

1-1 By: Hughes, Hall S.B. No. 2217
 1-2 (In the Senate - Filed March 11, 2025; March 25, 2025, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 22, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 0; April 22, 2025,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hughes	X			
1-9 Paxton	X			
1-10 Bettencourt	X			
1-11 Birdwell	X			
1-12 Hall	X			
1-13 Hinojosa of Nueces	X			
1-14 Middleton	X			
1-15 Parker	X			
1-16 Perry			X	
1-17 Schwertner	X			
1-18 Zaffirini	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2217 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to certain election practices and procedures.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Section 31.014(a), Election Code, is amended to
 1-26 read as follows:
 1-27 (a) The secretary of state shall prescribe specific
 1-28 requirements and standards, consistent with this code, for the
 1-29 certification of an electronic device used to accept voters under
 1-30 Chapter 63 that require the device to:
 1-31 (1) produce an electronic copy of the list of voters
 1-32 who were accepted to vote for delivery to the election judge after
 1-33 the polls close;
 1-34 (2) display the voter's original signature in
 1-35 accordance with Section 63.002;
 1-36 (3) accept a voter for voting even when the device is
 1-37 off-line;
 1-38 (4) provide the full list of voters registered in the
 1-39 county with an indication of the jurisdictional or distinguishing
 1-40 number for each territorial unit in which each voter resides;
 1-41 (5) time-stamp when each voter is accepted at a
 1-42 polling place, including the voter's unique identifier;
 1-43 (6) if the county participates in the countywide
 1-44 polling place program under Section 43.007 or has more than one
 1-45 early voting polling place, transmit a time stamp when each voter is
 1-46 accepted, including the voter's unique identifier, to all polling
 1-47 place locations;
 1-48 (7) time-stamp the receipt of a transmission under
 1-49 Subdivision (6); ~~and~~
 1-50 (8) produce in an electronic format compatible with
 1-51 the statewide voter registration list under Section 18.061 data for
 1-52 retention and transfer that includes:
 1-53 (A) the polling location in which the device was
 1-54 used;
 1-55 (B) the dated time stamp under Subdivision (5);
 1-56 and
 1-57 (C) the dated time stamp under Subdivision (7);
 1-58 (9) produce a report with all information required to
 1-59 be included on a combination form under Chapter 63 and Section
 1-60 64.032; and

2-1 (10) produce a copy of the list of all voters who were
2-2 accepted to vote, including a reference to the voter's county
2-3 election precinct and polling location where the voter was accepted
2-4 to vote.

2-5 SECTION 2. Section 65.057, Election Code, is amended by
2-6 adding Subsection (c) to read as follows:

2-7 (c) When reporting the results of a count under this
2-8 section, provisional ballots cast during the early voting period
2-9 shall be included with the results for early voting by personal
2-10 appearance, and provisional ballots cast on election day shall be
2-11 included with the results for election day.

2-12 SECTION 3. Subchapter A, Chapter 66, Election Code, is
2-13 amended by adding Sections 66.005 and 66.006 to read as follows:

2-14 Sec. 66.005. POST ELECTION RECONCILIATION. (a) Not later
2-15 than the 30th day after election day, the general custodian of
2-16 election records shall prepare a reconciliation of the total number
2-17 of votes cast and the total number of voters accepted to vote by
2-18 personal appearance at each polling place in the custodian's county
2-19 during the early voting period and on election day respectively.

2-20 (b) The general custodian of election records shall post the
2-21 results of a reconciliation conducted under Subsection (a) on the
2-22 county's Internet website in the same location that the county
2-23 provides information on election results.

2-24 Sec. 66.006. PRODUCTION AND PRESERVATION OF CERTAIN REPORTS
2-25 FROM ELECTRONIC DEVICES TO ACCEPT VOTERS. (a) The general
2-26 custodian of election records for an authority holding an election
2-27 that uses an electronic device certified under Section 31.014 to
2-28 accept voters shall prepare a report including information
2-29 described by Sections 31.014(a)(9) and (10) not later than the 30th
2-30 day after election day.

