

AN ACT

relating to the period for preserving precinct election records.

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

SECTION 1. Section 66.058, Election Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1) to read as follows:

(b) For a period of at least 60 days after the date of the election, the ~~[The]~~ voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records. On the 61st day after election day, the general custodian of election records may:

(1) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; and

(2) unlock the ballot box and transfer the voted ballots to another secure container for the remainder of the preservation period.

(b-1) Except as permitted by this code, a ballot box or other secure container containing voted ballots may not be opened during the preservation period.

(c) If during the preservation period an authorized entry is made into a ballot box or other secure container containing voted ballots, when the purpose for the entry is fulfilled, the box or container shall be relocked or resecured, and the box and key or

1 secure container returned to the custodian.

2 (d) A custodian of a ballot box or secure container
3 containing voted ballots commits an offense if, during the
4 preservation period prescribed by Subsection (a), the custodian:

5 (1) makes an unauthorized entry into the box or
6 container; or

7 (2) fails to prevent another person from handling the
8 box or container in an unauthorized manner or from making an
9 unauthorized entry into the box or container.

10 SECTION 2. Section 66.058(g), Election Code, is repealed.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect on the 91st day after the last day of the
16 legislative session.

President of the Senate

Speaker of the House

I certify that H.B. No. 1446 was passed by the House on April 5, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1446 was passed by the Senate on May 18, 2007, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor