

BILL ANALYSIS

Senate Research Center

S.B. 825
By: Bettencourt
State Affairs
5/23/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the November 2022 election, there were issues surrounding the time frame and deadline for submitting recount petitions after the election in Harris County. S.B. 825 makes changes to the Election Code to ensure that a deadline for submitting a petition for an initial recount cannot fall on a weekend or legal state holiday by extending it to the following regular business day. It also changes the time frame for a petition for an initial recount to be submitted on the third business day rather than the second day. Lastly, it changes the deadline for submitting an expedited recount petition to the second day rather than the first day after the local canvass.

S.B. 825 amends current law relating to the deadline for submitting certain recount petitions.

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 212.028, Election Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires that a petition for an initial recount be submitted by 5 p.m. of the third business day, rather than the second day, after the date the canvassing authority to whose presiding officer the petition is required to be submitted completes its canvass of the original election returns, except as provided by Subsection (b) (relating to requiring that a petition for a winning candidate be submitted by a certain date).

(c) Provides that the deadline is extended to 10 a.m. of the next regular business day if the deadline for submitting a petition for an initial recount falls on a Saturday, Sunday, or legal state holiday.

SECTION 2. Amends Section 212.083, Election Code, as follows:

Sec. 212.083. DEADLINE FOR SUBMITTING PETITION. Provides that the deadline for submitting a recount petition under Subchapter D (Expedited Recount) is 2 p.m. of the second day, rather than the first day, after the date of the local canvass.

SECTION 3. Effective date: September 1, 2023.