

By: Hall

S.B. No. 2209

A BILL TO BE ENTITLED

AN ACT

relating to the required use of hand-marked paper ballots for all elections.

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

SECTION 1. Section 32.091(b), Election Code, is amended to read as follows:

(b) A judge or clerk may not be paid for more than two hours of work before the polls open, except for payment made for work under Section 62.014(c). ~~[In a precinct in which voting machines are used, a judge or clerk may not be paid for more than two hours of work after the time for closing the polls or after the last voter has voted, whichever is later.]~~

SECTION 2. Section 33.054(b), Election Code, is amended to read as follows:

(b) A watcher serving at the meeting place of an early voting ballot board may not leave during voting hours on election day without the presiding judge's permission if the board has ~~[recorded any votes cast on voting machines or]~~ counted any ballots, unless the board has completed its duties and has been dismissed by the presiding judge.

SECTION 3. Section 43.007(d), Election Code, is amended to read as follows:

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

- 1 (1) has held a public hearing under Subsection (b);
- 2 (2) has submitted documentation listing the steps
- 3 taken to solicit input on participating in the program by
- 4 organizations or persons who represent the interests of voters;
- 5 (3) has implemented a computerized voter registration
- 6 list that allows an election officer at the polling place to verify
- 7 that a voter has not previously voted in the election;
- 8 (4) uses [~~direct recording electronic voting~~
- 9 ~~machines, ballot marking devices, or~~] hand-marked scannable paper
- 10 ballots that are printed and scanned at the polling place or any
- 11 other type of voting system equipment that the secretary of state
- 12 determines is capable of processing votes for each type of ballot to
- 13 be voted in the county; and
- 14 (5) is determined by the secretary of state to have the
- 15 appropriate technological capabilities.

16 SECTION 4. Section [52.075](#), Election Code, is amended to

17 read as follows:

18 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING

19 SYSTEMS. (a) The secretary of state may prescribe the form and

20 content of a ballot for an election using a voting system, including

21 an electronic voting system [~~or a voting system that uses direct~~

22 ~~recording electronic voting machines or ballot marking devices~~], to

23 conform to the formatting requirements of the system.

24 (b) In this section, [~~"ballot marking device," "direct~~

25 ~~recording electronic voting machine,"~~] "electronic voting

26 system[~~7~~]" and "voting system" have the meanings assigned by

27 Section [121.003](#).

1 SECTION 5. Section 68.032(a), Election Code, is amended to
2 read as follows:

3 (a) In precincts using paper ballots [~~, voting machines,~~] or
4 electronic voting system ballot counters, the copy of the returns
5 required to be delivered to the county clerk shall be delivered not
6 later than two hours, or as soon thereafter as practicable, after
7 the closing of the polls or after the last person voted, whichever
8 is later.

9 SECTION 6. Sections 85.071(a) and (b), Election Code, are
10 amended to read as follows:

11 (a) During the period for early voting by personal
12 appearance, the ballots voted at a branch polling place [~~, other
13 than those cast on a voting machine,~~] shall be:

14 (1) retained securely at the branch polling place in a
15 locked room accessible only to election officers; or

16 (2) delivered by an election officer or designated law
17 enforcement officer to the main early voting polling place at the
18 close of voting each day.

19 (b) The unvoted ballots at the branch polling place [~~, other
20 than voting machine ballots,~~] shall be retained or delivered with
21 the voted ballots but in a separate locked container.

22 SECTION 7. Section 87.022, Election Code, is amended to
23 read as follows:

24 Sec. 87.022. TIME OF DELIVERY: GENERAL RULE. Except as
25 provided by Section 87.0221, 87.0222, or 87.023, [~~or 87.024,~~] the
26 materials shall be delivered to the early voting ballot board under
27 this subchapter during the time the polls are open on election day,

1 or as soon after the polls close as practicable, at the time or
2 times specified by the presiding judge of the board.

3 SECTION 8. Subchapter A, Chapter 123, Election Code, is
4 amended by adding Section 123.010 to read as follows:

5 Sec. 123.010. CERTAIN ELECTRONIC VOTING SYSTEMS
6 PROHIBITED. An authority holding elections in this state may only
7 adopt a voting system that requires hand-marked paper ballots for
8 all elections.

