

AN ACT

relating to an election ballot.

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

SECTION 1. Section 2.002(d), Election Code, is amended to read as follows:

(d) The order of the candidates' names on the ballot shall be the relative order of names on the original ballot [~~determined by a drawing in accordance with Section 52.094~~].

SECTION 2. Section 52.075, Election Code, is amended to read as follows:

Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING SYSTEMS. (a) The secretary of state may prescribe the form and content of a ballot for an election using a voting system, including an electronic voting system or a voting system that uses direct recording electronic voting machines or ballot marking devices, to conform to the formatting requirements of the system.

(b) In this section, "ballot marking device," "direct recording electronic voting machine," "electronic voting system," and "voting system" have the meanings assigned by Section 121.003.

SECTION 3. Sections 52.094(a) and (c), Election Code, are amended to read as follows:

(a) Except as otherwise provided by law, for an election at which the names of more than one candidate for the same office are to appear on the ballot in an independent column or are to appear on

1 a general or special election ballot that does not contain a party
2 nominee, the order of the candidates' names shall be determined by a
3 drawing. The order of the candidates' names on the ballot of any
4 resulting runoff election or election held to resolve a tie vote
5 shall be the relative order of names on the original election
6 ballot.

7 (c) The authority conducting the drawing shall post in the
8 authority's office a notice of the date, hour, and place of the
9 drawing. The notice must remain posted continuously for 72 hours
10 immediately preceding the scheduled time of the drawing[~~, except~~
11 ~~that for a runoff election or an election held to resolve a tie~~
12 ~~vote, the notice must remain posted for 24 hours immediately~~
13 ~~preceding the scheduled time of the drawing].~~

14 SECTION 4. Section [121.003](#), Election Code, is amended by
15 adding Subdivision (13) to read as follows:

16 (13) "Ballot marking device" means a voting system
17 with an electronic interface that allows a voter to mark a paper
18 ballot.

19 SECTION 5. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 88 was passed by the House on April 2, 2019, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 88 on May 22, 2019, by the following vote: Yeas 124, Nays 18, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 88 was passed by the Senate, with amendments, on May 15, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor