

## **BILL ANALYSIS**

Senate Research Center

H.B. 738  
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State Affairs  
5/14/1999  
Engrossed

### **DIGEST**

This bill provides that unless an election recount petition requests that the recount be limited to certain precincts, an initial recount in an election for which there is no canvass at the state level must include each election precinct in the election. H.B. 738 prohibits a person from requesting a recount limited to certain precincts in an election to harass or discriminate against a racial or ethnic group, or for the sole purpose of discovering facts for a legal challenge to the election. In addition, this bill includes an exception that authorizes an initial recount to include any one or more election precincts in which counting errors occurred, as certified by the secretary of state.

### **PURPOSE**

As proposed, H.B. 738 sets forth the scope of and deposit for certain election accounts.

### **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 Chapter 212A, Election Code, by adding Section 212.007, as follows:

Sec. 212.007. PROHIBITED USES OF RECOUNT. Prohibits a person from requesting a recount limited to certain precincts in an election to harass a racial or ethnic groups, or to discover facts for a legal challenge to the election.

SECTION 2. Amends Section 212.112, Election Code, by amending Subsection (a) and adding Subsection (e), to subject the provisions in this subsection, relating to the amount of the recount deposit, to Subsection (e). Provides that the amount of the deposit for an initial recount under Section 212.131(a) that is limited to certain precincts is determined based on the total number of election precincts in the election.

SECTION 3. Amends Section 212.113, Election Code, by adding Subsection (d), to require the recount coordinator to refund to a person requesting a recount a specified amount, if an initial recount under Section 212.131(a) that is limited to certain precincts does not involve a change in the total number of votes received for a particular candidate or for or against a measure in the requested precincts.

SECTION 4. Amends Section 212.131, Election Code, by amending Subsection (a) and adding Subsection (e), to require an initial recount in an election for which there is no canvass at the state level to include each election precinct in the election, except as provided by Subsection (d) or (e), unless an election recount petition requests that the recount be limited to certain precincts. Requires a recount that is limited to certain precincts requested in the recount petition to include each precinct in the election if the total number of votes received for a particular candidate or for or against a measure in the requested precincts changes from the original count for those precincts after the recount. Provides that the entire election should be recounted, if a recount under this section involves a change in the total number of votes received for a particular candidate or for or against a measure in the requested precincts.

SECTION 5. Amends Chapter 212, Election Code, by adding Subchapter G, as follows:

#### **SUBCHAPTER G. RECOUNT OF MAIL BALLOTS**

Sec. 212.151. GENERAL REQUIREMENTS. Sets forth certain general requirements for a recount.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.