

1-1 By: Swanson (Senate Sponsor - Fallon) H.B. No. 88
1-2 (In the Senate - Received from the House April 3, 2019;
1-3 April 4, 2019, read first time and referred to Committee on State
1-4 Affairs; May 13, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 13, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 88 By: Huffman

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to an election ballot.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 2.002(d), Election Code, is amended to
1-24 read as follows:

1-25 (d) The order of the candidates' names on the ballot shall
1-26 be the relative order of names on the original ballot [~~determined by~~
1-27 ~~a drawing in accordance with Section 52.094~~].

1-28 SECTION 2. Section 52.075, Election Code, is amended to
1-29 read as follows:

1-30 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING
1-31 SYSTEMS. (a) The secretary of state may prescribe the form and
1-32 content of a ballot for an election using a voting system, including
1-33 an electronic voting system or a voting system that uses direct
1-34 recording electronic voting machines or ballot marking devices, to
1-35 conform to the formatting requirements of the system.

1-36 (b) In this section, "ballot marking device," "direct
1-37 recording electronic voting machine," "electronic voting system,"
1-38 and "voting system" have the meanings assigned by Section 121.003.

1-39 SECTION 3. Sections 52.094(a) and (c), Election Code, are
1-40 amended to read as follows:

1-41 (a) Except as otherwise provided by law, for an election at
1-42 which the names of more than one candidate for the same office are
1-43 to appear on the ballot in an independent column or are to appear on
1-44 a general or special election ballot that does not contain a party
1-45 nominee, the order of the candidates' names shall be determined by a
1-46 drawing. The order of the candidates' names on the ballot of any
1-47 resulting runoff election or election held to resolve a tie vote
1-48 shall be the relative order of names on the original election
1-49 ballot.

1-50 (c) The authority conducting the drawing shall post in the
1-51 authority's office a notice of the date, hour, and place of the
1-52 drawing. The notice must remain posted continuously for 72 hours
1-53 immediately preceding the scheduled time of the drawing[, ~~except~~
1-54 ~~that for a runoff election or an election held to resolve a tie~~
1-55 ~~vote, the notice must remain posted for 24 hours immediately~~
1-56 ~~preceding the scheduled time of the drawing~~].

1-57 SECTION 4. Section 121.003, Election Code, is amended by
1-58 adding Subdivision (13) to read as follows:

1-59 (13) "Ballot marking device" means a voting system
1-60 with an electronic interface that allows a voter to mark a paper

2-1 ballot.

2-2 SECTION 5. This Act takes effect September 1, 2019.

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