

1-1 By: West S.B. No. 506
 1-2 (In the Senate - Filed January 17, 2017; February 6, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 May 10, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; May 10, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 506 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain voting systems.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Sections 43.007(c) and (d), Election Code, are
 1-24 amended to read as follows:
 1-25 (c) In conducting the program, the secretary of state shall
 1-26 provide for an audit of the voting system ~~[direct recording~~
 1-27 ~~electronic voting]~~ units used, including any type of voting system
 1-28 unit described by Subsection (d)(4), before and after the election,
 1-29 and during the election to the extent such an audit is practicable.
 1-30 (d) The secretary of state shall select to participate in
 1-31 the program each county that:
 1-32 (1) has held a public hearing under Subsection (b);
 1-33 (2) has submitted documentation listing the steps
 1-34 taken to solicit input on participating in the program by
 1-35 organizations or persons who represent the interests of voters;
 1-36 (3) has implemented a computerized voter registration
 1-37 list that allows an election officer at the polling place to verify
 1-38 that a voter has not previously voted in the election;
 1-39 (4) uses either direct recording electronic voting
 1-40 machines or a voting system capable of printing all available
 1-41 ballot styles of that polling place; and
 1-42 (5) is determined by the secretary of state to have the
 1-43 appropriate technological capabilities.
 1-44 SECTION 2. Section 121.003, Election Code, is amended by
 1-45 adding Subdivisions (13) and (14) to read as follows:
 1-46 (13) "Precinct ballot counter" means a voting system
 1-47 under which paper ballots are deposited into a ballot scanner
 1-48 attached to a secure ballot box.
 1-49 (14) "Central accumulator" means a part of a voting
 1-50 system that tabulates and consolidates the vote totals for multiple
 1-51 precincts.
 1-52 SECTION 3. Section 122.001, Election Code, is amended by
 1-53 adding Subsection (f) to read as follows:
 1-54 (f) A voting system that uses a central accumulator may not
 1-55 be used in an election unless the central accumulator creates in
 1-56 real time an audit log including a date and time stamp of each
 1-57 significant election event as determined by the secretary of state.
 1-58 SECTION 4. Chapter 125, Election Code, is amended by adding
 1-59 Subchapter D to read as follows:
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SUBCHAPTER D. VOTING SYSTEM USING PRECINCT BALLOT COUNTERSec. 125.101. VOTING SYSTEM USING PRECINCT BALLOT COUNTER.

(a) A voting system that uses a precinct ballot counter must comply with the requirements of this subchapter in addition to other applicable procedures prescribed by this code.

(b) To the extent not in conflict with this subchapter, a provision of this code applicable to an electronic voting system is applicable to a voting system that uses a precinct ballot counter.

Sec. 125.102. PRECINCT BALLOT COUNTER USED DURING EARLY VOTING BY PERSONAL APPEARANCE. (a) This section applies only to voting during the period for early voting by personal appearance.

(b) A precinct ballot counter must be properly secured to prevent tampering or the unauthorized deposit of ballots.

(c) The early voting clerk or deputy early voting clerk must inspect a precinct ballot counter before voting begins on each day to ensure that the precinct ballot counter:

(1) is properly locked with two locks, each with a different key;

(2) is properly sealed to detect an unauthorized opening of the box; and

(3) registers that no votes have been cast on that day.

(d) At the conclusion of voting on each day, the presiding judge shall:

(1) print a report from the precinct ballot counter showing the number of ballots cast on that day; and

(2) ensure that the precinct ballot counter is properly locked, sealed, and powered off to prevent tampering or the unauthorized deposit of ballots.

(e) If a precinct ballot counter is not able to print the report described by Subsection (d)(1), an election officer shall complete a daily ballot count manually and generate a report. A report described by this subsection must be signed by at least two election officers each time an entry is made and may be signed by any poll watchers present.

(f) The secretary of state shall prescribe the form of the report described by Subsection (d)(1).

