

BILL ANALYSIS

S.B. 827
By: Parker
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that, over the past several years, an increasing number of concerns over the accuracy and integrity of electronic voting systems have been raised, leading to calls for increased election transparency and auditability. The bill sponsor has also informed the committee that, while current state law mandates post-election audits for certain elections, the evolving landscape of election security necessitates a more robust, standardized approach to verifying electronic vote tabulations because existing procedures do not adequately ensure public confidence in election outcomes. S.B. 827 seeks to strengthen election integrity, bolster voter confidence, and reinforce the accuracy of Texas elections by enhancing election audit procedures.

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

S.B. 827 amends the Election Code to replace the requirement for the general custodian of election records to 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 with a requirement for the general custodian to conduct a manual count of all the races in at least one percent of the election day polling locations and one percent of the early voting locations or in three election day polling locations and three early voting locations, whichever is greater, in which the electronic voting system was used. The bill also requires the general custodian to conduct a manual count of all the races contained on the ballots by mail in at least one percent of the precincts in which a ballot by mail was cast and in which the ballots were counted using automatic tabulating equipment, or in three precincts in which a ballot by mail was cast and in which the ballots were counted using automatic tabulating equipment, whichever is greater.

S.B. 827 requires the general custodian of election records to designate the members of the early voting ballot board for the election to perform the manual count under the bill's provisions at the direction of the custodian. If one or more members of the early voting ballot board are unable to serve, then additional members may be appointed using the appointment procedures for the early voting ballot board. In an election in which a statewide risk-limiting audit is performed under applicable state law, the manual count must begin the count not later than the first business day after the secretary of state has certified the completion of the risk-limiting audit and must

be completed not later than the 30th day after election day or by the deadline designated by the secretary of state for completion of the count, whichever is later. The bill authorizes the general custodian of election records, in accordance with procedures prescribed by the secretary of state, to select additional precincts and polling places to be counted in the manual count. To the extent of a conflict, these provisions supersede provisions prescribing the standard procedures by which the general custodian of election records must conduct the manual count.

S.B. 827 replaces the entitlement of each candidate in an applicable election to be present at the manual count and to have a representative present with an entitlement of each person entitled to appoint watchers in an applicable election to be present at the count and to have a watcher present. A watcher appointed to the count must satisfy the same eligibility requirements and must be appointed in the same manner as a watcher appointed to observe the conduct of an election. The bill replaces the requirement for a representative of a candidate to deliver a certificate of appointment to the general custodian at the time the representative reports for service with a requirement for a watcher appointed to the count to deliver their certificates to the presiding judge of the early voting ballot board at the time the watcher reports for service. Accordingly, the bill removes requirements that a certificate of appointment for a representative appointed by a candidate must satisfy.

S.B. 827 requires the general custodian of election records, in addition to the current requirement to deliver a written report of the results of the count to the secretary of state, to post the results of the count on the county's website in the same location that the county provides information on election returns and election results.

S.B. 827 replaces the requirement for the general custodian of election records, not later than 24 hours after all ballots have been counted in an election, to conduct a risk-limiting audit for a selected statewide race or measure with a requirement for the custodian to participate in a risk-limiting audit for one or more selected statewide races or measures. The bill requires the custodian to begin the audit on a date prescribed by the secretary of state. The bill requires all counties holding an election subject to statutory provisions relating to risk-limiting audits to participate in the risk-limiting audit on the selected statewide races or measures as provided by these provisions, regardless of the method of counting voted ballots used by the county. The bill changes the deadline by which the general custodian of election records must complete the audit from not later than 24 hours before the time for conducting the canvass of the election to the date prescribed by the secretary of state.

EFFECTIVE DATE

September 1, 2025.