

BILL ANALYSIS

Senate Research Center

S.B. 1234
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State Affairs
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Paper records are essential to verifying election results. Having a paper record for all electronic voting machines will ensure another critical level of protection against voter fraud.

This bill amends the Election Code to require that there be a paper audit trail in order to verify election results. The bill defines "auditable voting system" as a voting system that uses a paper record or produces a paper receipt so that the vote can be verified.

This bill mandates that all voting systems in Texas used in an election be an auditable voting system. For a recount for ballots on direct recording electronic voting machines, the paper record is the official record of that vote cast.

This bill does not affect elections held before March 1, 2024.

As proposed, S.B. 1234 amends current law relating to a requirement that a voting system use a paper record or produce a paper receipt for verification purposes.

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 Subchapter A, Chapter 129, Election Code, by adding Section 129.003, as follows:

Sec. 129.003. PAPER AUDIT TRAIL REQUIRED. (a) Defines "auditable voting system."

(b) Requires that a voting system used in an election, except as otherwise provided by this section, be an auditable voting system.

(c) Provides that, except for a recount under Title 13 (Recounts), the electronic vote is the official record of the ballot. Provides that for a recount of ballots cast on a system involving direct recording electronic voting machines, the paper record or receipt copy is the official record of the vote cast.

(d) Provides that a paper record generated by an auditable voting system is authorized to be used only for the purposes described by this section and is prohibited from being retained by the voter.

(e) Provides that this section does not apply to an election held before March 1, 2024.

SECTION 2. Effective date: September 1, 2021.