(g) The early voting clerk or deputy early voting clerk may not print a results tape from a precinct ballot counter.

Sec. 125.103. PROCEDURES BEFORE VOTING BEGINS ON ELECTION DAY. The presiding election judge must inspect a precinct ballot counter before voting begins on election day to ensure that the precinct ballot counter:

(1) is properly locked and sealed; and

(2) registers that no votes have been cast.

Sec. 125.104. ACCEPTING BALLOT. (a) A precinct ballot counter must be designed to accept or reject a voter's ballot according to programmed instructions. The programmed instructions shall reject and return to the voter a ballot that is blank or overvoted.

(b) A voter whose ballot is rejected by a precinct ballot counter may:

(1) attempt to correct the ballot;

(2) return the ballot to an election officer as a spoiled ballot and request a replacement ballot, except as provided by Subsection (c); or

(3) request that an election officer override the rejection and instruct the precinct ballot counter to accept the ballot as voted.

(c) A voter may not be given a replacement ballot under Subsection (b)(2) if the voter has already been provided with two replacement ballots under that subsection for the election. A voter who has reached the limit for replacement ballots must follow the procedure provided by Subsection (b)(3).

SECTION 5. Chapter 127, Election Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. PROCESSING RESULTS OF VOTING SYSTEM USING PRECINCT BALLOT COUNTER

Sec. 127.251. PRECINCT BALLOT COUNTER. (a) This subchapter applies to the processing of election results in a

3-1 voting system using a precinct ballot counter.

3-2 (b) The secretary of state shall prescribe any necessary
3-3 procedures, in addition to those prescribed by this subchapter, for
3-4 processing the election results.

3-5 Sec. 127.252. PROCEDURES AFTER VOTING COMPLETED.

3-6 (a) After the last voter has voted on election day, the presiding
3-7 judge must secure a precinct ballot counter to ensure that no
3-8 additional votes can be cast.

3-9 (b) If the votes cast on a precinct ballot counter are not to
3-10 be counted at a central counting station, the presiding judge shall
3-11 print three copies of the tape containing the ballot tabulation
3-12 from the precinct ballot counter for purposes of checking for a
3-13 discrepancy under Section 127.156. If a discrepancy is found as
3-14 provided by that section, the official tabulation shall be
3-15 conducted in the manner provided by Section 127.157.

3-16 Sec. 127.253. PROCESSING RESULTS AT CENTRAL COUNTING
3-17 STATION. If votes cast on a precinct ballot counter are to be
3-18 counted at a central counting station, the procedures established
3-19 for counting votes under Subchapters C and E must be followed.

3-20 Sec. 127.254. EARLY VOTING BALLOTS COUNTED BY EARLY VOTING
3-21 BALLOT BOARD. (a) At the time tabulation is to begin, the
3-22 presiding judge of the early voting ballot board shall inspect the
3-23 precinct ballot counter to determine whether the seals are intact
3-24 and that they match the serial numbers listed on the ballot and seal
3-25 certificate. If the seals are not intact, the ballots must be
3-26 counted with another tabulation device.

3-27 (b) If the seals are intact, the presiding judge shall print
3-28 a report from the precinct ballot counter to verify that no
3-29 unauthorized ballots have been cast since the conclusion of early
3-30 voting by personal appearance.

3-31 (c) If the report printed under Subsection (b) shows that no
3-32 unauthorized ballots were cast on the precinct ballot counter, the
3-33 presiding judge shall print three copies of the tape containing the
3-34 ballot tabulation from the precinct ballot counter for purposes of
3-35 checking for a discrepancy under Section 127.156.

3-36 (d) If no discrepancy under Section 127.156 requires the
3-37 official tabulation of ballots to be conducted at a central
3-38 counting station as provided by Section 127.157, the presiding
3-39 judge shall use the printed results tapes, and any tally sheets used
3-40 for the manual counting of write-in votes, to prepare the early
3-41 voting precinct returns.

