Rejected Application for Ballot by Mail that may be Cured Online
    - Notice of Rejected Confidential Voter Registration Form and Early Voting Ballot Application
    - Notice of Carrier Defect Issued by the Early Voting Clerk for Confidential Voters
  - REVISED
    - Notice of Rejected Application for Ballot by Mail
    - Notice of Rejected Application for Ballot by Mail Containing a Defect that may be Cured Online
    - Notice of Carrier Defect Issued by the Early Voting Clerk (Carrier Envelope Returned to Voter)
    - Notice of Carrier Defect Issued by the Early Voting Clerk (Carrier Envelope NOT Returned to Voter)
    - Notice of Defective Carrier Issued by Signature Verification Committee or Early Voting Ballot Board

# Candidacy and Office Holding



## Judicial Candidates

- **[House Bill 2384 \(Leach\)](#)**: Creates a separate candidate application form and additional application requirements for certain judicial offices, including: chief justice or justice of the supreme court; presiding judge or judge of the court of criminal appeals; chief justice or justice of a court of appeals; district judge, including a criminal district judge; and a judge of a statutory county court.
- The bill directs the Secretary of State to prescribe the form and content of the application materials.
- The bill provides that an attorney may be subject to a public sanction for knowingly making a false declaration on a judicial candidate application.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 141.0311
- Various provisions in the Government Code



# Effects

- Forms
  - Judicial Candidate Application Form
    - Primary Candidate
    - Convention Candidate
    - Independent Candidate
    - Write-in Candidate
- Candidates Guide – Completed, Pending Release
  - New page on Judicial Candidate Qualifications and Application Requirements



## Convention Party Candidates

- **Senate Bill 994 (Schwertner)**: Allows the Secretary of State to issue a declaration of ineligibility for a nominee of a party that nominates through the convention process who fails to submit a filing fee or a petition in lieu of filing fee in conjunction with their candidate application. If a candidate is declared ineligible for this reason, the party's executive committee may make a replacement nomination only if the replacement candidate pays the filing fee or submits a petition in lieu of a filing fee.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code §§ 145.003, 145.036

## Court Creation

- **Senate Bill 1045 (Huffman)**: Creates the Fifteenth Court of Appeals District. The initial vacancies in the offices of chief justice and justices of the court shall be filled by appointment.

- Effective Date: September 1, 2023
- Court Creation Date: September 1, 2024
- Statutes Affected: Various provisions in the Government Code and other codes

## Eligibility Requirements for Sheriff

- **Senate Bill 1124 (King)**: Modifies the eligibility requirements to run for, and serve as, sheriff.

- Effective Date: September 1, 2023
- Statutes Affected: Local Government Code § 85.0011  
Occupations Code § 1701.302
- Repeals: Local Government Code § 85.0025

## Court Creation/Jury Exemptions

- [House Bill 3474](#) (**Leach**): Creates 12 new district courts and 6 new county and probate courts. Creates an exemption for jury service due to a previous misdemeanor theft or felony conviction. Requires the jury clerk to report the list of persons claiming this exemption to the Secretary of State on a monthly basis. Provides that a person qualified to serve as a petit juror may establish an exemption from jury service if the person is over 75 years of age.

- Effective Date: September 1, 2023
- Statutes Affected: Various provisions in the Government Code

## Removal From Office

- **Senate Bill 232 (Hinojosa)**: Requires the removal of an elected or appointed officer of a political subdivision due to certain qualifying offenses. The bill also contains provisions regarding appealing the removal and filling the vacancy created by a removal.

- Effective Date: September 1, 2023
- Statutes Affected: Local Government Code §§ 180.010, 21.031(c), 87.032

# Voter Registration





## List Maintenance

- **Senate Bill 545 (Kolkhorst)**: Requires the Department of State Health Services to provide certain data to the Secretary of State on a weekly basis regarding deceased individuals to assist in maintaining the statewide voter registration system. The data must include the deceased's county of residence, date of birth, and full name.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 16.001(c)  
Health and Safety Code §§ 191.011, 193.001

## Interstate Crosscheck Program

- **Senate Bill 1070 (Hughes)**: Modifies the requirements for participation by the Secretary of State in an interstate voter registration crosscheck program.
  - The bill requires the Secretary of State to (1) cooperate with other states and jurisdictions to develop programs that compare voters, voter history, and voter registration lists to obtain certain information for list maintenance purposes; or (2) identify and contract with a private sector data system provider to obtain this data.
  - If the Secretary of State contracts with a private sector data system provider, the vendor must have demonstrated an ability to work with registered voter identification and matching systems; the vendor must comply with state and federal laws; the system must satisfy specified cost limitations; and a contract with a vendor may not require any additional duty of the state not required by Section 18.062.
  - The bill directs the Secretary of State to record information related to a private sector data system and submit to the legislature a report on that information by the first day of each quarter of the state's fiscal year.
- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 18.062



# Effects

- On July 20, 2023, Texas submitted resignation letter to ERIC.
- Texas is communicating with other states on potential state-to-state agreements for voter participation reports.
- Texas is looking to obtain data directly from specific data sources rather than relying on third-party organizations.

