

BILL ANALYSIS

Senate Research Center
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S.B. 1247
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Help America Vote Act, passed as a federal law in 2002, requires voting machines to have a manual audit capacity, but current law in this state does not include such a requirement. This requirement includes a "permanent paper record" that is supposed to be available for use in the event of a recount. With systematic problems in electronic voting machines throughout this state and nationwide, there is a high level of public distrust and a constant threat that voters may be disenfranchised in the case of an electronic system failure to security lapse.

As proposed, S.B. 1247 requires electronic voting machines to print a paper audit trail that is verified by the voter before being securely stored for use in the case of an election recount.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 129, Election Code, by adding Section 129.002, as follows:

Sec. 129.002. VOTER-VERIFIED PERMANENT PAPER RECORD. (a) Prohibits a voting system (system) that consists of direct recording electronic voting machines from being used in an election unless the system creates a contemporaneous auditable paper record of each electronic ballot, has been certified or otherwise approved by means of qualification testing by a nationally recognized test laboratory, and has met or exceeded the minimum requirement contained in "Performance and Test Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems" or a successor voluntary standards document developed and adopted by certain entities.

(b) Requires the system to allow a voter to inspect and verify the paper record through both a visual and a nonvisual method before the voter's ballot is recorded electronically and to allow a voter to make changes to the voter's electronic ballot after reviewing the paper record.

(c) Requires the paper record to list the contests on the ballot and the voter's choices in those contests.

(d) Requires the system, if the voter makes changes under Subsection (b)(2), to invalidate the paper record that the voter reviewed and generate a new paper record corresponding to the changed vote. Requires the new paper record to be reviewed by the voter in the manner provided by Subsection (b).

(e) Requires the system, if the voter verifies that the paper record is correct, to record the voter's electronic vote and preserve the paper records at the polling place in the same manner as paper ballots are preserved to ensure that the paper records may be used in a manual audit or recount.

(f) Establishes that the electronic vote is the official record of the ballot, except for a recount under Title 13 (Recounts). Establishes that the paper record is the official record of the vote cast for a recount of ballots cast on a system involving

direct recording electronic voting machines. Authorizes the paper record to be used for a manual audit of the system and requires the paper record to be preserved in the same manner as other paper records in an election.

(g) Authorizes a system involving direct recording electronic voting machines that was acquired before January 1, 2008, to be used in an election without meeting the requirements of this section only if certain circumstances apply.

SECTION 2. Effective date: January 1, 2008.