2-31 (b) A report produced under Subsection (a) is an election
2-32 record under Section 1.012 and shall be retained by the general
2-33 custodian of election records for the period for preserving the
2-34 precinct election records.

2-35 SECTION 4. Subchapter G, Chapter 87, Election Code, is
2-36 amended by adding Section 87.129 to read as follows:

2-37 Sec. 87.129. PROCESSING RESULTS WITHOUT CENTRALIZED
2-38 COUNTING. (a) This section applies only to the processing of
2-39 election results for early voting in electronic voting systems that
2-40 require voters to deposit voted ballots directly into a unit of
2-41 automatic tabulating equipment and does not entail the counting of
2-42 ballots at a central counting station.

2-43 (b) The presiding judge of an early voting polling place
2-44 shall prepare a reconciliation of votes and voters at the close of
2-45 each day of early voting.

2-46 (c) The presiding judge shall investigate any discrepancy
2-47 between the number of votes and voters revealed by a reconciliation
2-48 conducted under Subsection (b) and document the cause of the
2-49 discrepancy.

2-50 (d) The official tabulation of ballots shall be conducted at
2-51 a central counting station if a reconciliation and investigation
2-52 conducted under this section reveals:

2-53 (1) a discrepancy of one percent or more between the
2-54 total number of votes and voters; or

2-55 (2) a discrepancy between the total number of votes
2-56 and voters was the result of an incorrect tabulation or other
2-57 malfunction of voting system equipment at the early voting polling
2-58 place.

2-59 SECTION 5. Section 121.003, Election Code, is amended by
2-60 adding Subdivision (14) to read as follows:

2-61 (14) "Central accumulator" means a part of a voting
2-62 system that tabulates or consolidates the vote totals for multiple
2-63 precincts.

2-64 SECTION 6. Subchapter C, Chapter 125, Election Code, is
2-65 amended by adding Section 125.0635 to read as follows:

2-66 Sec. 125.0635. POLLING PLACE REPORT FOR VOTING FOR CERTAIN
2-67 ELECTRONIC VOTING SYSTEMS. (a) This section only applies to a
2-68 polling place that requires a voter's ballot to be scanned at the
2-69 polling place with an optical scanner.

3-1 (b) Immediately after closing the polling place at the end
3-2 of the period for early voting by personal appearance and on
3-3 election day, the presiding election judge shall generate a report
3-4 from each optical scanner used at the polling place regarding the
3-5 total number of ballots scanned by that scanner during the period
3-6 for early voting by personal appearance or election day, as
3-7 applicable.

3-8 (c) A report produced under Subsection (b) at an early
3-9 voting polling place may not include information on the number of
3-10 votes received by a candidate or for or against any proposition.

3-11 SECTION 7. Subchapter E, Chapter 127, Election Code, is
3-12 amended by adding Sections 127.1302 and 127.133 to read as follows:

3-13 Sec. 127.1302. REQUIRED REPORT FOR OPTICAL SCANNERS. (a)
3-14 In an election using centrally counted optical scan ballots, the
3-15 presiding judge of the central counting station shall prepare a
3-16 report regarding the total number of ballots scanned by each
3-17 optical scanner from each data storage device.

3-18 (b) The presiding judge of the central counting station
3-19 shall prepare one report for the total number of ballots from each
3-20 specific data storage device.

3-21 (c) The presiding judge of the central counting station must
3-22 prepare the report for a data storage device under Subsection (a)
3-23 before the information from the storage device is read into a
3-24 central accumulator.

3-25 (d) A report prepared under Subsection (a) before the
3-26 opening of polling locations on election day may not contain
3-27 information on the number of votes cast for any candidate or for or
3-28 against any proposition.

3-29 Sec. 127.133. REQUIRED REPORT FROM CENTRAL ACCUMULATOR.

3-30 (a) This section only applies to an election held on or after
3-31 September 1, 2026.

3-32 (b) An election system that uses a central accumulator must
3-33 be capable of producing a report with the total number of votes
3-34 received by each candidate and for or against each proposition for
3-35 each polling place.

3-36 SECTION 8. This Act applies only to an election ordered on
3-37 or after the effective date of this Act.

3-38 SECTION 9. This Act takes effect September 1, 2025.

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