

By: Swanson

H.B. No. 4130

Substitute the following for H.B. No. 4130:

By: Cortez

C.S.H.B. No. 4130

A BILL TO BE ENTITLED

AN ACT

relating to use of an electronic device for accepting voters;  
authorizing a fee.

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

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.014 to read as follows:

Sec. 31.014. CERTIFICATION OF ELECTRONIC DEVICES TO ACCEPT VOTERS. (a) The secretary of state shall prescribe specific requirements and standards, consistent with this code, for the certification of an electronic device used to accept voters under Chapter 63 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;

(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

1 polling place program under Section 43.007 or has more than one  
2 early voting polling place, transmit a time stamp when each voter is  
3 accepted, including the voter's unique identifier, to all polling  
4 place locations;

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

7 (8) produce in an electronic format compatible with  
8 the statewide voter registration list under Section 18.061 data for  
9 retention and transfer that includes:

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

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

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

15 (b) A device described by this section must be certified  
16 annually by the secretary of state.

17 (c) The secretary of state shall adopt rules that require a  
18 device described by this section used during the early voting  
19 period or under the countywide polling place program under Section  
20 43.007 to update data in real time. If a county uses a device that  
21 does not comply with the rule in two consecutive general elections  
22 for state and county officers, the secretary of state shall assess a  
23 noncompliance fee. The noncompliance fee shall be set at an amount  
24 determined by secretary of state rule.

25 SECTION 2. Section 63.003, Election Code, is amended by  
26 adding Subsection (d) to read as follows:

27 (d) The poll list may be in the form of an electronic device

1 approved by the secretary of state. The secretary of state shall  
2 adopt rules governing the use of electronic poll lists.

3 SECTION 3. Section 63.004, Election Code, is amended by  
4 adding Subsection (e) to read as follows:

5 (e) A combination form may be in the form of an electronic  
6 device approved by the secretary of state. The secretary of state  
7 shall adopt rules governing the minimum requirements and approval  
8 of an electronic device used for any form used in connection with  
9 the acceptance of voters at a polling place.

10 SECTION 4. This Act takes effect September 1, 2019.