## Jury Exemption Due to Age

- **House Bill 2015 (Leach)**: Provides that a person qualified to serve as a petit juror may establish an exemption from jury service if the person is over 75 years of age. Promptly after a statement claiming a permanent exemption on the basis of age is filed, the clerk of the court with whom it is filed must have a copy delivered to the voter registrar of the county.

- Effective Date: September 1, 2023
- Statutes Affected: Government Code §§ 62.106, 62.107, 62.108

## Confidentiality

- **Senate Bill 870 (West)**: Expands the list of voters eligible for confidentiality to include current or former employees of the office of attorney general that performed duties in those divisions where staff is already afforded confidentiality protections because of their law enforcement activities.
- Effective Date: September 1, 2023
- Statutes Affected: Government Code §§ 552.117, 552.1175

# Effects

- Advisory on Confidentiality
- Forms
  - Confidentiality Request Form

## Population Thresholds

- **[House Bill 4559 \(Darby\)](#)**: Modifies the population thresholds in various Texas statutes.
  - **Texas Election Code**
    - **[Section 31.039\(g\)](#)**: Prohibitions on the restrictions of political activities to those employed in a county election administrator's office do not apply to counties with a population of 1.2 million or less.
    - **[Section 31.160\(e\)](#)**: Prohibitions on the restrictions of political activities to those employed in a joint elections administrator's office do not apply to counties with a population of 1.2 million or less.
    - **[Section 143.005\(e\)](#)**: Increases the population threshold to counties with a population of 2.5 million or more.
    - **[Section 172.024\(a\)](#)**: Changes the population threshold related to the filing fee for chief justice or justice of a court of appeals district in a county with a population of more than 1.2 million.
- Effective Date: September 1, 2023
- Statutes Affected: Various provisions identified above



## Population Thresholds

- [House Bill 4559 \(Darby\)](#): Modifies the population thresholds in various Texas statutes.
  - **Texas Education Code**
    - [Section 11.0581](#): Increases the population threshold for the requirement of joint elections with hospital districts in a county with a population of 50,000 and adjacent to a county with a population of more than 3 million.
    - [Section 130.082](#): Increases the maximum population level from 2 million to 2.5 million regarding the election of trustees of a countywide junior or community college district that contains a city with a population of more than 1.18 million.



## Population Thresholds

- [House Bill 4559 \(Darby\)](#): Modifies the population thresholds in various Texas statutes.
  - **Texas Government Code**
    - [Section 62.011](#): Provides that a plan for the selection of prospective jurors must designate the district clerk, or in a county with a population of at least 1.7 million and in which more than 70 percent (previously 75 percent) of the population resides in a single municipality, a bailiff, as the officer in charge of the selection process.
    - [Section 62.0145](#): Decreases the percentage from 75 to 70 pertaining to removal of certain persons from the pool of prospective jurors.
    - [Section 62.021](#): Increases county population level from 2 million to 2.5 million regarding dismissal of juror removed from panel.

## Population Thresholds

- **House Bill 4559 (Darby)**: Modifies the population thresholds in various Texas statutes.
  - **Texas Health and Safety Code**
    - **Section 281.004**: Changes the threshold regarding ballot language in certain elections in counties with a population of more than 1.2 million (previously 800,000).
    - **Section 281.021**: Changes the threshold regarding the appointment of a board in counties with a population of more than 2.1 million (previously 1.8 million) but less than 2.5 million (previously 1.9 million).

## Population Thresholds

- **[House Bill 4559 \(Darby\)](#)**: Modifies the population thresholds in various Texas statutes
  - **Local Government Code**
    - **[Section 21.101](#)**: Changes the threshold for recall elections for certain cities in El Paso County.
    - **[Section 22.041](#)**: Changes the threshold for certain cities in El Paso County regarding city council officers being absent from meetings.
  - Section 284 of the bill amends population levels for election of county school trustees in Brazoria County.
  - Section 285 of the bill amends population levels for election of county-wide school district trustees in Jim Hogg County.
  - Section 286 of the bill amends population levels for the office of the county board of school trustees in Galveston County.
  - Section 287 of the bill amends population levels for the office of county board of education for Jim Hogg and Maverick Counties, as well as Cass, Kleberg, and Bee Counties.
  - Section 295 of the bill amends population levels regarding the appointment of a county engineer for Montgomery County.



# Secretary of State Pilot Programs/Feasibility Studies

## Video Recording Pilot

- **House Bill 246 (Swanson)**: Requires the Secretary of State to establish a pilot program requiring a county to use a video recording device to record:
  - (1) all areas containing voted ballots in:
    - (a) each central counting station in the manner required by Section 127.1232; or
    - (b) if the county has not established a central counting station, not less than 20 percent of precincts in the county; and
  - (2) ballot counting activity performed by the early voting ballot board after the polls close on election day, including the processing of:
    - (a) early voting ballots voted by mail;
    - (b) early voting ballots voted by mail that have had a defect corrected under Section 87.0411; and
    - (c) provisional ballots.
  - The Secretary of State must select six counties to take part in the pilot program, including two counties each from three different population brackets.
  - The bill directs the Secretary of State to submit a report to the legislature regarding the pilot program by January 1, 2025.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 65.017



# Effects

- Seeking counties to participate in study.
- Evaluating the proper parameters associated with having cameras in the polling place for counting procedures because of potential conflicts with other provisions in the Texas Election Code.

