BILL ANALYSIS

BACKGROUND 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. Applying the automatic recount provisions to majority vote elections would allow races to potentially be determined in a more equitable manner by first allowing a recount to be conducted to see if the tie vote can be resolved. House Bill 2152 requires an automatic recount in majority vote elections where a tie vote results.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 2152 amends the Election Code by requiring an automatic recount if two or more candidates tie for the highest number of votes in the main election or for the second highest number of votes in the main election. The bill requires, if the recount does not resolve the tie, the tied candidates to then cast lots to determine which two are to be the runoff candidates. The bill requires an automatic recount to be conducted if candidates in the runoff election tie and requires those candidates to cast lots to determine the winner if the recount does not resolve the tie. The bill provides that these provisions supersede other law to the extent of any conflict.

EFFECTIVE DATE

September 1, 2003.