

SUBJECT: Revising provisions on data modification in ballot scan systems

COMMITTEE: Elections — favorable, without amendment

VOTE: 9 ayes — Smith, Bucy, Burrows, Capriglione, DeAyala, Manuel, E. Morales, Swanson, Vo

0 nays

SENATE VOTE: On final passage (April 20) — 29 - 2

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Dr. Laura Pressley, True Texas Elections; Wes Bowen; Thomas Burrows; Marcia Strickler (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; John R. Pitts, Electronic Systems and Software; Fred Shannon, Hart InterCivic; Devvie Duke, Republican Party of Texas; Joey Bennett, Secure Democracy USA; Andrew Eller, State Republican Executive Committee SD24, Republican Party of Texas; Cary Roberts, Texas Association of Elections Administrators; Elizabeth Baron, Texas First; Chuck DeVore, Texas Public Policy Foundation; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; Russell Hayter; Ken Moore; Lucy Trainor)

Against — (*Registered, but did not testify*: Birk Wilkison, Texas Democratic Party)

On — Christina Adkins, Texas Secretary of State; Charles Crews

BACKGROUND: Under Election Code sec. 127.1301(b), an authority operating a central counting station may not purchase or use a centrally counted optical ballot scan system that uses data storage on which information, once written, is capable of being modified.

Concerns have been raised about potential costs associated with implementing certain provisions that prohibit counties from using reusable

storage devices in elections and the availability of certain voting technology.

DIGEST: SB 1661 would amend Election Code sec. 127.1301(b) to allow an authority operating a central counting station only to purchase or use a ballot scan system if the system was capable only of using a data transfer media device that:

- once a cast vote record was written, was incapable of being modified without automatic detection of the modification and rejection of the cast vote record; and
- did not allow for the process to be overridden or circumvented.

The bill would take effect September 1, 2023.