

By: Miles

H.B. No. 3119

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the approval of direct recording electronic voting  
3 machines that use publicly disclosed program codes.

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

5 SECTION 1. Section 122.0331, Election Code, is amended by  
6 adding Subsection (e) to read as follows:

7 (e) Notwithstanding Subsection (d), materials described by  
8 Subsection (a) relating to a direct recording electronic voting  
9 machine approved by the secretary of state under Section 129.002,  
10 Election Code, are public information, and are subject to  
11 disclosure under Chapter 552, Government Code.

12 SECTION 2. Chapter 129, Election Code, is amended by adding  
13 Sections 129.002 and 129.003 to read as follows:

14 Sec. 129.002. SYSTEM USING OPEN SOURCE CODE. In addition to  
15 the other requirements of this title, a direct recording electronic  
16 voting machine that uses an open source code must comply with  
17 standards adopted by the secretary of state. The standards may not  
18 allow for the use of an open source code unless the code:

19 (1) has been certified by the Open Source Initiative;

20 or

21 (2) uses program codes that would satisfy the  
22 requirements of version 1.9 of the Open Source Definition adopted  
23 by the Open Source Initiative as the version existed on March 5,  
24 2007.

1       Sec. 129.003. SYSTEM USING VOTER-VERIFIED PAPER AUDIT  
2 TRAIL. In addition to the other requirements of this title, a  
3 direct recording electronic voting machine that uses a  
4 voter-verified paper audit trail must comply with standards adopted  
5 by the secretary of state. The standards may not allow for the use  
6 of a voter-verified paper audit trail unless the machine:

7           (1) creates a contemporaneous auditable paper record  
8 copy of each electronic ballot that allows a voter to confirm the  
9 choices the voter made; and

10           (2) preserves the paper record at the polling place in  
11 the same manner as paper ballots are preserved to ensure that the  
12 paper records may be used in a manual audit or recount.

13       SECTION 3. This Act takes effect September 1, 2007.