

By: Toth

H.B. No. 17

A BILL TO BE ENTITLED

AN ACT

relating to a forensic audit of 2020 election results in certain counties.

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

SECTION 1. Title 16, Election Code, is amended by adding Chapter 280 to read as follows:

CHAPTER 280. FORENSIC AUDIT OF 2020 GENERAL ELECTION

Sec. 280.001. DEFINITIONS. In this chapter:

(1) "Majority precinct" means a precinct in which the candidate who received the greatest number of votes in the most recent presidential election is the same candidate who received the greatest number of votes in the majority of precincts in the county in the same election.

(2) "Minority precinct" means a precinct in which the candidate who received the greatest number of votes in the most recent presidential election is not the candidate who received the greatest number of votes in the majority of precincts in the county in the same election.

Sec. 280.002. FORENSIC AUDIT OF 2020 GENERAL ELECTION. (a) The governor, lieutenant governor, and speaker of the house of representatives shall appoint an independent third party to conduct a forensic audit of the general election that took place on November 3, 2020.

(b) The independent third party appointed under this

1 section shall audit certain precincts in each county with a  
2 population of 415,000 or more, as described by Subsection (c).

3 (c) The independent third party appointed under this  
4 section shall audit the following precincts:

5 (1) each minority precinct from a county described by  
6 Subsection (b); and

7 (2) a number of randomly selected majority precincts  
8 from a county described by Subsection (b) equal to the number of  
9 minority precincts audited in that same county under Subdivision  
10 (1).

11 (d) The audit under this section shall include an audit of  
12 precinct election records, as defined by Section 66.002.

13 (e) For each county audited under this section, a  
14 representative of the secretary of state and the county clerk shall  
15 oversee the independent third party appointed under this section to  
16 ensure a proper chain of custody is maintained and documented for  
17 each voting system involved in the audit.

18 (f) The secretary of state shall implement a video  
19 surveillance system that retains a record of all areas in which  
20 audit activity takes place for the duration of the audit. The  
21 secretary of state shall provide a live video stream of any audit  
22 activity recorded under this subsection on the Internet website of  
23 the secretary of state.

24 (g) The independent third party appointed under this  
25 section may accept and use donations from any public or private  
26 source to fund the audit.

27 (h) The audit under this section must begin not later than

1 November 1, 2021, and be completed not later than February 1, 2022.

2 (i) Not later than March 1, 2022, the independent third  
3 party conducting the audit under this section shall submit a report  
4 to the governor, the lieutenant governor, the speaker of the house  
5 of representatives, the secretary of state, and each member of the  
6 legislature detailing any anomalies or discrepancies in voter data,  
7 ballot data, or tabulation.

8 (j) The secretary of state shall publish the report under  
9 Subsection (i) on the Internet website of the secretary of state.

10 (k) This chapter expires April 1, 2022.

11 SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect on the 91st day after the last day of the  
16 legislative session.