

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.

3-4 * * * * *