Senate Research Center H.B. 2780
77R5281 GGS-D By: Villarreal, Mike (Madla)
State Affairs
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Engrossed

DIGEST AND PURPOSE

Currently, there are some concerns regarding the application of provisions relating to an election as to whether a winning candidate can be sworn into office in the event that a recount has been requested after the votes for that election have been canvassed. Current provisions of the Election Code do not allow for a delay in the canvass of the votes in an election if a recount is requested. H.B. 2780 provides that the submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in a recount pending completion of the recount.

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 67.016(e), Election Code, to require the authority preparing a certificate of election to promptly deliver it to the person for whom it is prepared, subject to Section 212.0331.

SECTION 2. Amends Chapter 212B, Election Code, by adding Section 212.0331, as follows:

Sec. 212.0331. EFFECT OF PETITION SUBMISSION ON QUALIFYING FOR OFFICE. (a) Provides that the submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount.

(b) Prohibits a candidate from qualifying for an office involved in a recount before completion of the recount.

(c) Provides that this section does not affect a candidate who has received a certificate of election and qualified for an office before the submission of a recount petition involving the office.

(d) Requires the secretary of state to prescribe any procedures necessary to implement this section.

SECTION 3. Amends Section 601.004, Government Code, to make a conforming change.

SECTION 4. Effective date: September 1, 2001.