

1-1 By: Hughes S.B. No. 1863  
1-2 (In the Senate - Filed March 4, 2025; March 17, 2025, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 14, 2025, reported favorably by the following vote: Yeas 8,  
1-5 Nays 0; April 14, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Paxton	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hall	X		
1-13	Hinojosa of Nueces	X		
1-14	Middleton	X		
1-15	Parker		X	
1-16	Perry	X		
1-17	Schwertner		X	
1-18	Zaffirini		X	

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the conduct of randomized county election audits.  
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-23 SECTION 1. Section [127.351](#), Election Code, is amended by  
1-24 amending Subsections (a) and (b) and adding Subsections (a-1),  
1-25 (b-1), (c-1), (d-1), (d-2), (d-3), (d-4), (e-1), (e-2), and (e-3)  
1-26 to read as follows:  
1-27 (a) Immediately after each November ~~[the]~~ uniform election  
1-28 date ~~[in November of an even-numbered year]~~, the secretary of state  
1-29 shall conduct an audit of the elections held on that November ~~[the]~~  
1-30 uniform election date in 16 ~~[four]~~ counties ~~[during the previous~~  
1-31 ~~two years]~~. The audit shall include any election held in the  
1-32 preceding year in a political subdivision of a county included in  
1-33 the audit.  
1-34 (a-1) For purposes of enabling the secretary of state to  
1-35 conduct audits under this section, each county and political  
1-36 subdivision of this state authorized to hold an election shall:  
1-37 (1) register with the secretary of state as a county or  
1-38 political subdivision authorized to hold an election; and  
1-39 (2) notify the secretary of state of each election  
1-40 held by the county or political subdivision not later than the 90th  
1-41 day before the date of the election.  
1-42 (b) The secretary of state shall select the counties to be  
1-43 audited under Subsection (a) at random, except that:  
1-44 (1) 13 ~~[two]~~ of the counties selected must have a total  
1-45 population of less than 300,000;  
1-46 (2) three ~~[two]~~ of the counties selected must have a  
1-47 total population of 300,000 or more; and  
1-48 (3) a county selected in the most recent audit cycle  
1-49 may not be selected in the current audit cycle.  
1-50 (b-1) An audit conducted under this section may not be  
1-51 conducted before:  
1-52 (1) the end of the period for filing a petition in an  
1-53 election contest; or  
1-54 (2) a resulting runoff for an election.  
1-55 (c-1) In conducting an audit under this section, the  
1-56 secretary of state shall audit:  
1-57 (1) the accuracy of voter registration lists;  
1-58 (2) the registrar's compliance with voter registration  
1-59 list maintenance requirements;  
1-60 (3) the procedures for testing voting equipment and  
1-61 voting systems before the start of tabulation, including procedures

related to:

(A) testing ballots; and  
(B) the storage and maintenance of voting equipment and voting systems;

(4) any chain of custody or seal documentation requirements for election records or supplies;

(5) the procedures for early voting by mail, including procedures related to:

(A) applications for a ballot to be voted by mail;

(B) early voting by mail ballot envelopes and carrier envelopes;

(C) lists kept by the early voting clerk or registrar related to early voting by mail; and

(D) records created or used by the early voting ballot board; and

(6) the procedures for provisional ballots, including procedures related to:

(A) envelopes containing provisional ballots; and

(B) records related to provisional ballots.

(d-1) The county clerk or person performing the duties of a county clerk in a county or political subdivision audited under this section shall provide all necessary documents, records, and access requested by the secretary of state.

(d-2) If a person willingly fails to comply with a request made by the secretary of state under Subsection (d-1), the secretary of state may decline to reimburse the county or political subdivision for any state-funded election expenses for a period of not more than two years.

(d-3) The secretary of state shall provide notice of any action taken under Subsection (d-2) not later than the 10th day after the date the secretary of state determines that the person has intentionally or knowingly failed to comply with Subsection (d-1).

(d-4) A county or political subdivision may appeal a determination by the secretary of state that the county or political subdivision has intentionally or knowingly failed to comply with Subsection (d-1) in a district court with jurisdiction over the county or political subdivision.

(e-1) The secretary of state shall issue a report on each audit conducted under this section and shall publish each report on the secretary of state's Internet website. Notwithstanding any other law, the contents of the report and any documents used in conducting the audit are not subject to Chapter 552, Government Code, until the report is officially published.

(e-2) Before issuing a report under Subsection (e-1), the secretary of state shall allow local election officials in the county or political subdivision that is the subject of the audit to review the report and provide comments to be submitted with the report.

(e-3) A report under Subsection (e-1) must include:

(1) a list of any major findings that may affect the outcome of an election;

(2) a determination whether any voters were determined to be disenfranchised;

(3) a detailed report of any major or minor findings of the audit;

(4) any comments provided by a local election official under Subsection (e-2);

(5) information related to any findings, actions, or efforts taken under Subsection (e); and

(6) any recommended changes for the election practices of the county, political subdivision, or secretary of state.

SECTION 2. Section 127.351(d), Election Code, is repealed.

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

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