

Chapter 708

H.B. No. 88

1 AN ACT

2 relating to an election ballot.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 2.002(d), Election Code, is amended to
5 read as follows:

6 (d) The order of the candidates' names on the ballot shall
7 be the relative order of names on the original ballot [~~determined by~~
8 ~~a drawing in accordance with Section 52.094~~].

9 SECTION 2. Section 52.075, Election Code, is amended to
10 read as follows:

11 Sec. 52.075. MODIFICATION OF BALLOT FORM FOR CERTAIN VOTING
12 SYSTEMS. (a) The secretary of state may prescribe the form and
13 content of a ballot for an election using a voting system, including
14 an electronic voting system or a voting system that uses direct
15 recording electronic voting machines or ballot marking devices, to
16 conform to the formatting requirements of the system.

17 (b) In this section, "ballot marking device," "direct
18 recording electronic voting machine," "electronic voting system,"
19 and "voting system" have the meanings assigned by Section 121.003.

20 SECTION 3. Sections 52.094(a) and (c), Election Code, are
21 amended to read as follows:

22 (a) Except as otherwise provided by law, for an election at
23 which the names of more than one candidate for the same office are
24 to appear on the ballot in an independent column or are to appear on

1 a general or special election ballot that does not contain a party
2 nominee, the order of the candidates' names shall be determined by a
3 drawing. The order of the candidates' names on the ballot of any
4 resulting runoff election or election held to resolve a tie vote
5 shall be the relative order of names on the original election
6 ballot.

7 (c) The authority conducting the drawing shall post in the
8 authority's office a notice of the date, hour, and place of the
9 drawing. The notice must remain posted continuously for 72 hours
10 immediately preceding the scheduled time of the drawing[~~, except~~
11 ~~that for a runoff election or an election held to resolve a tie~~
12 ~~vote, the notice must remain posted for 24 hours immediately~~
13 ~~preceding the scheduled time of the drawing].~~

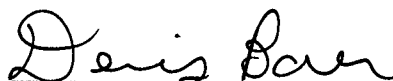
14 SECTION 4. Section 121.003, Election Code, is amended by
15 adding Subdivision (13) to read as follows:

16 (13) "Ballot marking device" means a voting system
17 with an electronic interface that allows a voter to mark a paper
18 ballot.

19 SECTION 5. This Act takes effect September 1, 2019.



President of the Senate



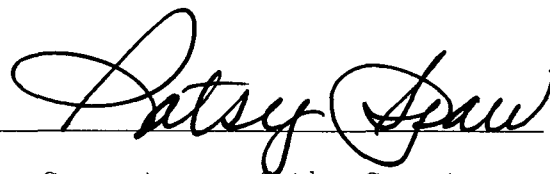
Speaker of the House

I certify that H.B. No. 88 was passed by the House on April 2, 2019, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 88 on May 22, 2019, by the following vote: Yeas 124, Nays 18, 3 present, not voting.



Chief Clerk of the House

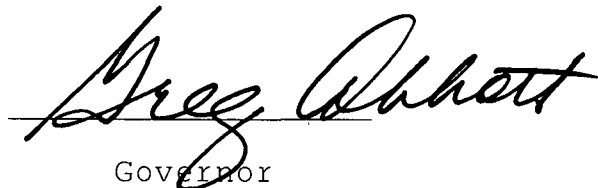
I certify that H.B. No. 88 was passed by the Senate, with amendments, on May 15, 2019, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

APPROVED: 6-7-2019

Date



Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

7:00 PM O'CLOCK

JUN 10 2019


Secretary of State