

By: DeAyala

H.B. No. 3709

A BILL TO BE ENTITLED

AN ACT

relating to the partial count of electronic voting system ballots.

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

SECTION 1. Section 127.201, Election Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(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:

(1) at least one percent of the election precincts or in three precincts, whichever is greater, in which the electronic voting system was used; or

(2) at least one percent of polling places participating in the countywide polling place program under Section 43.007 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.

(a-1) The custodian shall select the precincts or countywide polling places for a manual count under Subsection (a) 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) supersedes this subsection to the extent of a conflict.

(b) In a general election for state and county officers,

1 primary election, or election on a proposed amendment to the state
2 constitution or other statewide measure submitted by the
3 legislature, the secretary of state shall select, in accordance
4 with rules adopted by the secretary, the precincts or countywide
5 polling places to be counted under Subsection (a). The secretary
6 shall designate not more than three offices and not more than three
7 propositions to be counted in the selected precincts or countywide
8 polling places. The secretary shall notify the general custodian
9 of election records of the precincts or countywide polling places,
10 offices, and propositions selected under this subsection not
11 earlier than the day after election day.

12 (c) On selection or notification, as applicable, of the
13 precincts or countywide polling places to be counted, the general
14 custodian of election records shall post on the county's Internet
15 website home page [~~in the custodian's office~~] a notice of the date,
16 hour, and place of the count.

17 SECTION 2. This Act takes effect September 1, 2025.