

## **BILL ANALYSIS**

Senate Research Center  
88R20024 MPF-F

H.B. 4697  
By: DeAyala (Bettencourt)  
State Affairs  
5/17/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

There is statewide bipartisan concern over improving the integrity and transparency of the postelection audit process. The current audit procedure, especially the procedure for auditing early voting results by selecting individual precincts at random, is an error-prone and antiquated procedure that is labor and time intensive and significantly slows the completion of the audit. H.B. 4697 seeks to address this issue by providing for standardized application of requirements for the audit process, regardless of how or when Texans cast their ballots.

H.B. 4697 amends current law relating to the partial count of electronic voting system ballots.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 127.201, Election Code, by amending Subsections (a), (b), and (c) and adding Subsection (a-1), as follows:

(a) Requires the general custodian of election records (custodian), to ensure the accuracy of the tabulation of electronic voting system results, to conduct a manual count of all the races in:

(1) creates this subdivision from existing text; or

(2) at least one percent of polling places participating in the countywide polling place program under Section 43.007 (Countywide Polling Place Program) or in three countywide polling places, whichever is greater, in which the electronic voting system was used on election day and during early voting by personal appearance.

(a-1) Creates this subsection from existing text. Requires the custodian to select the precincts or countywide polling places for a manual count under Subsection (a) at random and to begin the count not later than 72 hours after the polls close.

(b) Requires the secretary of state (SOS) to select, in a general election for state and county officers, primary election, or election on a proposed amendment to the state constitution or other statewide measure submitted by the legislature, in accordance with rules adopted by SOS, the precincts or countywide polling places to be counted under Subsection (a). Requires SOS to designate not more than three offices and not more than three propositions to be counted in the selected precincts or countywide polling places. Requires SOS to notify custodian of the precincts or countywide polling places, offices, and propositions selected under this subsection not earlier than the day after election day.

(c) Requires the custodian, on selection or notification, as applicable, of the precincts or countywide polling places to be counted, to post on the county's Internet website home

page, rather than in the custodian's office, a notice of the date, hour, and place of the count.

SECTION 2. Effective date: September 1, 2023.