

CHAPTER 484

H.B. No. 1412

AN ACT

relating to the approval and use of voting systems and voting system equipment and to the security, verification, processing, and recount of electronic voting system election results.

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

SECTION 1. Section 121.003(6), Election Code, is amended to read as follows:

(6) "Voting system equipment" means any kind of mechanical, electromechanical, or electronic apparatus [~~specially designed~~] for use in a voting system.

SECTION 2. Section 122.001(a), Election Code, is amended to read as follows:

(a) A voting system may not be used in an election unless the system:

- (1) preserves the secrecy of the ballot;
- (2) is suitable for the purpose for which it is intended;
- (3) operates safely, efficiently, and accurately;
- (4) is safe from fraudulent or unauthorized manipulation;
- (5) permits voting on all offices and measures to be voted on at the election;
- (6) prevents counting votes on offices and measures on which the voter is not entitled to vote;
- (7) prevents counting votes by the same voter for more than one candidate for the same office or, in elections in which a voter is entitled to vote for more than one candidate for the same office, prevents counting votes for more than the number of candidates for which the voter is entitled to vote;
- (8) prevents counting a vote on the same office or measure more than once;
- (9) permits write-in voting; ~~and~~
- (10) is capable of permitting straight-party voting; *and*
- (11) *is capable of providing records from which the operation of the voting system may be audited.*

SECTION 3. Subchapter A, Chapter 122, Election Code, is amended by amending Sections 122.002 and 122.003 and by adding Section 122.004 to read as follows:

Sec. 122.002. **INSPECTION OF VOTING SYSTEMS AND EQUIPMENT BY SECRETARY OF STATE.** The secretary of state may inspect at any time, *including the day of an election*, a voting system *or the voting system equipment* used in an election to determine whether the system *or equipment* complies with applicable standards *or deviates from the system or equipment approved by the secretary.*

Sec. 122.003. **ACTION BY SECRETARY OF STATE.** (a) If the secretary of state determines after inspecting a voting system *or voting system equipment* that the system *or equipment* does not comply with applicable standards *or deviates from an approved system or equipment*, the secretary by written order may:

- (1) prohibit the use of the system *or equipment* or any part of the system *or equipment* by an authority that adopted the system *or equipment* for use in an election; or
 - (2) limit the use of the system *or equipment* or any part of the system *or equipment* to circumstances or conditions stated in the order.
- (b) The secretary shall amend or rescind an order issued under this section if the secretary determines that the system *or equipment* has been modified to comply with applicable standards *or to not deviate from an approved system or equipment.*

Sec. 122.004. **PREPARATION OF SOFTWARE BY SECRETARY OF STATE.** (a) *The secretary of state may prepare any type of software for use with an electronic voting system.*

(b) *The software is subject to the standards and examination procedures applicable to voting systems.*

SECTION 4. Subchapters B, C, and D, Chapter 122, Election Code, are amended to read as follows:

SUBCHAPTER B. APPROVAL OF VOTING SYSTEM AND EQUIPMENT

Sec. 122.031. APPROVAL OF SYSTEM AND EQUIPMENT REQUIRED. (a) *Before a voting system or voting system equipment may be used in an election, the system and a unit of the equipment must be approved by the secretary of state as provided by this subchapter.*

(b) *The secretary of state may seek a temporary restraining order or a writ of injunction obtained through the attorney general to prevent the use of any part of a voting system or voting system equipment that has not been approved.*

Sec. 122.032. REQUIREMENTS FOR APPROVAL GENERALLY. (a) *For a voting system or voting system equipment to be approved for use in elections, the voting system in which the equipment is designed to be used must comply with the standards prescribed by Subchapter A.*

(b) *The secretary of state may prescribe more specific requirements and standards, consistent with this code, for approval of particular kinds of voting system equipment or voting system equipment generally.*

Sec. 122.033. ADDITIONAL REQUIREMENTS FOR APPROVAL OF VOTING MACHINE. (a) *In addition to other requirements for approval, a voting machine must be equipped with:*

- (1) *a security system capable of preventing operation of the machine;*
- (2) *registering counters that can be secured against access;*
- (3) *a public counter; and*
- (4) *a protective counter.*

(b) *The security system for a mechanical voting machine must be a lock and key system.*

Sec. 122.0331. ADDITIONAL REQUIREMENTS FOR ELECTRONIC VOTING SYSTEM. (a) *Copies of the program codes and the user and operator manuals and copies or units of all other software and any other information, specifications, or documentation required by the secretary of state relating to an approved electronic voting system and its equipment must be filed with the secretary.*

(b) *Materials described by Subsection (a) that are not on file with and approved by the secretary of state, including any updated or modified materials, may not be used in an election.*

(c) *The secretary of state shall periodically compare the materials on file with the materials actually used in elections to ensure compliance with this section.*

(d) *The program codes and all other software on file with the secretary of state under this section are not public information. The materials shall be made available to the attorney general or the general's designee in any investigation of election irregularities. The materials may be made available in a judicial proceeding on the request of the court or other tribunal but may be viewed in camera only.*

Sec. 122.034. APPLICATION FOR APPROVAL AND FEE. (a) *A person desiring approval of a voting system or voting system equipment must submit a written application for approval to the secretary of state.*

(b) *An applicant must include with the application an application fee.*

(c) *The secretary of state shall prescribe fees for the submission of applications under this section in amounts reasonably necessary to administer this subchapter and compensate examiners.*

Sec. 122.035. APPOINTMENT OF EXAMINERS. (a) *On submission of an application for approval of a voting system or voting system equipment, the secretary of state shall*

appoint three persons as examiners. *The attorney general or the general's designee shall also serve as an examiner.*

(b) Two of the appointees must have demonstrated ability and experience in mechanics or electronics appropriate to the *system or* equipment to be examined, and one appointee must have demonstrated knowledge of and experience in election law and procedure.

(c) A person employed by the secretary of state is ineligible for appointment.

(d) A person who has a pecuniary interest in the manufacturing or marketing of *any part of a voting system or* voting system equipment [~~or software necessary for the operation of a voting system~~] is ineligible for appointment.

Sec. 122.036. EXAMINATION AND REPORT BY EXAMINERS. (a) The examiners shall examine the *voting system or* voting system equipment for which an application has been submitted at the time and in the manner directed by the secretary of state.

(b) After conducting the examination, each examiner shall prepare a written report on the examination as directed by the secretary and deliver the report to the secretary.

Sec. 122.037. COMPENSATION OF EXAMINERS. (a) *Each examiner appointed by the secretary of state* is entitled to compensation in an amount set by the secretary of state for services rendered in connection with an application.

(b) The secretary of state shall use the application fees collected under Section 122.034 to pay the compensation to examiners.

Sec. 122.038. ACTION BY SECRETARY OF STATE. (a) After reviewing the examiners' reports, the secretary of state shall determine whether the *voting system or* voting system equipment for which an application has been submitted satisfies the applicable requirements for approval.

(b) The secretary may examine the *system or* equipment to aid in determining whether it satisfies the requirements for approval.

(c) If the *system or* equipment satisfies the applicable requirements for approval, the secretary by written order shall approve *the system or* equipment of that design for use in elections. Otherwise, the secretary shall deny the application.

Sec. 122.039. REPORT BY SECRETARY OF STATE. (a) The secretary of state shall prepare a written report on each application submitted under this subchapter. The report must state whether the *system or* equipment was approved and the reasons for approval or denial.

(b) The secretary shall attach the examiners' reports to the report prepared under this section and permanently retain the reports on file.

[Sections 122.040–122.060 reserved for expansion]

SUBCHAPTER C. MODIFICATION IN DESIGN OF APPROVED *SYSTEM OR* EQUIPMENT

Sec. 122.061. APPROVAL OF MODIFIED DESIGN REQUIRED. Before a *voting system or* voting system equipment that is modified in design after its approval may be used in an election, the modified design must be approved by the secretary of state as provided by this subchapter.

Sec. 122.062. REQUIREMENTS FOR APPROVAL. The requirements for approval of a modified design are the same as those prescribed by Subchapter B for the initial approval of the *voting system or* voting system equipment.

Sec. 122.063. APPLICATION FOR APPROVAL. A person desiring approval of a modified design must submit a written application for approval to the secretary of state.

Sec. 122.064. REVIEW OF APPLICATION. (a) The secretary of state shall review an application for approval of a modified design.

(b) The secretary may approve the modified design by written order if the design satisfies the applicable requirements for approval.

(c) If the secretary does not approve the modified design, the secretary by written order shall:

- (1) invite the applicant to submit additional information in support of the application, submit the modified *system or* equipment itself, or both; or
- (2) require an examination of the modified *system or* equipment by independent examiners.

