

By: West, Royce

S.B. No. 1247

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:

(1) creates a contemporaneous auditable paper record of each electronic ballot; and

(2) has:

(A) been certified or otherwise approved by means of qualification testing by a nationally recognized test laboratory; and

(B) met or exceeded the minimum requirements contained in "Performance and Test Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems" or a successor voluntary standards document developed and adopted by the Federal Election Commission, the Election Assistance Commission, or the National Institute of Standards and Technology.

(b) The system must allow a voter to:

(1) inspect and verify the paper record through both a visual and a nonvisual method, such as through an audio component, before the voter's ballot is recorded electronically; and

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

3 (c) The paper record must list the contests on the ballot
4 and the voter's choices in those contests.

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

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

15 (f) Except for a recount under Title 13, the electronic vote
16 is the official record of the ballot. For a recount of ballots cast
17 on a system involving direct recording electronic voting machines,
18 the paper record is the official record of the vote cast. The paper
19 record may be used for a manual audit of the system and shall be
20 preserved in the same manner as other paper records in an election.

21 (g) A system involving direct recording electronic voting
22 machines that was acquired before January 1, 2008, may be used in an
23 election without meeting the requirements of this section only if:

24 (1) a voter has the option of casting a paper ballot
25 instead of using the machine;

26 (2) a permanent record of each ballot is created at the
27 time the ballot is cast or during the local canvass of the votes;

1 (3) the system is subject to parallel monitoring; and

2 (4) at least 46 days before the date the system is to
3 be used for voting, the authority responsible for holding the
4 election submits a technical security plan for the system to the
5 secretary of state.

6 SECTION 2. This Act takes effect January 1, 2008.