

By: Toth, et al.

H.B. No. 952

Substitute the following for H.B. No. 952:

By: Shaheen

C.S.H.B. No. 952

A BILL TO BE ENTITLED

AN ACT

relating to the electronic identification and tracking of early voting ballots voted by mail.

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) In an election in which the county clerk is the early voting clerk, each early voting ballot voted by mail must include a scannable code readable by an electronic device that may be used to verify the authenticity of the ballot. The code must correspond to the number assigned to the ballot under Section 52.062.

(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 system for generating and tracking scannable codes 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) If a ballot has a scannable code described by Section 52.076, the clerk shall, before providing the ballot to an applicant, identify the code with an electronic device and make a record indicating that a ballot with the code was issued.

SECTION 3. Section 86.013(d), Election Code, is amended to read as follows:

(d) The following textual material, as prescribed by the secretary of state, must be printed on the reverse side of the official carrier envelope or on a separate sheet accompanying the carrier envelope when it is provided:

(1) the prohibition prescribed by Section 86.006(b);

(2) the conditions for delivery by common or contract carrier prescribed by Sections 81.005 and 86.006;

(3) the requirements for the legal execution and delivery of the carrier envelope, including the prohibition on compensation for depositing carrier envelopes containing ballots voted by other persons under Section 86.0052;

(4) the prohibition prescribed by Section 86.006(e);  
[and]

(5) the offenses prescribed by Sections 86.006(f) and 86.010(f); and

(6) the availability of and instructions to use the system described by Section 86.016.

SECTION 4. Chapter 86, Election Code, is amended by adding Section 86.016 to read as follows:

Sec. 86.016. ELECTRONIC TRACKING OF CARRIER ENVELOPE. (a) The early voting clerk shall develop and implement a system to allow a voter to track the carrier envelope containing the voter's ballot while the envelope is in transit with the United States Postal Service.

(b) The secretary of state may by rule provide for the

1 secretary of state to develop and implement the system under  
2 Subsection (a) in place of the early voting clerk.

3 SECTION 5. Section 87.062, Election Code, is amended by  
4 adding Subsection (a-1) to read as follows:

5 (a-1) If a ballot has a scannable code under Section 52.076,  
6 the early voting ballot board shall identify the code with an  
7 electronic device and compare the code on the ballot to the codes  
8 recorded by the early voting clerk under Section 86.001(h). If the  
9 code does not match a recorded code, the early voting ballot board  
10 may not count the ballot. Ballots not counted under this section  
11 shall be placed in an envelope and treated in the same manner as  
12 rejected ballots under Section 87.043.

13 SECTION 6. Section 87.103, Election Code, is amended by  
14 adding Subsection (a-1) to read as follows:

15 (a-1) If a ballot has a scannable code under Section 52.076,  
16 the code must be identified by an electronic device. If the code on  
17 the ballot does not match a code recorded by the early voting clerk  
18 under Section 86.001(h), the ballot may not be counted. Ballots not  
19 counted under this section shall be placed in an envelope and  
20 treated in the same manner as rejected ballots under Section  
21 87.043.

22 SECTION 7. This Act takes effect September 1, 2025.