

By: Hall

S.B. No. 76

A BILL TO BE ENTITLED

1

AN ACT

2 relating to elimination of the countywide polling place program.

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

4 SECTION 1. Sections 31.014(a) and (c), Election Code, are  
5 amended to read as follows:

6 (a) The secretary of state shall prescribe specific  
7 requirements and standards, consistent with this code, for the  
8 certification of an electronic device used to accept voters under  
9 Chapter 63 that require the device to:

10 (1) produce an electronic copy of the list of voters  
11 who were accepted to vote for delivery to the election judge after  
12 the polls close;

13 (2) display the voter's original signature in  
14 accordance with Section 63.002;

15 (3) accept a voter for voting even when the device is  
16 off-line;

17 (4) provide the full list of voters registered in the  
18 county with an indication of the jurisdictional or distinguishing  
19 number for each territorial unit in which each voter resides;

20 (5) time-stamp when each voter is accepted at a  
21 polling place, including the voter's unique identifier;

22 (6) if the county [~~participates in the countywide~~  
23 ~~polling place program under Section 43.007 or~~] has more than one  
24 early voting polling place, transmit a time stamp when each voter is

1 accepted, including the voter's unique identifier, to all polling  
2 place locations;

3 (7) time-stamp the receipt of a transmission under  
4 Subdivision (6); and

5 (8) produce in an electronic format compatible with  
6 the statewide voter registration list under Section 18.061 data for  
7 retention and transfer that includes:

8 (A) the polling location in which the device was  
9 used;

10 (B) the dated time stamp under Subdivision (5);  
11 and

12 (C) the dated time stamp under Subdivision (7).

13 (c) The secretary of state shall adopt rules that require a  
14 device described by this section used during the early voting  
15 period [~~or under the countywide polling place program under Section~~  
16 ~~43.007]~~ to update data in real time. If a county uses a device that  
17 does not comply with the rule in two consecutive general elections  
18 for state and county officers, the secretary of state shall assess a  
19 noncompliance fee. The noncompliance fee shall be set at an amount  
20 determined by secretary of state rule.

21 SECTION 2. Section 32.0511(d), Election Code, is amended to  
22 read as follows:

23 (d) Not more than two student election clerks may serve at a  
24 polling place[, ~~except that not more than four student election~~  
25 ~~clerks may serve at any countywide polling place].~~

26 SECTION 3. The following provisions of the Election Code  
27 are repealed:

- 1           (1) Section 32.002(c-1);
- 2           (2) Section 43.004(c);
- 3           (3) Section 43.007; and
- 4           (4) Section 85.062(f-1).

5           SECTION 4. Nothing in this Act may be construed to impact  
6 polling locations used for early voting by personal appearance or  
7 prevent a voter from casting a ballot at any branch polling place in  
8 the territory served by the early voting clerk as provided by  
9 Section 85.066, Election Code.

10          SECTION 5. This Act takes effect September 1, 2025.

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A BILL TO BE ENTITLED

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AN ACT

2 relating to the use of paper ballots and certain electronic devices  
3 in conducting an election.

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

5 SECTION 1. Section 52.075, Election Code, is amended to  
6 read as follows:

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

13 (b) In this section, [~~"ballot marking device,"~~] "direct  
14 recording electronic voting machine," "electronic voting system,"  
15 and "voting system" have the meanings assigned by Section 121.003.

16 SECTION 2. Section 63.002(d), Election Code, is amended to  
17 read as follows:

18 (d) A [~~The~~] signature roster [~~may be~~] in the form of an  
19 electronic device may not be used in an election [~~approved by the~~  
20 ~~secretary of state that is capable of capturing a voter's signature~~  
21 ~~next to the voter's name on the device. The secretary of state shall~~  
22 ~~adopt rules governing the processing of electronic signatures~~  
23 ~~captured under this subsection~~].

24 SECTION 3. Section 63.003(d), Election Code, is amended to

1 read as follows:

2 (d) A [The] poll list [may be] in the form of an electronic  
3 device may not be used in an election [approved by the secretary of  
4 state. The secretary of state shall adopt rules governing the use  
5 of electronic poll lists].