Sec. 122.065. REVIEW AND EXAMINATION OF ADDITIONAL MATERIAL. (a) The secretary of state shall review additional information in support of an application and examine *the* modified *system or* equipment submitted.

(b) The secretary may approve the modified design by written order if the design satisfies the applicable requirements for approval.

(c) If the secretary does not approve the modified design, the secretary by written order shall require an examination of the modified *system or* equipment by independent examiners.

Sec. 122.066. EXAMINATION FEE. (a) The secretary of state shall prescribe an examination fee or fee schedule to compensate examiners appointed under this subchapter.

(b) The fee for an examination may not exceed the fee for an application for initial approval of a *voting system or* voting system equipment.

(c) If the secretary orders an independent examination of *the* modified *system or* equipment, the secretary may not appoint examiners until the secretary receives the examination fee.

Sec. 122.067. APPOINTMENT OF EXAMINERS. (a) If the secretary of state requires an independent examination of *the* modified *system or* equipment, the secretary shall appoint two or three examiners for the examination, the number to be determined by the secretary. *The attorney general or the general's designee shall also serve as an examiner.*

(b) To be eligible for appointment as an examiner under this section, a person must be eligible for appointment as an examiner for an application for initial approval of a *system or* equipment.

(c) One of the appointees must have demonstrated ability and experience in mechanics or electronics appropriate to the *system or* equipment to be examined.

Sec. 122.068. EXAMINATION AND REPORT BY EXAMINERS. The examiners shall examine the modified *system or* equipment and prepare and deliver examination reports in the same manner as for an application for initial approval of a *system or* equipment.

Sec. 122.069. COMPENSATION OF EXAMINERS. (a) Subject to Subsections (b) and (c), an examiner appointed *by the secretary of state* under this subchapter is entitled to compensation in an amount set by the secretary [~~of state~~].

(b) The compensation rate for each examiner appointed for the same examination must be uniform.

(c) The total compensation paid to the examiners appointed for the same examination may not exceed the examination fee.

(d) The secretary of state shall use the examination fees collected under Section 122.066 to pay the compensation to examiners.

Sec. 122.070. ACTION BY SECRETARY OF STATE. (a) After reviewing the examiners' reports, the secretary of state shall determine whether the modified design satisfies the applicable requirements for approval.

(b) The secretary may examine the modified *system or* equipment to aid in determining whether it satisfies the requirements for approval.

(c) If the modified design satisfies the applicable requirements for approval, the secretary by written order shall approve *the system or* equipment of that design for use in elections. Otherwise, the secretary shall deny the application.

Sec. 122.071. REPORT BY SECRETARY OF STATE. (a) The secretary of state shall prepare a written report on each application submitted under this subchapter. The report must state whether the modified design was approved and must include a description of and the reason for the action ordered.

(b) If an examination by independent examiners was conducted, the secretary shall attach the examiners' reports to the report prepared under this section.

(c) The secretary shall permanently retain reports prepared under this subchapter on file with the secretary's report on the application for initial approval of the *system or equipment*.

[Sections 122.072–122.090 reserved for expansion]

SUBCHAPTER D. REEXAMINATION OF VOTING SYSTEM
OR EQUIPMENT

Sec. 122.091. REEXAMINATION OF APPROVED *SYSTEM OR EQUIPMENT AUTHORIZED*. (a) The secretary of state may reexamine *a voting system or voting system equipment* as provided by this subchapter at any time after the *system or equipment* is approved under Subchapter B or C.

(b) *The secretary of state may suspend approval for use of a voting system or voting system equipment if the system or equipment is not submitted for reexamination under this subchapter on the request of the secretary.*

(c) *The secretary of state may prescribe fees in amounts reasonably necessary to administer this subchapter and compensate examiners.*

Sec. 122.092. APPOINTMENT OF EXAMINERS. (a) The secretary of state shall appoint two persons as examiners to assist in a reexamination of *an approved voting system or voting system equipment*. *The attorney general or the general's designee shall also serve as an examiner.*

(b) Each appointee must have demonstrated knowledge of and experience in the operation of the *system or equipment*.

(c) A person employed by the secretary of state is ineligible for appointment.

(d) A person who has a pecuniary interest in the manufacturing or marketing of *any part of a voting system or voting system equipment* [~~or software necessary for operation of a voting system~~] is ineligible for appointment.

Sec. 122.093. EXAMINATION AND REPORT BY EXAMINERS. (a) The examiners shall examine the *system or equipment* to be reexamined at the time and in the manner directed by the secretary of state.

(b) After conducting the examination, each examiner shall prepare a written report on the examination as directed by the secretary and deliver the report to the secretary.

Sec. 122.094. COMPENSATION OF EXAMINERS. (a) An examiner appointed under this subchapter *by the secretary of state* is entitled to compensation in an amount set by the secretary [~~of state~~].

(b) The [~~compensation shall be paid from funds appropriated to the~~] secretary of state *shall use the fees collected under Section 122.091 to pay the compensation to examiners.*

Sec. 122.095. ACTION BY SECRETARY OF STATE. (a) After reviewing the examiners' reports, the secretary of state shall determine whether the *voting system or voting system equipment* subject to reexamination satisfies the applicable requirements for approval of the *system or equipment* for use in elections.

(b) The secretary may examine the *system or equipment* to aid in determining whether it satisfies the requirements for approval.

(c) If the reexamined *system or equipment* does not satisfy the applicable requirements for approval, the secretary by written order shall:

- (1) suspend approval of the *system or equipment*;

(2) suspend approval for future use of the *system or* equipment; or

(3) give conditional approval of the *system or* equipment.

Sec. 122.096. EFFECT OF SECRETARY OF STATE'S ACTION. (a) *A voting system or voting [Voting] system equipment for which approval is suspended may not be used in an election held after the date the suspension order is issued.*

(b) *A voting system or voting [Voting] system equipment for which approval for future use is suspended may not be used in an election held after the date the suspension order is issued unless the system or equipment was adopted for use in the election before the date the suspension order is issued. In that case, the system or equipment may be used in that election only.*

(c) *A voting system or voting [Voting] system equipment for which conditional approval is given may not be used in an election held after the date the conditional approval order is issued except in accordance with conditions prescribed by the conditional approval order.*

Sec. 122.097. NOTICE OF SECRETARY OF STATE'S ACTION. Not later than the fifth day after the date an order taking action under Section 122.095(c) is issued, the secretary of state shall deliver a copy of the order to the presiding officer of each political subdivision that owns or leases a *system or* equipment subject to the order.

Sec. 122.098. SUBSEQUENT APPROVAL. *If a voting system or voting system equipment subject to an order under Section 122.095(c) is subsequently approved under Subchapter B, the approval nullifies the order.*

Sec. 122.099. REPORT BY SECRETARY OF STATE. (a) The secretary of state shall prepare a written report on each reexamination. The report must state whether the *system or* equipment satisfied the approval requirements and must include a description of and the reason for the action ordered.

(b) The secretary shall attach the examiners' reports to the report prepared under this section and permanently retain the reports on file with the secretary's report on the application for initial approval of the *system or* equipment.

SECTION 5. Subchapter A, Chapter 123, Election Code, is amended by adding Section 123.008 to read as follows:

Sec. 123.008. REQUIREMENTS REGARDING MANUALS, INSTRUCTIONS, AND OTHER DOCUMENTS FOR USE WITH ELECTRONIC VOTING SYSTEM OR EQUIPMENT. (a) Each person who sells, leases, or otherwise provides an electronic voting system or equipment to a political subdivision shall also provide any user or operator manuals or other instructions or documents relating to the use of the system or equipment. The general custodian of election records for the political subdivision shall make those materials available for public inspection in the custodian's office on the request of any person.

(b) The custodian shall also make available for public inspection in the custodian's office any materials described by Subsection (a) that are produced by the political subdivision for its elections.

SECTION 6. Subchapter C, Chapter 125, Election Code, is amended by adding Section 125.064 to read as follows:

Sec. 125.064. RECORDS AVAILABLE FOR PUBLIC INSPECTION. Any documents or records used in the preparation of or prepared for use in an electronic voting system for the operation of the system for a particular election and any documents or records generated by the system in that election shall be made available for public inspection in the office of the general custodian of election records for the period for preserving the precinct election records.

SECTION 7. Subchapter E, Chapter 127, Election Code, is amended by adding Sections 127.1231 and 127.1232 to read as follows:

Sec. 127.1231. SECURITY OF AUTOMATIC TABULATING EQUIPMENT. The general custodian of election records shall ensure that any computer terminals located outside the central counting station that are capable of accessing the automatic

tabulating equipment during the tabulation are capable of inquiry functions only and shall ensure that no modem access to the tabulating equipment is available during the tabulation.

Sec. 127.1232. SECURITY OF VOTED BALLOTS. The general custodian of election records shall post a guard to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station.

