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

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

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

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

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

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

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

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

(h)  The audit under this section must begin not later than November 1, 2021, and be completed not later than February 1, 2022.

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

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

(k)  This chapter expires April 1, 2022.

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