

By: Kolkhorst

H.B. No. 3083

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. VOTER-VERIFIED PERMANENT PAPER RECORD. (a)

A voting system that consists of direct recording electronic voting machines may not be used in an election unless the system produces a voter-verified permanent paper record suitable for a manual audit.

(b) The system must allow a voter:

(1) to inspect and verify the paper record before the voter's ballot is recorded electronically; and

(2) an opportunity to make changes to the voter's electronic ballot after reviewing the paper record.

(c) If the voter makes changes under Subsection (b)(2), the system must invalidate the paper record that the voter reviewed and generate a new paper record corresponding to the changed vote. The new paper record must be reviewed by the voter in the manner provided by Subsection (b).

(d) If the voter verifies that the paper record is correct, the system shall record the voter's electronic vote and preserve the paper records at the polling place in the same manner as paper ballots are preserved to ensure that the paper records may be used in a manual audit or recount.

1       (e) Except for a recount under Title 13, the electronic vote  
2 is the official record of the ballot. For a recount of ballots cast  
3 on a system involving direct recording electronic voting machines,  
4 the paper record is the official record of the vote cast. The paper  
5 record may be used for a manual audit of the system and shall be  
6 preserved in the same manner as other paper records in an election.

7       SECTION 2. (a) Except as provided by Subsection (b) of this  
8 section, this Act takes effect September 1, 2005.

9       (b) The change in law made by Section 1 of this Act does not  
10 apply until July 1, 2006, to a voting system that:

- 11           (1) uses direct recording electronic machines;
- 12           (2) was approved by the secretary of state; and
- 13           (3) was used in an election held before September 1,  
14 2005.