SECTION 8. Subchapter F, Chapter 127, Election Code, is amended to read as follows:

SUBCHAPTER F. PROCESSING RESULTS IN SYSTEM WITHOUT
CENTRALIZED COUNTING

Sec. 127.151. APPLICABILITY OF SUBCHAPTER; PROCEDURES PRESCRIBED BY SECRETARY OF STATE. (a) This subchapter applies to the processing of election results in electronic voting systems that do not entail the counting of ballots at central locations established under Subchapter A.

(b) The secretary of state shall prescribe any necessary [the] procedures, in addition to those prescribed by this subchapter, for processing the election results [in electronic voting systems that do not entail the counting of ballots at central locations established under Subchapter A].

Sec. 127.152. TEST OF TABULATING EQUIPMENT REQUIRED. (a) Each unit of automatic tabulating equipment shall be tested, using all applicable ballot formats, in accordance with the testing procedures prescribed by Subchapter D to the extent those procedures can be made applicable.

(b) The general custodian of election records shall conduct the first test. The presiding election judge shall conduct the second and third tests at the polling place. If the second and third tests are not conducted in accordance with this subsection, the automatic tabulating equipment shall be used to count the ballots at a central location in accordance with Subchapter A unless the secretary of state determines that a particular test at the polling place is not feasible for the automatic tabulating equipment.

(c) The general custodian of election records shall preserve the test materials for at least one year after election day or for at least 22 months after election day for an election involving a federal office.

Sec. 127.153. TEST REPEATED IF EQUIPMENT MALFUNCTIONS. If the tabulating of ballots must be restarted because of an equipment or system malfunction or any other reason, the tests required by Section 127.152 shall be repeated.

Sec. 127.154. IDENTIFICATION NUMBERS REQUIRED FOR EQUIPMENT. (a) Each unit of automatic tabulating equipment must have a permanent identification number. Each part of that equipment that contains the ballot tabulation must also have a permanent identification number.

(b) Each of the identification numbers shall be recorded on the appropriate ballot and seal certificate.

(c) A ballot tabulation produced by automatic tabulating equipment that does not comply with Subsection (a) may not be used.

Sec. 127.155. PRESIDING JUDGE TO SIGN TAPE. (a) The presiding judge shall sign any tape containing the ballot tabulation that is produced by the automatic tabulating equipment.

(b) The presiding judge shall retain a copy of the tape.

Sec. 127.156. TABULATION AT CENTRAL COUNTING STATION IF DISCREPANCY EXISTS IN BALLOT TOTALS. If a discrepancy of more than three exists between the number of ballots recorded on the ballot and seal certificate and the number of ballots cast on the tape containing the ballot tabulation that is produced by the automatic tabulating equipment, the official tabulation of those ballots shall be conducted at a central counting station.

SECTION 9. Chapter 127, Election Code, is amended by adding Subchapter H to read as follows:

*SUBCHAPTER H. ADDITIONAL COUNT OF ELECTRONIC VOTING
SYSTEM BALLOTS*

Sec. 127.201. PARTIAL COUNT OF ELECTRONIC VOTING SYSTEM BALLOTS BY GENERAL CUSTODIAN. (a) To ensure the accuracy of the tabulation of electronic voting system results, the general custodian of election records shall conduct a manual count of all the races in at least one percent of the election precincts or in three precincts, whichever is greater, in which the electronic voting system was used. The custodian shall select the precincts at random and shall begin the count not later than 72 hours after the polls close.

(b) Each candidate in the election is entitled to be present at the count and is entitled to have a representative present.

(c) Not later than the third day after the date the count is completed, the general custodian of election records shall deliver a written report of the results of the count to the secretary of state.

(d) The secretary of state at any time may waive or reinstate the requirements of this section for a particular political subdivision.

Sec. 127.202. COUNT OF ELECTRONIC VOTING SYSTEM BALLOTS BY SECRETARY OF STATE. (a) To ensure the accuracy of the tabulation of electronic voting system results, the secretary of state or the secretary's designee may conduct a manual or automatic count of any portion of any number of ballots from any precinct in which the electronic voting system was used.

(b) The count may be conducted at any time during the period for preserving the applicable precinct election records.

(c) The general custodian of election records is entitled to be present at the count.

