BILL ANALYSIS

Senate Research Center

H.B. 1490
By: Madden (Shapiro)
State Affairs
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Engrossed

DIGEST

Current law does not allow for the authority canvassing an election to conduct a recount without a filed petition under any circumstances. H.B.1490 allows a recount to be conducted automatically when an initial count results in a tie or when the authority canvassing the election determines that an error has occurred in the initial count.

PURPOSE

As proposed, H.B. 1490 sets forth provisions relating to procedures for an automatic recount in certain elections.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2.002, Election Code, by amending Subsections(a) and (b) and adding Subsection (i), to require an automatic recount to be conducted if a tie vote is not resolved before the second election is held. Makes conforming changes.

SECTION 2. Amends Section 211.002, Election Code, to define "automatic recount."

SECTION 3. Amends Title 13, Election Code, by adding Chapter 216, as follows:

CHAPTER 216. AUTOMATIC RECOUNT

Sec. 216.001. APPLICABILITY OF CHAPTER. Provides that this chapter applies to an election that results in a tie vote or an election in which the authority designated under Section 212.026 determines that an error occurred in the initial count.

Sec. 216.002. CONDUCT OF AUTOMATIC RECOUNT GENERALLY. Provides that this title applies to a recount conducted under this chapter with appropriate modifications as prescribed by the secretary of state.

Sec. 216.003. INITIATING AUTOMATIC RECOUNT. Requires the authority designated under Section 212.026 (Authority to Whom Petition Submitted), Election Code, to request the recount in the same manner as a recount petitioner under this chapter when initiating an automatic recount.

Sec.216.004. COUNTING PROCEDURES. Provides that the method of counting in the recount is to be the same as the method of counting in the original count.

Sec. 216.005. COST OF AUTOMATIC RECOUNT. Requires the costs of an automatic recount to be paid by each political subdivision or county executive committee, as applicable, served by a presiding officer designated under Section 213.001 (General Supervision of Recount), Election Code. Provides that Subchapter E (Deposit for Costs of Recount), and Chapter 212 (Requesting Recount), does not apply to an automatic recount.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.