## SCIF Standards for Central Counting Stations

- **House Bill 1848 (DeAyala)**: Requires the Secretary of State to conduct a feasibility study on conforming each central counting station with the Sensitive Compartmented Information Facilities (SCIF) standards promulgated by the United States federal government.
  - The study must consider the feasibility of ensuring substantial compliance with SCIF standards while allowing for poll watching and other citizen involvement in an election permitted under state law.
  - The bill directs the Secretary of State to submit a report to the legislature summarizing the study's findings by December 1, 2024.

- Effective Date: September 1, 2023
- Statutes Affected: Election Code § 127.010



# Miscellaneous Provisions





## Administration of Oaths

- **House Bill 2559 (Vasut)**: Expands the list of individuals who are authorized to administer oaths to include a retired justice of the peace, the comptroller of public accounts, and a former comptroller of public accounts.

- Effective Date: September 1, 2023
- Statutes Affected: Government Code § 602.002



## Security Incident Reporting

- **Senate Bill 271 (Johnson)**: Requires local governments to report to state officials when they experience certain security incidents including security breaches and ransomware attacks. If the incident involves election data, the local government must notify the Secretary of State of the incident.

- Effective Date: September 1, 2023
- Statutes Affected: Government Code § 2054.603

# Effects

- Mandatory Incident Reporting Requirements for Security Breaches and Ransomware Attacks
- DIR Webpage on Incident Reporting Requirements
- SOS Advisory/Webpage on Incident Reporting Requirements

## Litigation Exception to Public Information Act

- [House Bill 3033](#) (**Landgraf**): Provides that the Public Information Act's litigation exception to disclosure does not apply if the information requested relates to a general, primary, or special election as defined by Section 1.005 of the Texas Election Code and the information is in the possession of a governmental body that administers a general, primary, or special election.

- Effective Date: September 1, 2023
- Statutes Affected: Government Code § 552.103

# Constitutional Amendments



## Joint Resolutions Passed During the 2023 Regular Session and Second Special Session

- [HJR 2](#) – “The constitutional amendment authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas.”
- [HJR 3](#) – “The constitutional amendment relating to the Texas University Fund, which provides funding to certain institutions of higher education to achieve national prominence as major research universities and drive the state economy.”
- [HJR 107](#) – “The constitutional amendment to increase the mandatory age of retirement for state justices and judges.”
- [HJR 125](#) – “The constitutional amendment creating the broadband infrastructure fund to expand high-speed broadband access and assist in the financing of connectivity projects.”
- [HJR 126](#) – “The constitutional amendment protecting the right to engage in farming, ranching, timber production, horticulture, and wildlife management.”
- [HJR 132](#) – “The constitutional amendment prohibiting the imposition of an individual wealth or net worth tax, including a tax on the difference between the assets and liabilities of an individual or family.”
- [HJR 134](#) – “The constitutional amendment providing for the abolition of the office of county treasurer in Galveston County.”



- [SJR 32](#) – “The constitutional amendment authorizing the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.”
- [SJR 64](#) – “The constitutional amendment authorizing a local option exemption from ad valorem taxation by a county or municipality of all or part of the appraised value of real property used to operate a child-care facility.”
- [SJR 74](#) – “The constitutional amendment providing for the creation of the centennial parks conservation fund to be used for the creation and improvement of state parks.”
- [SJR 75](#) – “The constitutional amendment creating the Texas water fund to assist in financing water projects in this state.”
- [SJR 87](#) – “The constitutional amendment to authorize the legislature to exempt from ad valorem taxation equipment or inventory held by a manufacturer of medical or biomedical products to protect the Texas healthcare network and strengthen our medical supply chain.”
- [SJR 93](#) – “The constitutional amendment providing for the creation of the Texas energy fund to support the construction, maintenance, modernization, and operation of electric generating facilities.”
- [HJR 2](#) (Second Special Session) – “The constitutional amendment to authorize the legislature to establish a temporary limit on the maximum appraised value of real property other than a residence homestead for ad valorem tax purposes; to increase the amount of the exemption from ad valorem taxation by a school district applicable to residence homesteads from \$40,000 to \$100,000; to adjust the amount of the limitation on school district ad valorem taxes imposed on the residence homesteads of the elderly or disabled to reflect increases in certain exemption amounts; to except certain appropriations to pay for ad valorem tax relief from the constitutional limitation on the rate of growth of appropriations; and to authorize the legislature to provide for a four-year term of office for a member of the board of directors of certain appraisal districts.”



Questions?

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