SECTION 10. (a) Subchapter B, Chapter 212, Election Code, is amended by amending Sections 212.022, 212.023, 212.0231 (as added by Section 31, Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986), and 212.024 and by adding Section 212.0241 to read as follows:

Sec. 212.022. OBTAINING INITIAL RECOUNT IN ELECTION ON OFFICE. Except as provided by Section 212.0241, a [A] candidate for nomination or election to an office may obtain an initial recount in an election in which he was a candidate if:

(1) the difference in the number of votes received by him and any candidate for the office who is shown by the election returns to be nominated, elected, or entitled to a place on a runoff ballot or tied for nomination, election, or entitlement to a place on a runoff ballot is less than 10 percent of that candidate's number of votes;

(2) the candidate is shown by the election returns to be entitled to a place on a runoff ballot or tied for nomination, election, or entitlement to a place on a runoff ballot;

(3) the secretary of state certifies that counting errors affecting the election occurred in one or more election precincts in which paper ballots were used, as provided by Section 212.034; or

(4) the total number of votes received by all candidates for the office is less than 1,000 as shown by the election returns.

Sec. 212.023. OBTAINING INITIAL RECOUNT IN ELECTION FOR PRESIDENTIAL ELECTORS. (a) Except as provided by Section 212.0241, an [An] initial recount in a presidential general election may be obtained if one of the grounds prescribed by Section 212.022 is satisfied.

(b) The following persons may obtain an initial recount in a presidential general election:

(1) a presidential candidate whose name appeared on the ballot in this state or who had qualified as a write-in candidate in this state;

(2) one or more presidential elector candidates corresponding to a presidential candidate described by Subdivision (1), acting jointly; or

(3) a presidential candidate described by Subdivision (1) and one or more corresponding elector candidates, acting jointly.

Sec. 212.0231. OBTAINING INITIAL RECOUNT IN PRESIDENTIAL PRIMARY ELECTION. *Except as provided by Section 212.0241, in [In] a presidential primary election, a candidate in the election, or any 25 or more persons who were eligible to vote in the election acting jointly on behalf of an uncommitted delegation, may obtain an initial recount in the election if:*

(1) the difference in the number of votes received by the candidate or uncommitted status and any candidate or uncommitted status shown by the election returns to be entitled to delegate representation at the political party's national presidential nominating convention is less than 10 percent of the number of votes received by the latter candidate or the uncommitted status; or

(2) the secretary of state certifies that counting errors affecting the election occurred in one or more election precincts in which paper ballots were used, as provided by Section 212.034.

Sec. 212.024. OBTAINING INITIAL RECOUNT IN ELECTION ON MEASURE. (a) *Except as provided by Section 212.0241, an [An] initial recount in an election on a measure may be obtained if:*

(1) the difference in the number of votes received for the measure and against the measure is less than 10 percent of the total number of votes received on the measure as shown by the election returns;

(2) the secretary of state certifies that counting errors affecting the election occurred in one or more election precincts in which paper ballots were used, as provided by Section 212.034; or

(3) the total number of votes received for and against the measure is less than 1,000 as shown by the election returns.

(b) The following persons may obtain an initial recount in an election on a measure:

(1) the campaign treasurer of a specific-purpose political committee that was involved in the election; or

(2) any 25 or more persons, acting jointly, who were eligible to vote in the election.

Sec. 212.0241. *NO GROUND REQUIRED FOR ELECTRONIC VOTING SYSTEM RECOUNT. (a) A ground for obtaining an initial recount as prescribed by this subchapter is not required to obtain an initial recount of electronic voting system results.*

(b) The secretary of state shall prescribe any procedures necessary to accommodate the authorization to obtain a recount of electronic voting system results without a specific ground.

(b) Section 31, Chapter 14, Acts of the 69th Legislature, 3rd Called Session, 1986, is repealed.

SECTION 11. (a) Not later than the 15th day after the effective date of this Act, each person who has sold, leased, or otherwise provided an electronic voting system or equipment to a political subdivision before the effective date of this Act shall comply with Section 123.008, Election Code, as added by this Act.

(b) Not later than the 15th day after the effective date of this Act, each person who has obtained approval of an electronic voting system and its equipment by the secretary of state before the effective date of this Act shall comply with Section 122.0331, Election Code, as added by this Act.

(c) Not later than January 1, 1988, the secretary of state shall conduct a reexamination under Subchapter D, Chapter 122, Election Code, of all electronic voting systems

and voting system equipment approved before the effective date of this Act for use in elections.

SECTION 12. This Act takes effect September 1, 1987.

SECTION 13. 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 May 20, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1412 on May 30, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 28, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.