9 SECTION 9. Section 125.001, Election Code, is amended to
10 read as follows:

11 Sec. 125.001. ALLOCATION OF EQUIPMENT AMONG POLLING
12 PLACES. The authority responsible for allocating election
13 supplies among the polling places for an election shall determine
14 the number of [~~voting machines or~~] units of [~~other~~] voting system
15 equipment to be installed at each polling place based on:

16 (1) the number of votes cast at the polling place in
17 previous, similar elections;

18 (2) the number of registered voters eligible to vote
19 at a polling place;

20 (3) the number of units of equipment available; and

21 (4) any other factors the authority determines are
22 relevant.

23 SECTION 10. Section 145.098(a), Election Code, is amended
24 to read as follows:

25 (a) If a candidate files a withdrawal request after the
26 deadline prescribed by Section 145.092, and the candidate complies
27 with each requirement under Section 145.001 except that the

1 candidate's filing to withdraw is untimely, the authority
2 responsible for preparing the ballots may choose to omit the
3 candidate from the ballot if at the time the candidate files the
4 withdrawal request[+]

5 [~~(1)~~] the ballots have not been prepared[+ ~~and~~
6 [~~(2)~~ if using a voting system to which Chapter 129
7 applies, public notice of the test of logic and accuracy has not
8 been published].

9 SECTION 11. Section 213.007(a), Election Code, is amended
10 to read as follows:

11 (a) On presentation by a recount committee chair of a
12 written order signed by the recount supervisor, the custodian of
13 voted ballots [~~voting machines~~] or test materials or programs
14 used in counting electronic voting system ballots shall make the
15 ballots [~~machines~~] or materials or programs, including the
16 records from which the operation of the voting system may be
17 audited, available to the committee.

18 SECTION 12. Section 221.008, Election Code, is amended to
19 read as follows:

20 Sec. 221.008. EXAMINATION OF SECURED BALLOTS AND
21 EQUIPMENT. A tribunal hearing an election contest may cause
22 secured ballot boxes [~~voting machines~~] or other equipment used
23 in the election to be unsecured to determine the correct vote count
24 or any other fact that the tribunal considers pertinent to a fair
25 and just disposition of the contest.

26 SECTION 13. Section 292.001(a), Local Government Code, is
27 amended to read as follows:

1 (a) The commissioners court of a county may purchase,
2 construct, or provide by other means, including a lease or a lease
3 with an option to purchase, or may reconstruct, improve, or equip a
4 building or rooms, other than the courthouse, for the housing of
5 county or district offices, county or district courts, justice of
6 the peace courts, county records or equipment [~~(including voting~~
7 ~~machines)~~], or county jail facilities, or for the conducting of
8 other public business, if the commissioners court determines that
9 the additional building or rooms are necessary. The commissioners
10 court may purchase and improve the necessary site for the building
11 or rooms.

12 SECTION 14. (a) The following provisions of the Election
13 Code are repealed:

- 14 (1) Sections 61.002(a), (c), and (d);
- 15 (2) Section 66.058(g);
- 16 (3) Section 85.033;
- 17 (4) Section 87.024;
- 18 (5) Chapter 104;
- 19 (6) Section 112.009;
- 20 (7) Section 112.010;
- 21 (8) Sections 121.003(3), (6), (7), (8), (12), and
22 (13);
- 23 (9) Section 122.033;
- 24 (10) Section 125.007;
- 25 (11) Section 127.201(g);
- 26 (12) Chapter 129;
- 27 (13) Section 212.134(b); and

1 (14) Section 213.016.

2 (b) Section 33.05, Penal Code, is repealed.

3 SECTION 15. (a) The change in law made by this Act to
4 Section 221.008, Election Code, applies only to an election contest
5 filed on or after the effective date of this Act. An election
6 contest filed before the effective date of this Act is governed by
7 the law as it existed immediately before the effective date of this
8 Act, and that law is continued in effect for that purpose.

9 (b) The change in law made by this Act in repealing Section
10 33.05, Penal Code, applies only to an offense committed on or after
11 the effective date of this Act. An offense committed before the
12 effective date of this Act is governed by the law in effect when the
13 offense was committed, and the former law is continued in effect for
14 that purpose. For purposes of this section, an offense was
15 committed before the effective date of this Act if any element of
16 the offense occurred before that date.

17 SECTION 16. This Act takes effect September 1, 2025.