

By: Baxter

H.B. No. 2259

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 RECORD COPY REQUIRED. (a) A voting system that consists of direct recording electronic voting machines may not be used in an election unless the system 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) A voter must be allowed to privately and independently view the paper record copy required under Subsection (a) without being allowed to handle the copy. Once the voter has confirmed that the paper record copy corresponds to the vote the voter has indicated electronically, the vote may be recorded electronically and the paper record copy must be deposited in a secure storage container. If the voter finds that the paper record copy does not correspond to the voter's choices indicated electronically, the system must:

(1) invalidate or otherwise spoil the paper record copy;

(2) allow the voter to review the choices the voter

1 made electronically; and

2 (3) generate a new paper record copy for the voter to
3 review as provided by this subsection.

4 (c) The paper record copy must indicate the voter's choice
5 on each office or measure for which the voter cast a vote and
6 indicate the offices and measures for which the voter did not cast a
7 vote.

8 (d) Except for a recount under Title 13, the electronic vote
9 is the official record of the ballot. For a recount of ballots cast
10 on a system involving direct recording electronic voting machines,
11 the paper record copy is the official record of the vote cast.

12 (e) If after the voter reviews the ballot in the manner
13 prescribed by Subsection (b) the paper record copy generated under
14 Subsection (b)(3) does not correspond to the voter's choices
15 indicated electronically, the presiding judge shall remove the
16 machine from service in the election and ensure that the electronic
17 vote is not recorded. The voter must be allowed to vote on another
18 machine or on a paper ballot.

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