

By: Leach, Bucy

H.B. No. 3159

A BILL TO BE ENTITLED

AN ACT

relating to the use of an accessible absentee mail system by certain voters.

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

SECTION 1. Chapter 81, Election Code, is amended by adding Sections 81.006 and 81.007 to read as follows:

Sec. 81.006. ACCESSIBLE ABSENTEE BALLOT SYSTEM. (a) A person eligible for early voting by mail under Section 82.002 may receive and cast a ballot using an accessible absentee mail system approved by the secretary of state under Section 81.007.

(b) An accessible absentee mail system must be an electronic system, including software, used for the sole purpose of enabling a voter who has a disability and needs assistive technology for marking or reading the ballot, to mark the voter's ballot and print and submit the ballot in the manner required by Chapter 86 for a ballot marked by the voter.

(c) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

Sec. 81.007. ACCESSIBLE ABSENTEE BALLOT SYSTEM STANDARDS.

(a) An accessible absentee ballot system described by Section 81.006 may not be used in an election unless the system is approved by the secretary of state in accordance with this section.

(b) The secretary of state shall adopt standards for the approval of an accessible absentee ballot system. At a minimum, the

1 standards adopted shall require an accessible absentee ballot
2 system to:

3 (1) preserve the secrecy of the ballot;

4 (2) authenticate the voter prior to delivery of a
5 ballot using:

6 (A) all information required under Sections
7 84.002(a)(1) and (1-a); and

8 (B) any other information the secretary of state
9 determines to be necessary for the positive identification of the
10 person accessing the ballot as the voter;

11 (3) operate safely, efficiently, and accurately;

12 (4) be equipped with security measures necessary to
13 prevent fraudulent or unauthorized manipulation;

14 (5) secure the screen and audio output of the device on
15 which the ballot is displayed during voting so that, other than the
16 voter's own notes, political advertising or a campaign
17 communication, as those terms are defined by Section 251.001, is
18 not displayed or audibly available to the voter while the ballot is
19 being marked;

20 (6) securely print the voter's marked ballot with a
21 unique serial number and transmit the ballot to the early voting
22 clerk without information identifying the voter;

23 (7) use a method of verification that a ballot was
24 issued to an eligible voter;

25 (8) require the voter, prior to accessing the ballot,
26 to swear or affirm that the voter is the person to whom the ballot is
27 issued, and affirmatively indicate the statement, "I have a

1 sickness or physical condition that prevents me from appearing at
2 the polling place on election day without a likelihood of needing
3 personal assistance or injuring my health," as prescribed by
4 Section 82.002(a), is true and correct;

5 (9) require the voter, after printing the voted
6 ballot, to:

7 (A) place the voted ballot in the official ballot
8 envelope and seal the ballot envelope;

9 (B) place the ballot envelope in the official
10 carrier envelope and seal the carrier envelope; and

11 (C) sign the certificate on the sealed carrier
12 envelope;

13 (10) prevent any image or record of a voter's ballot
14 choices, other than the original ballot printed, from being saved,
15 printed, transmitted, or stored on the voter's device;

16 (11) be incapable of transmitting voted ballot images
17 or records via the Internet; and

18 (12) be capable of providing records, including
19 Internet protocol addresses of the devices displaying a voter's
20 ballot, from which the operation of the accessible absentee ballot
21 system may be audited.

22 (c) For the purposes of Subsection (b)(9)(A), a voter's
23 failure to use the official ballot envelope does not affect the
24 validity of the ballot and the voter must complete the official
25 carrier envelope as provided by Section 86.006.

26 (d) The secretary of state by rule may prescribe additional
27 standards for accessible absentee ballot systems consistent with

1 this title. The standards adopted under this subsection may apply
2 to:

3 (1) particular kinds of accessible absentee ballot
4 systems;

5 (2) particular elements comprising an accessible
6 absentee ballot system, including operation procedures; or

7 (3) accessible absentee ballot systems generally.

8 (e) The secretary of state by rule shall prescribe and
9 implement, to the extent applicable:

10 (1) a certification process for approval of an
11 accessible absentee ballot system using the process prescribed by
12 Subchapter B, Chapter 122;

13 (2) a process for approval of modification in design
14 of approved systems prescribed by Subchapter C, Chapter 122; and

15 (3) a process for reexamination of approved systems
16 prescribed by Subchapter D, Chapter 122.

17 SECTION 2. Section 86.002, Election Code, is amended by
18 adding Subsection (a-1) to read as follows:

19 (a-1) The early voting clerk shall provide to a voter using
20 an accessible absentee ballot system under Section 81.006:

21 (1) the balloting materials required under this
22 section; and

23 (2) instructions prescribed by the secretary of state
24 for accessing the accessible absentee ballot system.

25 SECTION 3. Section 86.003(a), Election Code, is amended to
26 read as follows:

27 (a) The balloting materials for voting by mail shall be

1 provided to the voter by mail. Except for a ballot voted under
2 Section 81.006, a [A] ballot provided by any other method may not be
3 counted.

4 SECTION 4. Section 86.009, Election Code, is amended by
5 adding Subsection (g) to read as follows:

6 (g) The secretary of state by rule shall modify the
7 procedures required under this section if an accessible absentee
8 ballot system is used to deliver a ballot to a voter.

9 SECTION 5. This Act takes effect September 1, 2023.