

BILL ANALYSIS

H.B. 3709
By: DeAyala
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that there is 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, and labor 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.

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

ANALYSIS

H.B. 3709 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, 2025.