

1-1 By: Denny (Senate Sponsor - Staples) H.B. No. 2152
1-2 (In the Senate - Received from the House April 14, 2003;
1-3 April 15, 2003, read first time and referred to Committee on State
1-4 Affairs; May 20, 2003, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 20, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to automatic recounts of certain majority vote elections.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 2.022, Election Code, is amended to read
1-11 as follows:

1-12 Sec. 2.022. CONFLICTS WITH OTHER LAW. (a) Except as
1-13 provided by Subsection (b), a [A] law outside this subchapter
1-14 supersedes this subchapter to the extent of any conflict.

1-15 (b) Sections 2.023 and 2.028 supersede a law outside this
1-16 subchapter to the extent of any conflict.

1-17 SECTION 2. Sections 2.023(b) and (c), Election Code, are
1-18 amended to read as follows:

1-19 (b) If more than two candidates tie for the highest number
1-20 of votes in the main election, an automatic recount shall be
1-21 conducted in accordance with Chapter 216. If the recount does not
1-22 resolve the tie, the tied candidates shall cast lots to determine
1-23 which two are to be the runoff candidates.

1-24 (c) If two or more candidates tie for the second highest
1-25 number of votes in the main election, an automatic recount shall be
1-26 conducted in accordance with Chapter 216. If the recount does not
1-27 resolve the tie, the tied candidates shall cast lots to determine
1-28 which one is to be the second candidate in the runoff election.

1-29 SECTION 3. Section 2.028(a), Election Code, is amended to
1-30 read as follows:

1-31 (a) Except as provided by Subsection (c), if the candidates
1-32 in a runoff election tie, an automatic recount shall be conducted in
1-33 accordance with Chapter 216. If the recount does not resolve the
1-34 tie, the tied candidates [they] shall cast lots to determine the
1-35 winner.

1-36 SECTION 4. Section 216.001, Election Code, is amended to
1-37 read as follows:

1-38 Sec. 216.001. APPLICABILITY OF CHAPTER. This chapter
1-39 applies only to an election that results in a tie vote as provided
1-40 by Sections [Section] 2.002(i), 2.023(b) and (c), and 2.028.

1-41 SECTION 5. This Act takes effect September 1, 2003.

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