

**SUBJECT:** Limiting election recounts to certain precincts

**COMMITTEE:** Elections — committee substitute recommended

**VOTE:** 8 ayes — Danburg, J. Jones, Averitt, Denny, Gallego, Hodge, Madden, Uher  
0 nays  
1 absent — Greenberg

**WITNESSES:** For — Bill Borden  
Against — None  
On — Dana DeBeauvoir, County Clerk Legislative Committee; Steve McDonald, Texas Democratic Party; Melinda Nickless, Secretary of State; J. R. Perez, Texas Association of Election Administrators; Tony Sirvello, Harris County Clerk's Office

**BACKGROUND:** Under current law, an initial recount in an election for which there is no canvass at the state level must include each election precinct, except for precincts in which the secretary of state certifies that counting errors occurred. Candidates may stop recounts that they requested after they have begun.

**DIGEST:** CSHB 738 would enable a person requesting a recount to limit it only to certain precincts. However, the bill expressly would prohibit a person from requesting such a recount to harass or discriminate against a racial or ethnic group. It also would prohibit a limited recount for the sole purpose of discovering facts for a legal challenge to the election.  
  
If a recount limited to certain precincts caused a change in the total number of votes for a candidate, or for or against a measure, then the bill would require that the entire election be recounted.  
  
The bill would require the deposit for any initial recount that was limited to certain precincts to be determined based on the total number of precincts in the election. If such a recount did not change in the total number of votes

received, then the recount coordinator would be required to provide a refund. The refund would be the deposit minus the number of precincts recounted multiplied by the statutory rate for the counting method used.

The bill would take effect on September 1, 1999.

**SUPPORTERS  
SAY:**

CSHB 738 would allow candidates to verify the results of an election without requiring them to request, and pay for, a full recount of every precinct. Full recounts are not necessary if the results in only certain precincts are questioned. If a partial recount changed the vote totals of a candidate in those precincts, then a full recount of all precincts would be required.

The bill would ensure that the costs of the recount would be fully covered by the deposit. A candidate requesting a partial recount would be required to submit a deposit as though every precinct were being recounted. If a full recount ultimately was not needed, then the candidate would receive a refund for the uncounted precincts. Partial recounts also cost counties and election administrators less money to conduct.

The bill explicitly states that a partial recount could not be used to harass racial or ethnic groups or solely to discover facts for a potential legal challenge. These provisions send a clear message to candidates that a partial recount must be for the legitimate purpose of ensuring the accuracy of the vote.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The original bill would have permitted a person to request that a recount be limited to certain precincts.