

Amend SB 598 on third reading as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

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

(14) "Auditable voting system" means a voting system that:

(A) uses, creates, or displays a paper record that may be read by the voter and that is deposited by the voter into a secure ballot box; and

(B) is not capable of being connected to the Internet or any other computer network or electronic device.

SECTION _____. Subchapter H, Chapter 127, Election Code, is amended by adding Section 127.2015 to read as follows:

Sec. 127.2015. PARTIAL COUNT OF AUDITABLE VOTING SYSTEM BALLOTS BY GENERAL CUSTODIAN. (a) In this section, "ballot box" means all ballot boxes used for the deposit of voters' marked ballots at a polling place or early voting polling place, whether one or multiple physical ballot boxes were used.

(b) Notwithstanding Section 127.201, not later than 24 hours after all ballots have been counted in an election, the general custodian of election records in each county shall conduct by hand a partial count of ballots cast for a selected number of ballot boxes. Each ballot box selected must be from a polling place in which an auditable voting system was used, and the number of ballot boxes selected for the partial count shall be the greater of:

(1) two; or

(2) 10 percent of the number of ballot boxes used in the election, rounded up to the nearest even number.

(c) Not later than 18 hours after the completion of the initial counting or tabulation of election results and with not less than six hours' notice given to each participant, the general custodian of election records shall conduct a telephone conference call with the following persons:

(1) the general custodian;

(2) the county chair of the political party who received the most votes in the county in the most recently preceding gubernatorial election, or the chair's designee;

(3) the county chair of the political party who received the second most votes in the county in the most recently preceding gubernatorial election, or the chair's designee;

(4) up to three additional persons selected by each person participating under Subdivisions (2) and (3); and

(5) if a person described by Subdivision (2) or (3) does not attend, a person appointed by the state chair of the person's party to replace that person and up to three additional persons appointed by the state chair to replace the persons described by Subdivision (4).

(d) During the conference call under Subsection (c), the general custodian of election records shall allow each party chair or party chair's representative to select ballot boxes to be subject to a partial count conducted under this section. The chairs shall alternate selections, beginning with the chair of the party that received the most votes in the county in the most recently preceding gubernatorial election, until the number of ballot boxes selected for the partial count has satisfied the requirement of Subsection (b).

(d-1) If a party leader or representative fails to attend the conference call as required under Subsection (c), the secretary of state shall select ballot boxes for the partial count at random on the party's behalf.

(e) The general custodian of election records shall complete the partial count not later than 24 hours before the time for conducting the canvass of the election.

(f) The general custodian of election records shall post a notice of the date, hour, and place of the partial count in the custodian's office and on the county's Internet website, if the county maintains a website, at least 18 hours before beginning the count and shall post the results of the count in the same manner immediately after the conclusion of the count. The notice must identify the ballot boxes chosen for the count.

(g) A watcher may be present at all stages of the partial count if appointed by a candidate in the election from the moment a ballot box is taken from its place of storage until the count is completed and all ballot boxes examined in the count are returned to

the place of storage. A watcher must deliver a certificate of appointment to the general custodian of election records at the time the watcher reports for service. The certificate must be in writing and must include:

(1) the printed name and signature of the watcher;
(2) the election subject to the partial count; and
(3) the printed name and signature of the candidate making the appointment.

(h) The secretary of state may appoint personnel to assist with the partial count, including applicable voting system technicians or representatives and persons who have assisted with the design and implementation of the count.

(i) If a partial count conducted under this section reveals a disparity of more than 0.25 percent between the initial reported outcome of an election at a polling place and the results determined by the partial count, notwithstanding any other law, an automatic recount under Chapter 216 must be conducted in the county for the election in which the disparity is identified. The recount shall be a manual recount by hand of paper records in accordance with Subchapter A, Chapter 214. All candidates in the election and the county chair of any political party in the county must be notified by the general custodian of election records.

(j) The secretary of state may not waive any requirements of this section.

(4) On page 3, lines 21 through 26, strike added Subsection 129.003(a), Election Code, and reletter subsequent subsections of Section 129.003, Election Code, and cross-references to those subsections accordingly.