

By: Pena, Hochberg, Baxter, Kolthorst,
Hughes

H.B. No. 166

Substitute the following for H.B. No. 166:

By: Denny

C.S.H.B. No. 166

A BILL TO BE ENTITLED

AN ACT

relating to the use of direct recording electronic voting machines.

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

SECTION 1. Sections 129.001(a) and (e), Election Code, are amended to read as follows:

(a) As part of the testing of the direct recording electronic voting machine equipment before its use in a particular election, the general custodian of election records shall include a specific test of each machine's logic and accuracy functions to ensure that the machine properly records, counts, and tabulates the votes. The secretary of state shall prescribe specific requirements and deadlines for testing under this subsection, including the use of a format that tests each ballot position for each precinct and ballot style.

(e) The secretary of state shall:

(1) prescribe procedures requiring the following testing methods for a voting system that uses direct recording electronic voting machines:

(A) an electronic hash code test before and after the date of an election;

(B) parallel testing of programming and equipment during the period for early voting by personal appearance and on election day; and

(C) postelection verification counts from each

1 redundant electronic source provided by the voting system;

2 (2) develop guidelines for the physical and virtual
3 security of the ballot programming and tabulation software and
4 equipment, including the use of secured facilities and appropriate
5 password protection protocols; and

6 (3) prescribe any other procedures necessary to
7 implement this section and to ensure the orderly and proper
8 administration of elections using direct recording electronic
9 voting machines.

10 SECTION 2. (a) The secretary of state shall conduct a study
11 to evaluate the feasibility and advisability of requiring a voter
12 verified paper audit trail for a direct recording electronic voting
13 system. Following the study, the secretary of state shall file a
14 written report containing findings with the speaker of the house of
15 representatives and the lieutenant governor not later than December
16 1, 2006.

17 (b) An advisory committee shall assist and advise the
18 secretary of state on the study and provide guidance to the
19 secretary of state on the written report. The advisory committee
20 consists of:

21 (1) three persons appointed by the speaker of the
22 house of representatives;

23 (2) three persons appointed by the lieutenant
24 governor;

25 (3) three persons who have broad technical competence
26 and experience with voting systems, appointed jointly by the
27 speaker and the lieutenant governor; and

1 (4) three local election officials appointed by the
2 secretary of state.

3 (c) This section expires January 1, 2007.

4 SECTION 3. This Act takes effect January 1, 2006.