

## **BILL ANALYSIS**

Senate Research Center

H.B. 4130  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been reported that the secretary of state does not have the ability to adequately certify electronic pollbooks used in some counties across the state. It has been suggested that electronic pollbook systems, which are becoming more common in larger counties, vary in design and are not required to have specific functionality that would be helpful for ensuring election security. H.B. 4130 seeks to address this issue by providing for requirements for the use of certain electronic devices for accepting voters.

H.B. 4130 amends current law relating to use of an electronic device for accepting voters; and authorizes a fee.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 1 (Section 31.014, Election Code), SECTION 2 (Section 63.003, Election Code), and SECTION 3 (Section 63.004, Election Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 31, Election Code, by adding Section 31.014, as follows:

Sec. 31.014. CERTIFICATION OF ELECTRONIC DEVICES TO ACCEPT VOTERS.

(a) Requires the secretary of state (SOS) to prescribe specific requirements and standards, consistent with this code, for the certification of an electronic device used to accept voters under Chapter 63 (Accepting Voter) that require the device to:

- (1) produce an electronic copy of the list of voters who were accepted to vote for delivery to the election judge after the polls close;
- (2) display the voter's original signature in accordance with Section 63.002 (Signature Roster);
- (3) accept a voter for voting even when the device is off-line;
- (4) provide the full list of voters registered in the county with an indication of the jurisdictional or distinguishing number for each territorial unit in which each voter resides;
- (5) time-stamp when each voter is accepted at a polling place, including the voter's unique identifier;
- (6) if the county participates in the countywide polling place program under Section 43.007 (Countywide Polling Place Program) or has more than one early voting polling place, transmit a time stamp when each voter is accepted, including the voter's unique identifier, to all polling place locations;

(7) time-stamp the receipt of a transmission under Subdivision (6); and

(8) produce in an electronic format compatible with the statewide voter registration list under Section 18.061 (Statewide Computerized Voter Registration List) data for retention and transfer that includes:

(A) the polling location in which the device was used;

(B) the dated time stamp under Subdivision (5); and

(C) the dated time stamp under Subdivision (7).

(b) Requires a device described by this section to be certified annually by SOS.

(c) Requires SOS to adopt rules that require a device described by this section used during the early voting period or under the countywide polling place program under Section 43.007 to update data in real time. Requires SOS, if a county uses a device that does not comply with the rule in two consecutive general elections for state and county officers, to assess a noncompliance fee. Requires the noncompliance fee to be set at an amount determined by SOS rule.

SECTION 2. Amends Section 63.003, Election Code, by adding Subsection (d), to authorize the poll list to be in the form of an electronic device approved by SOS and require SOS to adopt rules governing the use of electronic poll lists.

SECTION 3. Amends Section 63.004, Election Code, by adding Subsection (e), as follows:

(e) Authorizes a combination form to be in the form of an electronic device approved by SOS. Requires SOS to adopt rules governing the minimum requirements and approval of an electronic device used for any form used in connection with the acceptance of voters at a polling place.

SECTION 4. Effective date: September 1, 2019.