

CHAPTER 313

H.B. No. 2346

An Act relating to the inspection and sealing of voting machines prior to an election.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 10, Section 79, Texas Election Code (Article 7.14, Vernon's Texas Election Code), is amended to read as follows:

Sec. 10. Preparation of Voting Machines. It shall be the duty of the appropriate officer of the authority holding the election (the county clerk in elections held at the expense of the county, the city secretary in city elections, the presiding officer of the governing body of the political subdivision in elections held by other political subdivisions, and the chairman of the county executive committee in primary elections) to cause the proper ballot labels to be placed on voting machines, to cause the machines to be placed in proper order for voting, and to examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places, to see that all the registering counters are set at zero (000), to lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated and to seal each one with a numbered seal. A list of the numbered seals and the number on the protective counters, together with the number of the precinct to which each machine was sent, shall be kept as a record open to any citizen, in the records of the officer making the examination, for the length of time required by law for preservation of the returns of the election. Such inspection and sealing of voting machines shall begin *not earlier than the 30th or later than the fifth day* [~~within five days~~] before the day of the election at which such machines are to be used, and shall continue until all such machines are sealed. *The appropriate authority shall post a notice of the time and place for the inspection and sealing of the machines on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision served by the authority. The notice must remain posted continuously for the 48 hours immediately preceding the beginning of the inspection and sealing.* When all machines are locked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the inspecting officer and the signatures of two watchers of opposed interest, if there be such, placed across the seal, and on the envelope shall be written the number then on the protective counter and the number of the seal of the voting machine, such envelope to be delivered to the presiding judge of each precinct.

It shall be the duty of the sheriff in an election held at the expense of the county, the duty of the mayor in a city election, the duty of the presiding officer of the governing body of the political subdivision in an election held by any other political subdivision, and the duty of the county chairman in a primary election, to have a voting machine or machines delivered to each of the polling places where voting machines are to be used, at least one hour before the time set for the opening of the polls in such voting precinct. After the machine has been delivered, the same authority shall cause the machine to be set up in the proper manner and shall cause protection to be given so that the machine shall be free from molestation and injury. The same authority shall cause to be delivered with each machine an auxiliary light where necessary, properly prepared to be lighted in emergency, so arranged that the light will illuminate the face of the machine sufficiently that a voter may be able to read all the names on the machine, and suitable for officers in examining counters. The protective hood and screen of the machine shall be examined to see that they properly conceal all the actions of the voter while the voter is operating the machine. All poll lists and necessary supplies shall be delivered to the presiding judge at the same time the key or keys to the machine are delivered.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 18, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 7, 1985

Effective: August 26, 1985