

## **BILL ANALYSIS**

Senate Research Center  
89R10871 JDK-F

H.B. 3709  
By: DeAyala (Bettencourt)  
State Affairs  
5/20/2025  
Engrossed

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

Currently, there is a statewide bipartisan desire to improve the integrity and transparency of the post-election audit process, as current audit procedures, especially for auditing early voting results by selecting individual precincts at random, are error-prone, antiquated, labor-intensive and time-intensive, and significantly slow the completion of the audit. H.B. 3709 seeks to address this issue by standardizing the post-election audit process, regardless of how or when Texans cast their ballots.

H.B. 3709 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, to ensure the accuracy of the tabulation of electronic voting system results, to conduct a manual count of all the races in certain locations, including in 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. Makes nonsubstantive changes.

(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) Makes conforming changes to this subsection.

(c) Requires the general custodian of election records, 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, 2025.