

1-1 By: Bohac (Senate Sponsor - Williams) H.B. No. 1446
1-2 (In the Senate - Received from the House April 10, 2007;
1-3 April 11, 2007, read first time and referred to Committee on State
1-4 Affairs; May 15, 2007, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the period for preserving precinct election records.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 66.058, Election Code, is amended by
1-11 amending Subsections (b), (c), and (d) and adding Subsection (b-1)
1-12 to read as follows:

1-13 (b) For a period of at least 60 days after the date of the
1-14 election, the [The] voted ballots shall be preserved securely in a
1-15 locked room in the locked ballot box in which they are delivered to
1-16 the general custodian of election records. On the 61st day after
1-17 election day, the general custodian of election records may:

1-18 (1) require a person who has possession of a key that
1-19 operates the lock on a ballot box containing voted ballots to return
1-20 the key to the custodian; and

1-21 (2) unlock the ballot box and transfer the voted
1-22 ballots to another secure container for the remainder of the
1-23 preservation period.

1-24 (b-1) Except as permitted by this code, a ballot box or other
1-25 secure container containing voted ballots may not be opened during
1-26 the preservation period.

1-27 (c) If during the preservation period an authorized entry is
1-28 made into a ballot box or other secure container containing voted
1-29 ballots, when the purpose for the entry is fulfilled, the box or
1-30 container shall be relocked or resecured, and the box and key or
1-31 secure container returned to the custodian.

1-32 (d) A custodian of a ballot box or secure container
1-33 containing voted ballots commits an offense if, during the
1-34 preservation period prescribed by Subsection (a), the custodian:

1-35 (1) makes an unauthorized entry into the box or
1-36 container; or

1-37 (2) fails to prevent another person from handling the
1-38 box or container in an unauthorized manner or from making an
1-39 unauthorized entry into the box or container.

1-40 SECTION 2. Section 66.058(g), Election Code, is repealed.

1-41 SECTION 3. This Act takes effect immediately if it receives
1-42 a vote of two-thirds of all the members elected to each house, as
1-43 provided by Section 39, Article III, Texas Constitution. If this
1-44 Act does not receive the vote necessary for immediate effect, this
1-45 Act takes effect on the 91st day after the last day of the
1-46 legislative session.

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