

AN ACT

relating to establishing a pilot program for recording ballot counting activity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 65, Election Code, is amended by adding Section 65.017 to read as follows:

Sec. 65.017. VIDEO RECORDING OF BALLOT COUNTING AND PROCESSING. (a) Except as provided by Subsection (d), the secretary of state shall 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.

(b) The secretary of state shall select six counties to take

1 part in the pilot program, including:

2 (1) two counties with a population of more than  
3 100,000 and not more than 500,000;

4 (2) two counties with a population of not less than  
5 50,000 and not more than 100,000; and

6 (3) two counties with a population of not more than  
7 5,000.

8 (c) The secretary of state shall adopt procedures to  
9 implement this section, including procedures to determine which  
10 counties may participate in the pilot program under this section.

11 (d) The procedures adopted under Subsection (c) may not  
12 violate the requirements of Section 61.014.

13 (e) The secretary of state shall operate the pilot program  
14 established under this section until January 1, 2025.

15 (f) Not later than January 1, 2025, the secretary of state  
16 shall file a report with the legislature. The report must state:

17 (1) which counties participated in the pilot program;

18 (2) the number of precincts and central counting  
19 stations that recorded video;

20 (3) any best practices for placement and use of the  
21 video recording devices, including:

22 (A) best angles for visibility;

23 (B) best distance between device and counting  
24 station; and

25 (C) best devices for clarity;

26 (4) the cost and availability of broadband Internet  
27 connectivity required to implement the program; and

1           (5) any other information and recommendations  
2 considered necessary by the secretary of state.

3           (g) This section expires January 1, 2025.

4           SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 246 was passed by the House on May 3, 2023, by the following vote: Yeas 83, Nays 58, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 246 was passed by the Senate on May 18, 2023, by the following vote: Yeas 19, Nays 12.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor