

BILL ANALYSIS

C.S.H.B. 4697
By: DeAyala
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is statewide bipartisan concern over improving the integrity and transparency of the post-election 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. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the secretary of state in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4697 amends the Election Code to give the general custodian of election records the option, for purposes of ensuring the accuracy of the tabulation of electronic voting system results, to conduct a manual count of all the races in at least one percent of polling places participating in the countywide polling place program or in three countywide polling places, whichever is greater, in which the system was used on election day and during early voting by personal appearance as an alternative to conducting a manual count of all the races in at least one percent of the election precincts or in three precincts, whichever is greater, in which the system was used. The bill further revises provisions relating to the partial manual count as follows:

- makes the requirement for the general custodian to select the precincts in which the count will be conducted at random and begin the count not later than 72 hours after the polls close applicable also to the selection of countywide polling places for such a manual count;
- includes a countywide polling place in the scope of requirements relating to the secretary of state's selection of precincts, in accordance with rules adopted by the secretary of state, in the applicable elections to be counted; and
- with respect to the requirement for the general custodian to post in the custodian's office the date, hour, and place of the count in the precincts selected to be counted, includes countywide polling places in the requirement and changes the required posting location to on the county's website home page.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4697 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced authorized a county participating in the countywide polling place program to conduct the manual count on one percent of the county's polling locations for both early voting in-person and election day in-person, the substitute gives a general custodian of election records the option to conduct a manual count of all races in at least one percent of polling places participating in the 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, as an alternative to conducting a manual count of all the races in the greater of that percentage or number of precincts. Additionally, the substitute makes the requirement for the general custodian to select the precincts in which the count will be conducted at random and begin the count not later than 72 hours after the polls close applicable to countywide polling places applicable also to the selection of countywide polling places for the count, but the introduced maintained the requirement's applicability to only precinct-based election systems.

While both the introduced and substitute include countywide polling places in the requirement for the general custodian to post the date, hour, and place of the count in the precincts selected to be counted, the substitute changes the required posting location from in the custodian's office to on the county's website home page, whereas the introduced did not make that change.