

By: White, Beckley, et al.

H.B. No. 1708

Substitute the following for H.B. No. 1708:

By: Swanson

C.S.H.B. No. 1708

A BILL TO BE ENTITLED

AN ACT

relating to a voting system that produces a voter-verifiable paper record.

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

SECTION 1. Sections 43.007(c) and (d), Election Code, are amended to read as follows:

(c) In conducting the program, the secretary of state shall provide for an audit of the voting system equipment [~~direct recording electronic voting units~~] before and after the election, and during the election to the extent such an audit is practicable.

(d) The secretary of state shall select to participate in the program each county that:

(1) has held a public hearing under Subsection (b);

(2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;

(3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(4) uses direct recording electronic voting machines, ballot marking devices, or hand-marked scannable paper ballots that are printed and scanned at the polling place or any other type of voting system equipment that the secretary of state determines is capable of processing votes for each type of ballot to be voted in

1 the county; and

2 (5) is determined by the secretary of state to have the
3 appropriate technological capabilities.

4 SECTION 2. Subchapter A, Chapter 129, Election Code, is
5 amended by adding Section 129.003 to read as follows:

6 Sec. 129.003. AUDITABLE VOTING SYSTEM. (a) In this
7 section:

8 (1) "Auditable voting system" means a voting system
9 that produces a voter-verifiable paper record.

10 (2) "Voter-verifiable paper record" means a paper
11 record of an electronically generated ballot that may be:

12 (A) reviewed and corrected by the voter at the
13 time the ballot is cast; and

14 (B) used for a recount in an election in which
15 electronically generated ballots were used.

16 (b) Beginning September 1, 2021, an authority of a political
17 subdivision may not purchase a voting system consisting of direct
18 recording electronic voting machines that is not an auditable
19 voting system.

20 (c) Beginning September 1, 2030, a voting system consisting
21 of direct recording electronic voting machines may not be used in an
22 election unless the system is an auditable voting system.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.