

AN ACT

relating to automatic recounts of certain majority vote elections.

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

SECTION 1. Section 2.022, Election Code, is amended to read as follows:

Sec. 2.022. CONFLICTS WITH OTHER LAW. (a) Except as provided by Subsection (b), a [A] law outside this subchapter supersedes this subchapter to the extent of any conflict.

(b) Sections 2.023 and 2.028 supersede a law outside this subchapter to the extent of any conflict.

SECTION 2. Sections 2.023(b) and (c), Election Code, are amended to read as follows:

(b) If more than two candidates tie for the highest number of votes in the main election, an automatic recount shall be conducted in accordance with Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which two are to be the runoff candidates.

(c) If two or more candidates tie for the second highest number of votes in the main election, an automatic recount shall be conducted in accordance with Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine which one is to be the second candidate in the runoff election.

SECTION 3. Section 2.028(a), Election Code, is amended to read as follows:

1 (a) Except as provided by Subsection (c), if the candidates
2 in a runoff election tie, an automatic recount shall be conducted in
3 accordance with Chapter 216. If the recount does not resolve the
4 tie, the tied candidates [~~they~~] shall cast lots to determine the
5 winner.

6 SECTION 4. Section 216.001, Election Code, is amended to
7 read as follows:

8 Sec. 216.001. APPLICABILITY OF CHAPTER. This chapter
9 applies only to an election that results in a tie vote as provided
10 by Sections [~~Section~~] 2.002(i), 2.023(b) and (c), and 2.028.

11 SECTION 5. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 2152 was passed by the House on April 10, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 2152 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor