

1-1 By: Leach, Bucy (Senate Sponsor - Hughes) H.B. No. 3159  
 1-2 (In the Senate - Received from the House May 15, 2023;  
 1-3 May 16, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2023, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18			X	

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

1-21 relating to the use of an accessible absentee mail system by certain  
 1-22 voters.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 81, Election Code, is amended by adding  
 1-25 Sections 81.006 and 81.007 to read as follows:

1-26 Sec. 81.006. ACCESSIBLE ABSENTEE BALLOT SYSTEM. (a) A  
 1-27 person eligible for early voting by mail under Section 82.002 may  
 1-28 receive and cast a ballot using an accessible absentee mail system  
 1-29 approved by the secretary of state under Section 81.007.

1-30 (b) An accessible absentee mail system must be an electronic  
 1-31 system, including software, used for the sole purpose of enabling a  
 1-32 voter who has a disability and needs assistive technology for  
 1-33 marking or reading the ballot, to mark the voter's ballot and print  
 1-34 and submit the ballot in the manner required by Chapter 86 for a  
 1-35 ballot marked by the voter.

1-36 (c) The secretary of state shall adopt rules and prescribe  
 1-37 procedures for the implementation of this section.

1-38 Sec. 81.007. ACCESSIBLE ABSENTEE BALLOT SYSTEM STANDARDS.

1-39 (a) An accessible absentee ballot system described by Section  
 1-40 81.006 may not be used in an election unless the system is approved  
 1-41 by the secretary of state in accordance with this section.

1-42 (b) The secretary of state shall adopt standards for the  
 1-43 approval of an accessible absentee ballot system. At a minimum, the  
 1-44 standards adopted shall require an accessible absentee ballot  
 1-45 system to:

1-46 (1) preserve the secrecy of the ballot;

1-47 (2) authenticate the voter prior to delivery of a  
 1-48 ballot using:

1-49 (A) all information required under Sections  
 1-50 84.002(a)(1) and (1-a); and

1-51 (B) any other information the secretary of state  
 1-52 determines to be necessary for the positive identification of the  
 1-53 person accessing the ballot as the voter;

1-54 (3) operate safely, efficiently, and accurately;

1-55 (4) be equipped with security measures necessary to  
 1-56 prevent fraudulent or unauthorized manipulation;

1-57 (5) secure the screen and audio output of the device on  
 1-58 which the ballot is displayed during voting so that, other than the  
 1-59 voter's own notes, political advertising or a campaign  
 1-60 communication, as those terms are defined by Section 251.001, is  
 1-61 not displayed or audibly available to the voter while the ballot is

2-1 being marked;  
2-2 (6) securely print the voter's marked ballot with a  
2-3 unique serial number and transmit the ballot to the early voting  
2-4 clerk without information identifying the voter;  
2-5 (7) use a method of verification that a ballot was  
2-6 issued to an eligible voter;  
2-7 (8) require the voter, prior to accessing the ballot,  
2-8 to swear or affirm that the voter is the person to whom the ballot is  
2-9 issued, and affirmatively indicate the statement, "I have a  
2-10 sickness or physical condition that prevents me from appearing at  
2-11 the polling place on election day without a likelihood of needing  
2-12 personal assistance or injuring my health," as prescribed by  
2-13 Section 82.002(a), is true and correct;  
2-14 (9) require the voter, after printing the voted  
2-15 ballot, to:  
2-16 (A) place the voted ballot in the official ballot  
2-17 envelope and seal the ballot envelope;  
2-18 (B) place the ballot envelope in the official  
2-19 carrier envelope and seal the carrier envelope; and  
2-20 (C) sign the certificate on the sealed carrier  
2-21 envelope;  
2-22 (10) prevent any image or record of a voter's ballot  
2-23 choices, other than the original ballot printed, from being saved,  
2-24 printed, transmitted, or stored on the voter's device;  
2-25 (11) be incapable of transmitting voted ballot images  
2-26 or records via the Internet; and  
2-27 (12) be capable of providing records, including  
2-28 Internet protocol addresses of the devices displaying a voter's  
2-29 ballot, from which the operation of the accessible absentee ballot  
2-30 system may be audited.  
2-31 (c) For the purposes of Subsection (b)(9)(A), a voter's  
2-32 failure to use the official ballot envelope does not affect the  
2-33 validity of the ballot and the voter must complete the official  
2-34 carrier envelope as provided by Section 86.006.  
2-35 (d) The secretary of state by rule may prescribe additional  
2-36 standards for accessible absentee ballot systems consistent with  
2-37 this title. The standards adopted under this subsection may apply  
2-38 to:  
2-39 (1) particular kinds of accessible absentee ballot  
2-40 systems;  
2-41 (2) particular elements comprising an accessible  
2-42 absentee ballot system, including operation procedures; or  
2-43 (3) accessible absentee ballot systems generally.  
2-44 (e) The secretary of state by rule shall prescribe and  
2-45 implement, to the extent applicable:  
2-46 (1) a certification process for approval of an  
2-47 accessible absentee ballot system using the process prescribed by  
2-48 Subchapter B, Chapter 122;  
2-49 (2) a process for approval of modification in design  
2-50 of approved systems prescribed by Subchapter C, Chapter 122; and  
2-51 (3) a process for reexamination of approved systems  
2-52 prescribed by Subchapter D, Chapter 122.  
2-53 SECTION 2. Section 86.002, Election Code, is amended by  
2-54 adding Subsection (a-1) to read as follows:  
2-55 (a-1) The early voting clerk shall provide to a voter using  
2-56 an accessible absentee ballot system under Section 81.006:  
2-57 (1) the balloting materials required under this  
2-58 section; and  
2-59 (2) instructions prescribed by the secretary of state  
2-60 for accessing the accessible absentee ballot system.  
2-61 SECTION 3. Section 86.003(a), Election Code, is amended to  
2-62 read as follows:  
2-63 (a) The balloting materials for voting by mail shall be  
2-64 provided to the voter by mail. Except for a ballot voted under  
2-65 Section 81.006, a [A] ballot provided by any other method may not be  
2-66 counted.  
2-67 SECTION 4. Section 86.009, Election Code, is amended by  
2-68 adding Subsection (g) to read as follows:  
2-69 (g) The secretary of state by rule shall modify the

3-1 procedures required under this section if an accessible absentee  
3-2 ballot system is used to deliver a ballot to a voter.

3-3 SECTION 5. This Act takes effect September 1, 2023.

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