

## **BILL ANALYSIS**

Senate Research Center  
78R6825 JRJ-D

H.B. 2152  
By: Denny (Staples)  
State Affairs  
5/16/2003  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, provisions relating to automatic recounts apply only to plurality vote elections. Because automatic recount provisions do not apply to majority vote elections, casting lots often decides tie races in these elections. H.B. 2152 requires an automatic recount in majority vote elections where a tie vote results.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2.022, Election Code, as follows:

- (a) Makes a conforming and a nonsubstantive change.
- (b) Provides that Sections 2.023 and 2.028 supercede a law outside this subchapter to the extent of any conflict.

SECTION 2. Amends Sections 2.023(b) and (c), Election Code, as follows:

- (b) Requires an automatic recount, if more than two candidates tie for the highest number of votes in the main election, to be conducted in accordance with Chapter 216 (Automatic Recount). Requires the tied candidates, if the recount does not resolve the tie, to cast lots to determine which two are to be the runoff candidates.
- (c) Makes a conforming change.

SECTION 3. Amends Section 2.028(a), Election Code, to make a conforming and a nonsubstantive change.

SECTION 4. Amends Section 216.001, Election Code, to make a conforming and a nonsubstantive change.

SECTION 5. Effective date: September 1, 2003.