

By: DeAyala

H.B. No. 4697

A BILL TO BE ENTITLED

AN ACT

relating to the audit of an election in certain counties.

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

SECTION 1. Section 127.201, Election Code, is amended as follows:

Sec. 127.201. PARTIAL COUNT OF ELECTRONIC VOTING SYSTEM BALLOTS BY GENERAL CUSTODIAN. (a) To ensure the accuracy of the tabulation of electronic voting system results, the general custodian of election records shall conduct 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 electronic voting system was used. In precinct-based election systems, the ~~The~~ custodian shall select the precincts at random and shall begin the count not later than 72 hours after the polls close. The count shall be completed not later than the 21st day after election day. Subsection ~~(b)~~(c) supersedes this subsection to the extent of a conflict.

(b) Counties participating in the Countywide Polling Place program under Sec. 43.007 may conduct the manual count on one percent of the county's polling locations for both Early Voting in-person and Election Day in-person.

~~(c)~~(b)—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

1 legislature, the secretary of state shall select, in accordance
2 with rules adopted by the secretary, the precincts or countywide
3 polling locations to be counted under Subsection (a). The
4 secretary shall designate not more than three offices and not more
5 than three propositions to be counted in the selected precincts.
6 The secretary shall notify the general custodian of election
7 records of the precincts, offices, and propositions selected under
8 this subsection not earlier than the day after election day.

9 (d) ~~(c)~~ On selection or notification, as applicable, of the
10 precincts or countywide polling locations to be counted, the
11 general custodian of election records shall post in the custodian's
12 office a notice of the date, hour, and place of the count.

13 (e) ~~(d)~~ Each candidate in the election is entitled to be
14 present at the count and is entitled to have a representative
15 present. A representative must deliver a certificate of
16 appointment to the general custodian at the time the representative
17 reports for service. The certificate must be in writing and must
18 include:

19 (1) the printed name and signature of the
20 representative;

21 (2) the election subject to the count; and

22 (3) the printed name and signature of the candidate
23 making the appointment.

24 (f) ~~(e)~~ Not later than the third day after the date the count
25 is completed, the general custodian of election records shall
26 deliver a written report of the results of the count to the
27 secretary of state.

1 (g) ~~(f)~~ The secretary of state at any time may waive or
2 reinstate the requirements of this section for a particular
3 political subdivision.

4 (h) ~~(g)~~ This section does not apply to the tabulation of
5 electronic voting system results for a voting system that uses
6 direct recording electronic voting machines.

7 SECTION 2. This Act takes effect September 1, 2023.