

BILL ANALYSIS

with
Unofficial Revisions added for clarification purposes and highlighted
by VoteRescue.org on April 19, 2007

C.S.H.B. 3894
Burnam
Elections
April 16, 2007
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is significant evidence that electronic voting machines, both the Direct Record Electronic (DRE) types and optical scanners, are susceptible to widespread hacking and fraud. Computer experts have proved that tampering with both the DREs and optical scanners is easy and undetectable.

There is currently no reliable way to verify votes cast on DRE machines. Printers attached to DREs leaving so-called "paper trails" are not a solution. Neither are partial hand audits the safeguard solution to verify the results of the optical scanners. Only a 100% audit of all scanned ballots, counted by hand, will truly verify the machine results, at which point the scanner becomes unnecessary.

Hand counted paper ballots will make votes verifiably secure and save the tax payers significant sums of money by eliminating the cost of maintenance, storage, replacement, training, programming, license fees, and support services that would have been spent on the unreliable and vulnerable voting machines.

The committee substitute to HB 3894 would require the use of hand counted paper ballots in all Texas elections.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority is expressly granted to the Secretary of State in Section 23 (g) of this bill.

ANALYSIS

CSHB 3894 amends the Election Code by requiring that the two clerks appointed by the presiding judge from the political parties' lists for each precinct in the election are in addition to the alternate presiding judge for each precinct in the election. It amends section 42.006 so that each precinct must not contain more than 2,000 registered voters.

The ballots, ballot boxes, and envelopes at the polling place must be recorded by video from the time the polls open until the returns are certified and posted.

CSHB 3894 provides two voting options for voters with disabilities. One would be an electronic paper ballot marker machine and the other would be a non-electronic, voter-assist device. This bill also requires that the process of casting a provisional ballot comply with the regulations of the Help America Vote Act.

This bill requires that four poll-workers count and record each ballot with two of the individuals observing the two that are counting and recording votes. Members of the public are allowed to silently observe the counting of votes.

In addition to the four envelopes already required for distributing the precinct election records, an additional envelope addressed to the citizens of Texas should be prepared and the contents posted visibly on the main entrance to the polling place. An election judge that fails to post the election results at the polling place commits an offense.

The election returns must remain posted at the public entrance to the polling place for twenty-four hours. Removing, destroying, or defacing these records before twenty-four hours has passed commits an offense.

Section 22 amends section 87.026 of the Election Code to permit the public to silently observe the operations of the early voting ballot board.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF THE SUBSTITUTE TO THE ORIGINAL

CSHB 3894 adds the effective date to the bill.