

By: Toth

H.B. No. 4548

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the disposition of certain election records.

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

4 SECTION 1. Section 65.013(b), Election Code, is amended to
5 read as follows:

6 (b) The register must state:

7 (1) the total number of ballots received for
8 conducting voting at the polling place;

9 (2) the number of defectively printed ballots
10 received;

11 (3) the number of ballots provided to voters as
12 indicated by the number of voters on the poll list;

13 (4) the number of spoiled ballots returned by voters;

14 [~~and~~]

15 (5) the number of unused ballots that are not
16 accounted for as defectively printed ballots;

17 (6) the range of serial numbers of the ballots
18 received for conducting voting at the polling place;

19 (7) the range of serial numbers of the ballots
20 provided to voters; and

21 (8) the serial numbers of the spoiled ballots.

22 SECTION 2. Section 65.055(b), Election Code, is amended to
23 read as follows:

24 (b) The board shall place the ballot in a separate envelope

1 for provisional ballots in the [a] ballot box containing all the
2 provisional ballots accepted for voting in the same precinct [the
3 election].

4 SECTION 3. Sections 65.056(b) and (d), Election Code, are
5 amended to read as follows:

6 (b) The early voting ballot board shall place the envelopes
7 containing rejected provisional ballots in envelopes segregated
8 and marked by precinct [an envelope] and shall seal each [the]
9 envelope. More than one envelope for each precinct may be used if
10 necessary.

11 (d) A board member shall deliver the envelopes [envelope]
12 containing the rejected provisional ballots to the general
13 custodian of election records to be preserved for the period for
14 preserving the precinct election records. The envelopes [envelope]
15 may not be placed in the box containing the accepted provisional
16 ballots or any other election records.

17 SECTION 4. Section 66.002, Election Code, is amended to
18 read as follows:

19 Sec. 66.002. PRECINCT ELECTION RECORDS. In this chapter,
20 "precinct election records" means the precinct election returns,
21 voted ballots, and other records of an election that are assembled
22 and distributed under this chapter, and includes election data, as
23 defined by Section 279.001, associated with the precinct.

24 SECTION 5. Section 66.0021(b), Election Code, is amended to
25 read as follows:

26 (b) The general custodian of election records for a primary
27 election or the general election for state and county officers

1 shall maintain a list that states the total number of votes cast in
2 each precinct by personal appearance during the ~~[on]~~ election
3 period ~~[day]~~ that is available for public inspection not later than
4 the day after election day.

5 SECTION 6. Section 66.058, Election Code, is amended by
6 amending Subsections (a), (b), (b-1), (c), and (g), and adding
7 Subsections (b-2) and (g-1) to read as follows:

8 (a) Except as otherwise provided by this code, the precinct
9 election records shall be preserved by the authority to whom they
10 are distributed for at least 36 ~~[22]~~ months after election day.

11 (b) For a period of at least 60 days after the date of the
12 election, the voted ballots shall be preserved securely in a locked
13 room in the locked ballot box in which they are delivered to the
14 general custodian of election records. On the 61st day after
15 election day, the general custodian of election records shall
16 ~~[may]~~:

17 (1) require a person who has possession of a key that
18 operates the lock on a ballot box containing voted ballots to return
19 the key to the custodian; ~~[and]~~

20 (2) unlock the ballot box and transfer the voted
21 ballots to another secure container, segregated and marked by
22 precinct, for the remainder of the preservation period; and

23 (3) create and maintain an index of voted ballots and
24 ballot numbers assigned to each precinct, categorized by precinct
25 location and polling place location, and make the index available
26 to the public on the county election Internet website, if the county
27 maintains a website.

1 (b-1) Except as permitted by this code, a ballot box or
2 other secure container containing voted ballots may not be opened
3 during the first 60 days of the preservation period.

4 (b-2) A secure container that ballots or other precinct
5 election records are transferred to under this section must be
6 sealed with a uniquely numbered seal, and the number shall be logged
7 to ensure chain of custody during the preservation period.

8 (c) If during the preservation period an authorized entry is
9 made into a ballot box or other secure container containing voted
10 ballots, when the purpose for the entry is fulfilled, the box or
11 container shall be relocked or resecured and resealed with a
12 uniquely numbered, logged seal, and the box and key or secure
13 container returned to the custodian.

14 (g) Electronic records created under any other provision of
15 this code [Chapter 129] shall be preserved in a secure container,
16 segregated and marked by precinct.

17 (g-1) If ballots are imaged during the election process, the
18 general custodian of election records shall post the ballot images,
19 including the serial number assigned to the ballot and indexed by
20 precinct, on the county's Internet website or the secretary of
21 state's Internet website not later than five days after the
22 election.

23 SECTION 7. Section 66.059(c), Election Code, is amended to
24 read as follows:

25 (c) Any interested person may observe the opening of the
26 box, and the opening of the box must be witnessed by two witnesses
27 who shall sign a sworn statement that confirms that the erroneously

1 placed election record was removed and where it was placed. The
2 sworn statement shall be preserved with the other precinct election
3 records.

4 SECTION 8. Section 66.060(c), Election Code, is amended to
5 read as follows:

6 (c) The custodian of the key to ballot box no. 3 shall keep
7 the key in a secure, locked place for the period for preserving the
8 precinct election records except for the time the key is
9 temporarily out of the custodian's custody in accordance with this
10 code.

11 SECTION 9. Section 66.025(b), Election Code, is repealed.

12 SECTION 10. This Act takes effect September 1, 2023.