

By: Hughes, Kolthorst

S.B. No. 2309

A BILL TO BE ENTITLED

AN ACT

relating to election integrity and security of ballot boxes,
including by preventing fraud in the conduct of elections in this
state; authorizing a penalty.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. SHORT TITLE. This Act may be cited as the
Ballot Box Election Security, Transparency, and Accountability
Act.

SECTION 1.02. Chapter 33, Texas Election Code, is amended
to read as follows:

Sec. 33.0605. OBSERVING DATA STORAGE SEALING AND TRANSFER.

(a) A watcher appointed to serve at a polling place in an election
who is available at the time of the action may observe all election
activities relating to the opening and closing of the polling
place, including starting up and closing voting system equipment,
printing of all types of voting system tapes, inspecting of ballot
boxes, the sealing and transfer of a memory card, flash drive, hard
drive, data storage device, or other medium now existing or later
developed used by the voting system equipment.

(b) Notwithstanding any other provision of this code, a
watcher duly accepted for service at a polling location is entitled
to follow the transfer and delivery of election materials,
including ballot boxes, from the polling place at which the watcher

1 was accepted to a regional tabulating center, the central counting
 2 station, the main early voting site, the early voting clerk's
 3 office, a secured storage location, or any other location
 4 designated to receive, store, and process election materials. The
 5 authority responsible for administering a regional tabulating
 6 center or another location where election materials are delivered,
 7 processed, and stored must accept duly appointed watchers for
 8 service in the same manner a watcher is accepted for service under
 9 Section 33.051 and must accept the same number of watchers that may
 10 serve under Section 33.007(a).

11 SECTION 1.03. Chapter 127, Section 127.1232, Election Code,
 12 is amended to read as follows:

13 Sec. 127.1232. SECURITY OF VOTED BALLOTS. (b) The general
 14 custodian of election records in a county with a population of
 15 100,000 or more shall implement a video surveillance system that
 16 retains a record of all areas containing voted ballots, including
 17 but not limited to all doorways, halls, and offices:

18 (1) from the time the voted ballots during early
 19 voting and on election day are delivered to the early voting ballot
 20 board, the early voting clerk, regional tabulating center, and the
 21 central counting station, or any other location designated for
 22 delivery, until the final canvass of precinct election returns; and

23 (2) from the time the absentee voted ballots are
 24 delivered to the elections office, signature verification
 25 committee or early voting ballot board until the final canvass of
 26 precinct election returns.

27 (c) A video from a system implemented under Subsection (b)

1 shall be made available to the public by a livestream and must
2 include a large analog clock visible in each area under
3 surveillance.

4 (e) A person that violates this section commits an offense.
5 An offense under this section is a Class A misdemeanor for the first
6 offense. Multiple offenses thereafter are felonies of the third
7 degree.

8 SECTION 1.04. Chapter 127, Section 127.201, Texas Election
9 Code, shall be amended as follows:

10 Sec. 127.201. PARTIAL COUNT OF ELECTRONIC VOTING SYSTEM
11 BALLOTS BY GENERAL CUSTODIAN. (d) Each candidate in the election is
12 entitled to be present for the retrieving of ballot boxes, opening
13 of ballot box seals, ballot sorting, counting of ballots, and
14 resealing of ballot boxes for the partial count. Each candidate,
15 and treasurer of a specific-purpose political action committee that
16 was involved in the election ~~[at the count and]~~ is entitled to have
17 a watcher and representative present to monitor all activities
18 associated with the partial count. A representative must deliver a
19 certificate of appointment to the general custodian at the time the
20 representative reports for service. The certificate must be in
21 writing and must include:

22 (1) the printed name and signature of the
23 representative;

24 (2) the election subject to the count; and

25 (3) the printed name and signature of the candidate
26 making the appointment.

27 SECTION 1.05. This Act takes effect September 1, 2025.