

By: Hughes, Hall

S.B. No. 2217

A BILL TO BE ENTITLED

AN ACT

relating to certain election practices and procedures.

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

SECTION 1. Section 31.014(a), Election Code, is amended to read as follows:

(a) The secretary of state shall prescribe specific requirements and standards, consistent with this code, for the certification of an electronic device used to accept voters under Chapter 63 that require the device to:

(1) produce an electronic copy of the list of voters who were accepted to vote for delivery to the election judge after the polls close;

(2) display the voter's original signature in accordance with Section 63.002;

(3) accept a voter for voting even when the device is off-line;

(4) provide the full list of voters registered in the county with an indication of the jurisdictional or distinguishing number for each territorial unit in which each voter resides;

(5) time-stamp when each voter is accepted at a polling place, including the voter's unique identifier;

(6) if the county participates in the countywide polling place program under Section 43.007 or has more than one early voting polling place, transmit a time stamp when each voter is

accepted, including the voter's unique identifier, to all polling place locations;

(7) time-stamp the receipt of a transmission under Subdivision (6); ~~and~~

(8) produce in an electronic format compatible with the statewide voter registration list under Section 18.061 data for retention and transfer that includes:

(A) the polling location in which the device was used;

(B) the dated time stamp under Subdivision (5); and

(C) the dated time stamp under Subdivision (7);

(9) produce a report with all information required to be included on a combination form under Chapter 63 and Section 64.032; and

(10) produce a copy of the list of all voters who were accepted to vote, including a reference to the voter's county election precinct and polling location where the voter was accepted to vote.

SECTION 2. Section 65.057, Election Code, is amended by adding Subsection (c) to read as follows:

(c) When reporting the results of a count under this section, provisional ballots cast during the early voting period shall be included with the results for early voting by personal appearance, and provisional ballots cast on election day shall be included with the results for election day.

SECTION 3. Subchapter A, Chapter 66, Election Code, is

1 amended by adding Sections 66.005 and 66.006 to read as follows:

2 Sec. 66.005. POST ELECTION RECONCILIATION. (a) Not later
3 than the 30th day after election day, the general custodian of
4 election records shall prepare a reconciliation of the total number
5 of votes cast and the total number of voters accepted to vote by
6 personal appearance at each polling place in the custodian's county
7 during the early voting period and on election day respectively.

8 (b) The general custodian of election records shall post the
9 results of a reconciliation conducted under Subsection (a) on the
10 county's Internet website in the same location that the county
11 provides information on election results.

12 Sec. 66.006. PRODUCTION AND PRESERVATION OF CERTAIN REPORTS
13 FROM ELECTRONIC DEVICES TO ACCEPT VOTERS. (a) The general
14 custodian of election records for an authority holding an election
15 that uses an electronic device certified under Section 31.014 to
16 accept voters shall prepare a report including information
17 described by Sections 31.014(a)(9) and (10) not later than the 30th
18 day after election day.

19 (b) A report produced under Subsection (a) is an election
20 record under Section 1.012 and shall be retained by the general
21 custodian of election records for the period for preserving the
22 precinct election records.

23 SECTION 4. Subchapter G, Chapter 87, Election Code, is
24 amended by adding Section 87.129 to read as follows:

25 Sec. 87.129. PROCESSING RESULTS WITHOUT CENTRALIZED
26 COUNTING. (a) This section applies only to the processing of
27 election results for early voting in electronic voting systems that

1 require voters to deposit voted ballots directly into a unit of
2 automatic tabulating equipment and does not entail the counting of
3 ballots at a central counting station.

4 (b) The presiding judge of an early voting polling place
5 shall prepare a reconciliation of votes and voters at the close of
6 each day of early voting.

7 (c) The presiding judge shall investigate any discrepancy
8 between the number of votes and voters revealed by a reconciliation
9 conducted under Subsection (b) and document the cause of the
10 discrepancy.

11 (d) The official tabulation of ballots shall be conducted at
12 a central counting station if a reconciliation and investigation
13 conducted under this section reveals:

14 (1) a discrepancy of one percent or more between the
15 total number of votes and voters; or

16 (2) a discrepancy between the total number of votes
17 and voters was the result of an incorrect tabulation or other
18 malfunction of voting system equipment at the early voting polling
19 place.

20 SECTION 5. Section 121.003, Election Code, is amended by
21 adding Subdivision (14) to read as follows:

22 (14) "Central accumulator" means a part of a voting
23 system that tabulates or consolidates the vote totals for multiple
24 precincts.

25 SECTION 6. Subchapter C, Chapter 125, Election Code, is
26 amended by adding Section 125.0635 to read as follows:

27 Sec. 125.0635. POLLING PLACE REPORT FOR VOTING FOR CERTAIN

1 ELECTRONIC VOTING SYSTEMS. (a) This section only applies to a
2 polling place that requires a voter's ballot to be scanned at the
3 polling place with an optical scanner.

4 (b) Immediately after closing the polling place at the end
5 of the period for early voting by personal appearance and on
6 election day, the presiding election judge shall generate a report
7 from each optical scanner used at the polling place regarding the
8 total number of ballots scanned by that scanner during the period
9 for early voting by personal appearance or election day, as
10 applicable.

11 (c) A report produced under Subsection (b) at an early
12 voting polling place may not include information on the number of
13 votes received by a candidate or for or against any proposition.

14 SECTION 7. Subchapter E, Chapter 127, Election Code, is
15 amended by adding Sections 127.1302 and 127.133 to read as follows:

16 Sec. 127.1302. REQUIRED REPORT FOR OPTICAL SCANNERS. (a)
17 In an election using centrally counted optical scan ballots, the
18 presiding judge of the central counting station shall prepare a
19 report regarding the total number of ballots scanned by each
20 optical scanner from each data storage device.

21 (b) The presiding judge of the central counting station
22 shall prepare one report for the total number of ballots from each
23 specific data storage device.

24 (c) The presiding judge of the central counting station must
25 prepare the report for a data storage device under Subsection (a)
26 before the information from the storage device is read into a
27 central accumulator.

1 (d) A report prepared under Subsection (a) before the
2 opening of polling locations on election day may not contain
3 information on the number of votes cast for any candidate or for or
4 against any proposition.

5 Sec. 127.133. REQUIRED REPORT FROM CENTRAL ACCUMULATOR.

6 (a) This section only applies to an election held on or after
7 September 1, 2026.

8 (b) An election system that uses a central accumulator must
9 be capable of producing a report with the total number of votes
10 received by each candidate and for or against each proposition for
11 each polling place.

12 SECTION 8. This Act applies only to an election ordered on
13 or after the effective date of this Act.

14 SECTION 9. This Act takes effect September 1, 2025.