

By: Hall

S.B. No. 2208

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for the testing of voting system equipment.

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

SECTION 1. Section 127.094(b), Election Code, is amended to read as follows:

(b) A group of test ballots, including ballots by mail, shall be counted with the equipment using the program prepared for processing the ballots voted in the election. The test ballots must be printed on the same stock as the official ballots for the election.

SECTION 2. Section 129.023, Election Code, is amended by amending Subsection (c) and adding Subsection (c-2) to read as follows:

(c) The general custodian of election records shall adopt procedures for testing that:

- (1) direct the testing board to cast votes;
- (2) verify that each contest position, as well as each precinct and ballot style, on the ballot can be voted and is accurately counted;
- (3) include overvotes and undervotes for each race, if applicable to the system being tested;
- (4) include write-in votes, when applicable to the election;

1 (5) include provisional votes, if applicable to the
2 system being tested;

3 (6) calculate the expected results from the test
4 ballots;

5 (7) ensure that each voting machine has any public
6 counter reset to zero and presented to the testing board for
7 verification before testing;

8 (8) require that, for each feature of the system that
9 allows disabled voters to cast a ballot, at least one vote be cast
10 and verified by a two-person testing board team using that feature;
11 ~~[and]~~

12 (9) require that, when all votes are cast, the general
13 custodian of election records and the testing board observe the
14 tabulation of all ballots and compare the actual results to the
15 expected results;

16 (10) include the testing of optical scanners and
17 ballot marking devices, if applicable to the system being tested;

18 (11) require that each test ballot is marked and
19 labeled as a test ballot to ensure that it is not used to cast votes
20 in an election;

21 (12) require that, for a test ballot marked by hand,
22 the votes are cast and verified by a two-person testing board team;
23 and

24 (13) require that, if the general custodian of
25 election records discovers a discrepancy in the actual and expected
26 results under Subdivision (9), the general custodian of election
27 records must:

1 (A) reconcile or verify the discrepancy;

2 (B) provide a written explanation for the
3 discrepancy;

4 (C) publish the written explanation described by
5 Paragraph (B) on the county's Internet website; and

6 (D) immediately following the completion of the
7 test, conduct another test open to the public in accordance with the
8 procedures provided by this section.

9 (c-2) For purposes of Subsection (c-1), a representative
10 sample of voting system equipment consists of the lesser of 10 units
11 of voting system equipment or five percent of the total number of
12 units of voting system equipment to be used by the county in an
13 election.

14 SECTION 3. The changes in law made by this Act apply only to
15 an election that is ordered on or after the effective date of this
16 Act.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2025.