

1-1 By: Swanson, et al. (Senate Sponsor - Bettencourt) H.B. No. 246  
 1-2 (In the Senate - Received from the House May 4, 2023;  
 1-3 May 5, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 16, 2023, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 3; May 16, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17			X	
1-18		X		

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to establishing a pilot program for recording ballot  
 1-22 counting activity.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter A, Chapter 65, Election Code, is  
 1-25 amended by adding Section 65.017 to read as follows:

1-26 Sec. 65.017. VIDEO RECORDING OF BALLOT COUNTING AND  
 1-27 PROCESSING. (a) Except as provided by Subsection (d), the  
 1-28 secretary of state shall establish a pilot program requiring a  
 1-29 county to use a video recording device to record:

1-30 (1) all areas containing voted ballots in:

1-31 (A) each central counting station in the manner  
 1-32 required by Section 127.1232; or

1-33 (B) if the county has not established a central  
 1-34 counting station, not less than 20 percent of precincts in the  
 1-35 county; and

1-36 (2) ballot counting activity performed by the early  
 1-37 voting ballot board after the polls close on election day,  
 1-38 including the processing of:

1-39 (A) early voting ballots voted by mail;

1-40 (B) early voting ballots voted by mail that have  
 1-41 had a defect corrected under Section 87.0411; and

1-42 (C) provisional ballots.

1-43 (b) The secretary of state shall select six counties to take  
 1-44 part in the pilot program, including:

1-45 (1) two counties with a population of more than  
 1-46 100,000 and not more than 500,000;

1-47 (2) two counties with a population of not less than  
 1-48 50,000 and not more than 100,000; and

1-49 (3) two counties with a population of not more than  
 1-50 5,000.

1-51 (c) The secretary of state shall adopt procedures to  
 1-52 implement this section, including procedures to determine which  
 1-53 counties may participate in the pilot program under this section.

1-54 (d) The procedures adopted under Subsection (c) may not  
 1-55 violate the requirements of Section 61.014.

1-56 (e) The secretary of state shall operate the pilot program  
 1-57 established under this section until January 1, 2025.

1-58 (f) Not later than January 1, 2025, the secretary of state  
 1-59 shall file a report with the legislature. The report must state:

1-60 (1) which counties participated in the pilot program;

1-61 (2) the number of precincts and central counting

2-1 stations that recorded video;  
2-2 (3) any best practices for placement and use of the  
2-3 video recording devices, including:  
2-4 (A) best angles for visibility;  
2-5 (B) best distance between device and counting  
2-6 station; and  
2-7 (C) best devices for clarity;  
2-8 (4) the cost and availability of broadband Internet  
2-9 connectivity required to implement the program; and  
2-10 (5) any other information and recommendations  
2-11 considered necessary by the secretary of state.  
2-12 (g) This section expires January 1, 2025.

2-13 SECTION 2. This Act takes effect immediately if it receives  
2-14 a vote of two-thirds of all the members elected to each house, as  
2-15 provided by Section 39, Article III, Texas Constitution. If this  
2-16 Act does not receive the vote necessary for immediate effect, this  
2-17 Act takes effect September 1, 2023.

2-18 \* \* \* \* \*