6 SECTION 4. Section 63.004(e), Election Code, is amended to  
7 read as follows:

8 (e) A combination form [may be] in the form of an electronic  
9 device may not be used in an election [approved by the secretary of  
10 state. The secretary of state shall adopt rules governing the  
11 minimum requirements and approval of an electronic device used for  
12 any form used in connection with the acceptance of voters at a  
13 polling place].

14 SECTION 5. Subchapter A, Chapter 125, Election Code, is  
15 amended by adding Sections 125.0071 and 125.011 to read as follows:

16 Sec. 125.0071. PROVISION OF PAPER BALLOT. An election  
17 officer at a polling place where an electronic voting system is used  
18 must provide a paper ballot to each voter who requests one. A paper  
19 ballot provided under this section must be printed at the time the  
20 request is made and, after being voted by the voter, must be scanned  
21 at the polling place with an optical scanner.

22 Sec. 125.011. USE OF BALLOT MARKING DEVICE. A voting system  
23 that consists of a ballot marking device may not be used in an  
24 election.

25 SECTION 6. Section 31.014, Election Code, is repealed.

26 SECTION 7. The changes in law made by this Act apply only to  
27 an election held on or after the effective date of this Act. An

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1 election held before the effective date of this Act is governed by  
2 the law in effect when the election was held, and that law is  
3 continued in effect for that purpose.

4       SECTION 8. This Act takes effect September 1, 2025.

By: Hall

S.B. No. 78

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the security of election systems.

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

4 SECTION 1. Chapter 279, Election Code, is amended by  
5 amending Sections 279.002 and 279.003 and adding Sections 279.004  
6 and 279.005 to read as follows:

7 Sec. 279.002. ELECTION CYBERSECURITY: SECRETARY OF STATE.

8 (a) The secretary of state shall adopt rules defining classes of  
9 protected election data and establishing best practices for  
10 identifying, ~~and~~ reducing, and eliminating the risk to the  
11 electronic use, storage, and transmission of election data and the  
12 security of election systems, including:

13 (1) methods of encrypting data at rest and during  
14 transmission; and

15 (2) restricting access to sensitive election data to  
16 only users with a specific need to access that data.

17 (a-1) The secretary of state shall appoint a dedicated  
18 cybersecurity expert to implement cybersecurity measures to  
19 protect all election data and other election-related data held by  
20 the state or a county in the state, including technology that  
21 blocks, notifies, and reports on unauthorized attempts to access or  
22 transfer data.

23 (b) The secretary of state shall direct the cybersecurity  
24 expert to offer training on best practices:

1           (1) on a biennial [~~an annual~~] basis, to all  
2 appropriate personnel or contractors with [~~in~~] the secretary of  
3 state's office with access to sensitive election data; and

4           (2) on request, to county election officers and any  
5 employees or contractors of the county election officers with  
6 access to sensitive election data [~~in this state~~].

7           **(b-1) Access to sensitive election data shall be revoked for**  
8 **any employee or contractor that is required to receive training**  
9 **under Subsection (b) but does not complete the training.**

10          (c) If the secretary of state becomes aware of a breach of  
11 cybersecurity that impacts election data, the secretary shall  
12 immediately notify the governor, lieutenant governor, speaker of  
13 the house of representatives, and members of the standing  
14 committees of each house of the legislature with jurisdiction over  
15 elections. The secretary shall direct the cybersecurity expert to  
16 conduct an investigation of the breach and report any findings to  
17 the governor, lieutenant governor, speaker of the house of  
18 representatives, and members of the standing committees of each  
19 house of the legislature with jurisdiction over elections.

