

By: Pena

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. Chapter 129, Election Code, is amended by adding Section 129.002 to read as follows:

Sec. 129.002. PAPER AUDIT TRAIL REQUIRED. (a) A voting system that consists of direct recording electronic voting machines may not be used in an election unless the system:

(1) has:

(A) been certified or otherwise approved by means of qualification testing by a nationally recognized test laboratory; and

(B) met or exceeded the minimum requirements contained in "Performance and Test Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems" or a successor voluntary standards document developed and adopted by the Federal Election Commission, the Election Assistance Commission, or the National Institute of Standards and Technology; and

(2) creates a contemporaneous auditable paper record copy of each electronic ballot that allows a voter to confirm the choices the voter made through both a visual and a nonvisual method, such as through an audio component, before the voter casts the ballot.

(b) The paper record copy must list the contests on the

1 ballot and the voter's choices in those contests. The paper record
2 copy is not a ballot.

3 SECTION 2. This Act takes effect January 1, 2006.