

- SUBJECT:** Abolishing partial recounts of electronic voting system ballots
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 8 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Isaac, P. King, Veasey
- 0 nays
- 1 absent — Farias
- WITNESSES:** For — Skipper Wallace, Texas Republican County Chairs Association; (*Registered, but did not testify*: Rosemary Edwards)
- Against — Jessica Gomez, Disability Rights Texas; (*Registered, but did not testify*: Yannis Banks, Texas NAACP; Helen Carvell, League of Women Voters; Sonia Santana, ACLU-TX)
- On — Dana DeBeauvoir, Legislative Committee of County and District Clerks Association of Texas; (*Registered, but did not testify*: Elizabeth Hanshaw Winn, Secretary of State)
- BACKGROUND:** Election Code, sec. 127.201 requires the secretary of state to conduct a manual recount of a certain number of electronic voting results to ensure their accuracy. The secretary must select the precincts to be counted for state and county general and primary elections along with elections for proposed constitutional amendments and statewide measures introduced by the Legislature. The general custodian of election is required to conduct the manual recount for all other elections. Each candidate and a candidate representative are allowed to be present for the manual recount.
- After the recounted precincts are chosen at random, the general custodian must post the time and location of the recount. The general custodian must send a written report of the results to the secretary of state.
- DIGEST:** CSHB 3301 would repeal Election Code, sec. 127.201.
- The bill would take effect on September 1, 2011.

**SUPPORTERS
SAY:**

The manual recount requirements for electronic voting were installed in 1987 and are now obsolete. The process to manually count votes off of modern electronic voting machines is time-consuming and unnecessary. Additionally, the electronic voting machines are now tested and calibrated before each election to ensure their accuracy. Finally, the secretary of state can still order a manual recount if he or she determines its necessity and has the authority to implement procedures to correct errors of a malfunctioning machine.

**OPPONENTS
SAY:**

Removing the random manual recount of electronic voting machines immediately after an election would eliminate a crucial safeguard protecting the sanctity of our democratic right to vote. While the testing and calibration of machines before an election is a necessary step, a random manual recount immediately after an election is the only way to ensure the machines properly recorded each vote.

NOTES:

A similar provision, removing this provision for recounts on direct recording electronic voting machines, was included in HB 2817 by L. Taylor. That bill passed the House on May 10 and was referred to the Senate State Affairs Committee on May 11.