

By: Parker

S.B. No. 827

A BILL TO BE ENTITLED

AN ACT

relating to the audit of an election using an electronic voting system.

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

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

Sec. 127.201. HAND ~~[PARTIAL]~~ COUNT ELECTION AUDIT ~~[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 day polling locations and one percent of the early voting locations ~~[precincts]~~ or in three election day polling locations and three early voting locations ~~[precincts]~~, whichever is greater, in which the electronic voting system was used. The general custodian shall 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. The custodian shall select the polling locations and precincts at random and shall begin the count not later than 72 hours after the polls close. The count shall be completed not later

1 than the 21st day after election day. Subsections [~~Subsection~~
2 (b), (b-1), (b-2), and (b-3) supersede [~~supersedes~~] this subsection
3 to the extent of a conflict.

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

16 (b-1) The general custodian of election records shall
17 designate the members of the early voting ballot board for the
18 election to perform the manual count under this section at the
19 direction of the custodian. If one or more members of the early
20 voting ballot board are unable to serve, then additional members
21 may be appointed using the appointment procedures under Section
22 [87.002](#).

23 (b-2) In an election in which a statewide risk-limiting
24 audit is performed under Subchapter I, the manual count under this
25 section shall begin the count not later than the first business day
26 after the secretary of state has certified the completion of the
27 risk-limiting audit, and the count 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.

(b-3) The general custodian of election records, in accordance with procedures prescribed by the secretary of state, may select additional precincts and polling places to be counted under this section.

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

(d) Each person entitled to appoint watchers ~~[candidate]~~ in the election is entitled to be present at the count and is entitled to have a watcher ~~[representative]~~ present. A watcher appointed to the count ~~[representative]~~ must satisfy the same eligibility requirements as a watcher under Chapter 33 and must be appointed in the same manner as a watcher under Chapter 33. The watcher must deliver their certificates ~~[a certificate of appointment]~~ to the presiding judge of the early voting ballot board ~~[general custodian]~~ at the time the watcher ~~[representative]~~ reports for service. ~~[The certificate must be in writing and must include:~~

~~[(1) the printed name and signature of the representative,~~

~~[(2) the election subject to the count, and~~

~~[(3) the printed name and signature of the candidate making the appointment.]~~

(e) Not later than the third day after the date the count is completed, the general custodian of election records shall:

1 (1) deliver a written report of the results of the
2 count to the secretary of state; and

3 (2) post the results of the count on the county's
4 Internet website in the same location that the county provides
5 information on election returns and election results.

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

9 SECTION 2. Section [127.302](#), Election Code, is amended by
10 amending Subsections (a), (b), and (c) and adding Subsection (a-1)
11 to read as follows:

12 (a) The ~~[Not later than 24 hours after all ballots have been~~
13 ~~counted in an election, the]~~ general custodian of election records
14 shall participate in ~~[conduct]~~ a risk-limiting audit for one or
15 more ~~[a]~~ selected statewide races ~~[race]~~ or measures ~~[measure]~~.
16 The custodian shall begin the audit on a date prescribed by the
17 secretary of state.

18 (a-1) All counties holding an election subject to this
19 subchapter must participate in the risk-limiting audit on the
20 selected statewide races or measures as provided by this section,
21 regardless of the method of counting voted ballots used by the
22 county.

23 (b) The secretary of state shall select, in accordance with
24 rules adopted by the secretary, the precincts to be counted and the
25 offices ~~[office]~~ or propositions ~~[proposition]~~ to be counted.

26 (c) The general custodian of election records shall
27 complete the audit on the date prescribed by the secretary of state

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1 ~~[not later than 24 hours before the time for conducting the canvass~~
2 ~~of the election].~~

3 SECTION 3. This Act takes effect September 1, 2025.