

1-1 By: Bettencourt S.B. No. 2071
 1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 13, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 2; April 13, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | | X | | |
| 1-14 | | X | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | X | | | |
| 1-19 | X | | | |

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2071 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to automatic recounts of certain elections.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Section 216.001, Election Code, is amended to
 1-26 read as follows:
 1-27 Sec. 216.001. APPLICABILITY OF CHAPTER. This chapter
 1-28 applies only to an election that results in:
 1-29 (1) a tie vote as provided by Sections 2.002(i),
 1-30 2.023(b) and (c), and 2.028;
 1-31 (2) a candidate defeated or eliminated by one-half of
 1-32 one percent or less of the votes cast for that office; or
 1-33 (3) a measure submitted to voters that is approved or
 1-34 defeated by one-half of one percent or less of the votes cast on
 1-35 that measure.
 1-36 SECTION 2. Section 216.004, Election Code, is amended to
 1-37 read as follows:
 1-38 Sec. 216.004. COUNTING PROCEDURES. (a) The method of
 1-39 counting votes in an automatic recount consists of using a
 1-40 generally accepted sampling technique to sample the following for
 1-41 discrepancies:
 1-42 (1) 100 percent of electronic ballots;
 1-43 (2) five percent of early voting ballots voted by
 1-44 mail;
 1-45 (3) five percent of the polling place locations
 1-46 established for early voting; and
 1-47 (4) five percent of the polling place locations
 1-48 established for election day [~~is the same method of counting used in~~
 1-49 ~~the election that resulted in the tie vote~~].
 1-50 (b) If the authority designated under Section 212.026
 1-51 determines there are discrepancies of one percent or greater for
 1-52 any of the four categories based on the statistical sample under
 1-53 Subsection (a), the authority shall order a recount under Section
 1-54 216.003.
 1-55 (c) The secretary of state shall adopt rules and procedures
 1-56 for the implementation of this section.
 1-57 SECTION 3. This Act takes effect September 1, 2023.

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