By:  Bettencourt S.B. No. 2071

(In the Senate - Filed March 9, 2023; March 21, 2023, read first time and referred to Committee on State Affairs; April 13, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 2; April 13, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia            X

Menéndez            X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 2071 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to automatic recounts of certain elections.

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

SECTION 1.  Section 216.001, Election Code, is amended to read as follows:

Sec. 216.001.  APPLICABILITY OF CHAPTER. This chapter applies only to an election that results in:

(1)  a tie vote as provided by Sections 2.002(i), 2.023(b) and (c), and 2.028;

(2)  a candidate defeated or eliminated by one-half of one percent or less of the votes cast for that office; or

(3)  a measure submitted to voters that is approved or defeated by one-half of one percent or less of the votes cast on that measure.

SECTION 2.  Section 216.004, Election Code, is amended to read as follows:

Sec. 216.004.  COUNTING PROCEDURES. (a) The method of counting votes in an automatic recount consists of using a generally accepted sampling technique to sample the following for discrepancies:

(1)  100 percent of electronic ballots;

(2)  five percent of early voting ballots voted by mail;

(3)  five percent of the polling place locations established for early voting; and

(4)  five percent of the polling place locations established for election day [~~is the same method of counting used in the election that resulted in the tie vote~~].

(b)  If the authority designated under Section 212.026 determines there are discrepancies of one percent or greater for any of the four categories based on the statistical sample under Subsection (a), the authority shall order a recount under Section 216.003.

(c)  The secretary of state shall adopt rules and procedures for the implementation of this section.

SECTION 3.  This Act takes effect September 1, 2023.

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