

By: Toth

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to identification of early voting ballots voted by mail by electronic code.

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

SECTION 1. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.076 to read as follows:

Sec. 52.076. IDENTIFYING CODE FOR MAIL-IN BALLOTS. (a)

Each early voting ballot voted by mail must include a unique code readable by an electronic device that may be used to verify the authenticity of the ballot.

(b) No record associating an individual voter with a code assigned to a ballot under this section may be created.

(c) The secretary of state by rule shall provide for the design and distribution of a unique code system in a manner that, to the greatest extent possible, prevents the unauthorized reproduction or misuse of mail ballots.

SECTION 2. Section 86.001, Election Code, is amended by adding Subsection (h) to read as follows:

(h) Before the clerk provides a ballot to an applicant, the clerk shall identify the unique code included on each ballot with an electronic device and make a record indicating that a ballot with the unique code was issued.

SECTION 3. Section 87.062, Election Code, is amended by adding Subsection (a-1) to read as follows:

1 (a-1) The early voting ballot board shall identify the
2 unique code included on each ballot with an electronic device and
3 compare the code on the ballot to the codes recorded by the early
4 voting clerk under Section 86.001(h). If the code does not match a
5 recorded code, the early voting ballot board may not count the
6 ballot. Ballots not counted under this section shall be placed in an
7 envelope and treated in the same manner as rejected ballots under
8 Section 87.043.

9 SECTION 4. Section 87.103, Election Code, is amended by
10 adding Subsection (a-1) to read as follows:

11 (a-1) The unique code included on each ballot must be
12 identified by an electronic device and if the code on the ballot
13 does not match a code recorded by the early voting clerk under
14 Section 86.001(h), the ballot may not be counted. Ballots not
15 counted under this section shall be placed in an envelope and
16 treated in the same manner as rejected ballots under Section
17 87.043.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.