

By: Bettencourt

S.B. No. 2071

A BILL TO BE ENTITLED

AN ACT

relating to automatic recounts of certain elections.

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

SECTION 1. Section 216.001, Election Code, is amended to read as follows:

Sec. 216.001. APPLICABILITY OF CHAPTER. This chapter applies only to an election that results in:

(1) a tie vote as provided by Sections 2.002(i), 2.023(b) and (c), and 2.028;

(2) a candidate defeated or eliminated by one-half of one percent or less of the votes cast for that office; or

(3) a measure submitted to voters that is approved or defeated by one-half of one percent or less of the votes cast on that measure.

SECTION 2. Section 216.004, Election Code, is amended to read as follows:

Sec. 216.004. COUNTING PROCEDURES. (a) The method of counting votes in an automatic recount consists of using a generally accepted sampling technique to sample the following for discrepancies:

(1) 100 percent of electronic ballots;

(2) five percent of early voting ballots voted by mail;

(3) five percent of the polling place locations

1 established for early voting; and

2 (4) five percent of the polling place locations  
3 established for election day [~~is the same method of counting used in~~  
4 ~~the election that resulted in the tie vote~~].

5 (b) If the authority designated under Section [212.026](#)  
6 determines there are discrepancies of 0.5 percent or greater for  
7 any of the four categories based on the statistical sample under  
8 Subsection (a), the authority shall order a recount under Section  
9 [216.003](#).

10 (c) The secretary of state shall adopt rules and procedures  
11 for the implementation of this section.

12 SECTION 3. This Act takes effect September 1, 2023.