3-42 Sec. 127.255. EARLY VOTING BALLOTS COUNTED AT CENTRAL
3-43 COUNTING STATION. If early voting ballots cast on a precinct ballot
3-44 counter are to be counted at a central counting station, the
3-45 procedures established for counting votes under Subchapters C and E
3-46 must be followed.

3-47 Sec. 127.256. COUNTING OF EARLY VOTING BALLOTS VOTED BY
3-48 MAIL. (a) A precinct ballot counter may be used to count early
3-49 voting ballots voted by mail.

3-50 (b) A precinct ballot counter used during early voting by
3-51 personal appearance may be used to count early voting ballots voted
3-52 by mail if:

3-53 (1) all appropriate documentation, including rosters
3-54 and voting history, are maintained separately for early ballots
3-55 cast by mail and by personal appearance;

3-56 (2) the authority counting the ballots prints a report
3-57 from the precinct ballot counter showing that no unauthorized
3-58 ballots were cast on the precinct ballot counter after the close of
3-59 early voting by personal appearance; and

3-60 (3) the authority counting the ballots removes all
3-61 ballots cast during early voting by personal appearance from the
3-62 precinct ballot counter and places them in a secured container.

3-63 (c) The presiding judge of the authority counting the
3-64 ballots shall place the early voting ballots voted by mail in the
3-65 precinct ballot counter to be scanned and counted.

3-66 (d) On completion of the scanning, the early voting ballots
3-67 voted by mail shall be removed from the precinct ballot counter and
3-68 placed in a secured container. The container may be the same as the
3-69 container described by Subsection (b)(3), but early voting ballots

4-1 voted by personal appearance must be maintained separately from the
4-2 early voting ballots voted by mail.

4-3 (e) The presiding judge of the authority counting the
4-4 ballots shall print two copies of the tape containing the ballot
4-5 tabulation from the precinct ballot counter to verify that the
4-6 total number of ballots scanned is equal to the sum of the total
4-7 number of ballots scanned from early voting by personal appearance
4-8 and the total number of ballots scanned from early voting by mail on
4-9 the precinct ballot counter.

4-10 (f) Any deviation from the procedures described by this
4-11 section must be approved by the secretary of state.

4-12 SECTION 6. Section 127.067, Election Code, is amended by
4-13 adding Subsection (d) to read as follows:

4-14 (d) An audit log produced by a central accumulator is
4-15 considered part of the election records.

4-16 SECTION 7. Subchapter E, Chapter 127, Election Code, is
4-17 amended by adding Section 127.1302 to read as follows:

4-18 Sec. 127.1302. PREPARING AUDIT LOG. (a) A poll watcher
4-19 may request a printed copy of an audit log produced by a central
4-20 accumulator:

- 4-21 (1) before any votes are tabulated;
- 4-22 (2) after early voting results are tabulated; and
- 4-23 (3) immediately following the completion of the vote
4-24 tabulation.

4-25 (b) After the automatic counting of ballots for each
4-26 precinct is completed, the manager of a central counting station
4-27 shall print a copy of the entire audit log to retain with other
4-28 election records.

4-29 SECTION 8. Section 129.054, Election Code, is amended to
4-30 read as follows:

4-31 Sec. 129.054. NETWORK CONNECTIONS AND WIRELESS TECHNOLOGY.
4-32 (a) A voting system, including any voting system used in the
4-33 countywide polling place program, may not be connected to any
4-34 external communications network, including the Internet.

4-35 (b) A voting system, including any voting system used in the
4-36 countywide polling place program, may not have the capability of
4-37 permitting wireless communication unless the system uses
4-38 line-of-sight infrared technology that shields the transmitter and
4-39 receiver from external infrared transmissions and the system can
4-40 only accept transmissions generated by the system.

4-41 SECTION 9. This Act takes effect immediately if it receives
4-42 a vote of two-thirds of all the members elected to each house, as
4-43 provided by Section 39, Article III, Texas Constitution. If this
4-44 Act does not receive the vote necessary for immediate effect, this
4-45 Act takes effect September 1, 2017.

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