20          **(d) During an investigation conducted under Subsection (c),**  
21 **access to the election system is restricted to only individuals**  
22 **designated by the secretary of state until the standing committees**  
23 **confirm that the breach has been mitigated.**

24          **(e) If the investigation under Subsection (c) reveals that**  
25 **individuals' personal data has been breached, the secretary of**  
26 **state shall promptly notify the affected individuals by written**  
27 **letter of the occurrence and extent of the breach.**



1       (f) The secretary of state, in cooperation with the  
2 cybersecurity expert, shall contract with a provider of  
3 cybersecurity assessments to biennially conduct an assessment of  
4 the cybersecurity of the state's election system.

5       (g) The cybersecurity expert shall implement cybersecurity  
6 measures to ensure that all devices with access to election data  
7 held by the state comply to the highest extent possible with rules  
8 adopted by the secretary of state under Subsection (a).

9       Sec. 279.003. ELECTION CYBERSECURITY: COUNTY ELECTION  
10 OFFICERS. (a) A county election officer shall biennially  
11 ~~[annually]~~ request training on cybersecurity from the  
12 cybersecurity expert appointed by the secretary of state under  
13 Section 279.002. The secretary of state shall pay the costs  
14 associated with the training with available state funds.

15       (b) A county election officer shall contract with a provider  
16 of cybersecurity assessments to biennially conduct ~~[request]~~ an  
17 assessment of the cybersecurity of the county's election system  
18 ~~[from a provider of cybersecurity assessments if the secretary of~~  
19 ~~state recommends an assessment and the necessary funds are~~  
20 ~~available]~~.

21       **(b-1) The county election officer shall deliver a report on**  
22 **any recommended improvements to the county's election system by the**  
23 **assessment conducted under Subsection (b) to the secretary of**  
24 **state.**

25       (c) If a county election officer becomes aware of a breach  
26 of cybersecurity that impacts election data, the officer shall  
27 immediately notify the secretary of state. If the secretary of

1 state is made aware of a breach under this section, access to  
2 sensitive election data in the county shall be restricted to  
3 specific personnel during an investigation by the secretary.

4 (d) A [~~To the extent that state funds are available for the~~  
5 ~~purpose, a]~~ county election officer shall implement cybersecurity  
6 measures to ensure that all devices with access to election data  
7 comply to the highest extent possible with rules adopted by the  
8 secretary of state under Section 279.002.

9 Sec. 279.004. INTERNAL PERSONNEL VIOLATION. If a data  
10 breach under this section is conducted by an employee of the  
11 secretary of state's or county election officer's office, the  
12 employee may not be provided access to election-related data until  
13 an investigation under this section is concluded. If an  
14 investigation determines that the employee intentionally breached  
15 an election system, the secretary of state may pursue all available  
16 legal remedies against the employee, including criminal  
17 prosecution.

18 Sec. 279.005. COMPUTER NETWORK CONNECTIVITY. (a) Except  
19 as expressly authorized by this code, an election system that is  
20 capable of being connected to the Internet or any other computer  
21 network may not be used in an election held in this state, except  
22 for the use of a visible wired connection to an isolated local area  
23 network within the building.

24 (b) The cybersecurity expert appointed by the secretary of  
25 state under Section 279.002 shall annually verify compliance with  
26 this section by each county conducting an election in this state.

27 SECTION 2. Section 123.034, Election Code, is amended to

1 read as follows:

2           Sec. 123.034. MAINTENANCE AND STORAGE OF EQUIPMENT. (a)  
3 The governing body of a political subdivision shall provide for the  
4 proper maintenance and storage of the equipment that the  
5 subdivision acquires for use in the operation of a voting system.

6           (b) Equipment used in the operation of a voting system must  
7 have a documented chain of custody and be stored in a locked  
8 facility with video surveillance monitoring the storage facility at  
9 all times.

10           SECTION 3. As soon as practicable after the effective date  
11 of this Act, the secretary of state shall:

12                   (1) adopt the rules required by Section 279.002(a),  
13 Election Code, as amended by this Act; and

14                   (2) appoint a cybersecurity expert in accordance with  
15 Section 279.002(a-1), Election Code, as added by this Act.

16           SECTION 4. This Act takes effect September 1, 2025.