

BILL ANALYSIS

C.S.H.B. 949
By: Villalba
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the secretary of state is required to select counties to participate in the countywide polling place program using as one of the criteria for the selection a county's use of direct recording electronic voting machines. The parties are concerned that this criterion limits the availability of a voter-verifiable paper trail. C.S.H.B. 949 seeks to address this issue by changing that criterion to include the use of a voting system capable of printing all available ballot styles of an applicable polling place.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 949 amends the Election Code to include among the counties required to be selected by the secretary of state to participate in the countywide polling place program each county that, among other requirements for selection, uses a voting system capable of printing all available ballot styles of the applicable polling place.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 949 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 43.007(c) and (d), Election Code, are amended to read as follows:

(c) In conducting the program, the secretary of state shall provide for an audit of the

HOUSE COMMITTEE SUBSTITUTE

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(c) In conducting the program, the secretary of state shall provide for an audit of the

voting system equipment [~~direct recording electronic voting units~~] before and after the election, and during the election to the extent such an audit is practicable.

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

(1) has held a public hearing under Subsection (b);

(2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;

(3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(4) uses direct recording electronic voting machines or any other type of voting machine that is capable of processing votes for each type of ballot to be voted in the county; and

(5) is determined by the secretary of state to have the appropriate technological capabilities.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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

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(2) has submitted documentation listing the steps taken to solicit input on participating in the program by organizations or persons who represent the interests of voters;

(3) has implemented a computerized voter registration list that allows an election officer at the polling place to verify that a voter has not previously voted in the election;

(4) uses either direct recording electronic voting machines or a voting system capable of printing all available ballot styles of that polling place; and

(5) is determined by the secretary of state to have the appropriate technological capabilities.

SECTION 2. Same as introduced version.